

The University of Queensland Union College Resident Code of Conduct

Document Number: Res0001

Topic: Resident behaviour and consequences

Approval Authority: Head of College

Last Approval Date: January 2024

Review Date: December 2024

Audience: Union College Team, Board, Residents, Parents/Carers

Document Web Links:

Notes:

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Introduction

The purpose of the *Resident Code of Conduct* is to ensure that you are informed of your rights and responsibilities as an individual and as members of the Union College community.

Agreeing to abide by this Code of Conduct is a requirement for all residents. This Code of Conduct identifies the commitments that we make to you and outlines the expectations and responsibilities of all student residents of Union College.

The Code assumes the commitment of every resident to advocate and practise respect for all people, regardless of gender, race, religion, disability, marital status, sexual orientation, or any other attribute.

You must respect the rights of all other members of the College, while also acting in accordance with the laws of the wider Australian community. Union College is an educational community in which all conduct is expected to be based on respect and consideration for others.

The Union College Resident Code of Conduct imposes obligations upon you to demonstrate respectful, considerate behaviour in your dealings with each other and with all members of the Union College community and describes processes for responding to breaches of these obligations. Conduct not consistent with respect for others may be the subject of review processes and disciplinary actions determined by the seriousness of the alleged breach. Details and examples of disciplinary provisions and procedures are included in this document.

The College has a separate Sexual Misconduct Policy that covers misconduct of a sexual nature. If a resident is alleged to have engaged in conduct, which is a breach of both the Sexual Misconduct Policy and this Code, then the College will apply the Sexual Misconduct Policy in investigating such alleged breaches.

The Code sets out the behaviour and conduct expected of you as a member of the Union College resident community. It also sets out the processes applicable or available where there have been alleged breaches of the Code and describes the range of consequences that may follow if you are found by the College to have breached the Code.

Union College has a variety of contractual and statutory relationships with its residents and recognises a general responsibility to ensure that the College as an educational community and workplace functions based on respect and consideration for others. These two factors mean that the application of this Code to specific conduct is not based on a person having to make a complaint, although a complaint process is available.

We, once informed of a possible breach of the Code, may decide unilaterally to investigate the circumstances giving rise to the possible breach, decide about those circumstances, and impose consequences on any resident found to be in breach of the Code.

In addition to the complaint procedures outlined in respect of possible breaches of the Code, broad community-based mechanisms for information, support and complaint remain available to you at any time. More information about external sources of support and information can be found at the end of this document.

All members of the College community, including non-residential members of the College, or those attending tutorials, short courses, or other programs, on or off campus, must act in accordance with this Code.

If you have any questions about this policy, please do not hesitate to contact the Head of College via email at headofcollege@unioncollegeuq.com.au

We expect the commitment of every resident to advocate and practise respect for all people, regardless of sex, gender, race, religion, disability, marital status, sexual orientation, or any other attribute.

You are expected to fulfil excellent behavioural standards, and to be a role model for others, aspiring to always demonstrate your highest level of personal integrity. You must express such commitment actively in your actions and words. You must respect the rights of all other members of Union College, while also acting in accordance with the laws of the wider Australian community.

Agreeing to abide by this Code is a requirement to enter Union College and abiding by this Code is a requirement for your continued membership of or place at the College. You are expected to know and to adhere to this Code and other College policies.

You must uphold the College Values of equity, tolerance, non-discrimination, and respect, and abide by the following standards of behaviour:

- a) Respect for and responsibility to self,
- b) Respect and empathy for, and responsibility to, others, and
- c) Be ethical and honest.

Just do the right thing

Respect for and responsibility to self

We expect that you will always behave responsibly in looking after yourself. You are responsible for your own conduct at all times. Please seek help when you need to. We also expect you to apply yourself to your studies with dedication and purpose.

Respect and empathy for, and responsibility to others

You should actively demonstrate respect, empathy, and consideration for others, so that all may live, study and work in harmony, and so that community members of every background may feel respected, safe, and included.

You should permit others to live and study in a safe, respectful environment and are entitled to expect such an environment for yourself.

You should be aware that members of staff, including resident mentors and resident and non-resident (academic) tutors, hold a position of authority in relation to you. Therefore, it is never acceptable to have a sexual or otherwise intimate relationship with these members of the Union College community.

You must not act improperly towards staff, residents, or visitors. Improper conduct includes:

- Discrimination (see definition at paragraph 79),
- Bullying (see definition at paragraph 75),
- Harassment (sexual or otherwise) (see definitions at paragraph 80 and 87),
- Vilification (see definition at paragraph 91),
- Inappropriate touching, Sexual assault including rape (see definition at paragraph 86)
- and any conduct which could cause injury or harm (including psychological harm).

Union College has a Sexual Misconduct Policy that covers misconduct of a sexual nature. We have no tolerance (sometimes referred to as “zero tolerance”) for Sexual misconduct, including Sexual assault and rape. You should be aware that your words and actions have an impact upon other members of the College and on the reputation of the Union College community.

You should ensure that you act and speak in such a way as not to bring disrespect or disrepute upon yourself, others, or Union College. This includes statements in social media or other electronic or printed media, including but not limited to text messages, social media posts and formal or informal College publications.

Ethical and honest behaviour

You must behave with personal integrity and honesty and practise ethical and responsible behaviour in your dealings with others and accept the consequences of your actions. You are expected to apologise where appropriate and practice ethical and responsible behaviour in your interactions with others.

At all times, you must uphold the good name of the College. No use of the College’s name, coat of arms, logos, or other identifying emblems may be made without the express, prior, written permission of the Head of College or their authorised representative.

Breaches of the Code

Successful community life in Union College depends on the respectful, responsible, and cooperative conduct of all of us.

From time to time, we may need to impose behaviour management interventions if you are unable to progress in your studies or exhibit unacceptable behaviours. If you are concerned about a possible breach of this Code, whether in respect of yourself or another student, please discuss your concerns with relevant staff who have received training in advising residents on the Code of Conduct (see definition at paragraph 82).

The College treats all breaches of the Code seriously.

However, the College recognises that your conduct may be regarded, in any given circumstance, on a scale from minor to extremely serious. For that reason, the processes to be applied in determining whether a breach of the Code has occurred, and what the consequences of any established breach should be, are matters reserved to the absolute discretion of the College.

The following are examples of breaches of the Code, but are not exhaustive:

- spreading innuendo, gossip, or rumour,
- displaying or forwarding pornography,
- bullying, verbal abuse or hazing,
- assault, whether sexual or physical, including inappropriate touching or rape,
- urinating in a public place, or public nudity whether within or outside the College grounds,
- use or sale of illicit drugs,
- public drunkenness,
- theft of or damage to property,
- use of information technology, including social media, in ways that contravene the regulations governing its use or that might cause harm to others,
- use of cameras, including mobile phone cameras, in ways that violate the privacy of others,
- publication, whether in print or electronically, of documents or statements that are disparaging, disrespectful, misleading, or untrue,
- excessive and/or repeated disruption to the learning of others during educational activities conducted by the College,
- stalking, whether physical or electronic.

You must be aware that all possible breaches of this Code that are characterised by the College as capable of amounting to serious misconduct may be:

- a) investigated whether a complainant or reporter makes a complaint about the conduct or not, or
- b) the subject of a determination, after investigation, of whether the resident concerned has engaged in serious misconduct; and capable of resulting in, after a determination, consequences such as exclusion or expulsion from the residential college, non-admission to the residential college, conditional admission, or termination of membership of Union College.

Serious misconduct in paragraph 85. That definition is not exhaustive and characterisation of conduct as “serious misconduct” will be a matter for the College to determine in each case.

Process

General Guidelines

The process in relation to any complaint, or where the College decides itself to investigate your conduct, will be at the discretion of the College.

In cases where information about a possible breach of the Code has come to the attention of the College, no matter how this information comes to the attention of the College, the College may unilaterally initiate a process to investigate and resolve the matter.

In cases where information about potential breaches of the Code of Conduct comes to the attention of any member of the staff of the College, including Residential Advisors, the staff member has a duty to report possible breaches to the Deputy Head of College subject to any relevant professional ethical obligation they may have.

Processes will be undertaken and concluded as quickly as is reasonably possible.

We will use our best endeavours to ensure that any investigation and determination process adopted under this Code is fair. However, nothing in this code is intended to impose principles of natural justice or procedural fairness. The College reserves the right to determine the nature of the process depending upon the gravity of the possible breach of the Code, issues of confidentiality, and the number of residents involved.

We may seek input of residents involved in deciding what processes to adopt, but the final decision of which processes to adopt in a particular case will be made by the College. The procedures in this document do not detract from the normal disciplinary powers and responsibilities of relevant staff members, which may still be exercised as appropriate.

The usual steps in relation to possible breaches of the Code are shown below. These steps can be used if you wish to complain about a possible breach of the Code and will also be available to the College when it becomes aware of a possible breach of the Code and decides to investigate the matter.

These steps constitute a guide regarding the usual process adopted by Union College. We are not bound to apply the process in every case. At all times the College aims to deal with complaints about possible breaches of the Code in a confidential manner, to the extent that is appropriate in each case and to that extent that the maintenance of confidentiality does not conflict with other obligations and responsibilities of the College.

If you are participating in any process under the Code, you will be reminded about the importance of confidentiality, and will be expected to adhere to any directions you are given about maintaining and respecting confidentiality.

Failure to maintain and respect confidentiality when directed to do so may itself be considered a breach of this Code.

We may report allegations of serious breaches of the Code of Conduct, or results of investigations into breaches of the Code, to such external institutions and organisations as it deems appropriate, such as the University of Queensland, Queensland University of Technology, Griffith University, Queensland Police, or boards and regulatory agencies of the professions.

Complaint-based, or individual-initiated, processes

If you have experienced a potential breach of the Code and wish to report (Complainant) or as someone wishing to report a potential breach of the Code that you have witnessed (Reporter), please seek advice from one of the relevant members of staff (see paragraph 84).

You may also make use of a broad range of community-based mechanisms, such as the Queensland Human Rights Commission or Queensland Police.

- a) **Step 1:** Speak with a relevant member of staff.
- b) **Step 2:** Decide, with the assistance of the relevant member of staff, whether the behaviour is likely to be a breach of the Code.

If the behaviour is not a breach of the Code, then speak with the relevant member of staff about other means of resolution of the Complainant's/Reporter's concerns.

If the behaviour is likely to be a breach of the Code, then you can use the following steps to resolve the matter.

- c) **Step 3:** Decide whether you wish to make a complaint.

If you wish to make a complaint, you will be required to put your complaint in writing.

You as the complaint must identify those who are alleged have breached the Code (the Respondent/s) and what they are alleged to have done.

It should be as specific as possible, such as including times, dates, locations, and names of witnesses if known.

The complaint will be forwarded to the Deputy Head of College.

- d) **Step 4:** Conciliation.

The College may decide that the complaint is appropriate for a conciliation process. If that is the case, and with the consent of each party, a conciliator will be appointed to meet with each party individually to discuss and try to reach agreement regarding the complaint, possible redress, and future behaviour. The outcome of conciliation, whether successful or unsuccessful, will not preclude the possibility of a formal investigation being conducted by the College.

Outcomes of Conciliation

Conciliation is not a disciplinary process, and disciplinary outcomes will not necessarily result from this process.

Details of an agreement will be communicated to the Deputy Head of College and other relevant parties. Breaches of an agreement reached via conciliation may result in additional action consistent with these procedures.

Prior to a conciliation agreement being finalised, the College will inform the parties involved if, in its opinion, there is likely to be an investigation by the College of the allegations of a breach of the Code, irrespective of the outcome of the conciliation, so that the parties may take that fact into account in their negotiations.

In all cases involving allegations of serious misconduct, the outcome of the conciliation will be reported to the Deputy Head of College and Head of College. The outcome will be kept confidential by the Deputy Head of College and Head of College, save for any disclosures they deem necessary and appropriate.

The agreed outcome of any conciliation must be approved by the College before it is implemented. This is to ensure that all outcomes are appropriate and capable of implementation.

If you have any questions about this policy, please do not hesitate to contact the Head of College via email at headofcollege@unioncollegeuq.com.au

- e) **Step 5:** If conciliation is unsuccessful or no conciliation is held, any party to the complaint may ask for the matter to be investigated.

Union College will decide whether a complaint will be investigated and may undertake an investigation in any manner it thinks fit. Where the College receives information about a possible breach of the Code, it may decide to investigate the matter regardless of whether there has been a complaint.

If the possible breach may involve serious misconduct as defined below, the College may investigate the matter regardless of whether there has been a complaint. If the College elects to investigate a matter, it will usually notify the residents involved of the nature of the allegation being investigated.

However, a failure to notify any resident involved does not call into question the allegation, investigation, or findings. If a complaint is made about a possible breach of the Code, the College may await the outcome of any conciliation process before deciding if the complaint is to be investigated.

If conciliation is unsuccessful and the complainant or reporter does not apply for an investigation, then the College may itself still decide to investigate the allegations. For all possible breaches of the Code, including serious misconduct, the way the College investigates the matter will be determined by the College on a case-by-case basis.

If the Respondent is alleged to have engaged in serious misconduct, they will normally be invited to take part in an interview as part of the investigation. The invitation to participate will be made by the person conducting the investigation. The investigator may choose to not interview the Respondent.

When the College becomes aware of an allegation of serious misconduct it may take such interim action as it sees fit to protect any person from harm (including psychological harm). Examples of interim action include excluding a resident from classes, activities, or College premises.

Interim action may be taken at any stage, including if conciliation is scheduled or in process. A resident who is subject to interim action shall have no recourse against the College in the case of the complaint or investigation being withdrawn or the outcome being no finding of wrongdoing.

Outcome of Investigations

The Deputy Head of College or authorised representative will decide regarding:

- a) whether there has been a breach (or breaches) of the Code by the Respondent,
- b) the seriousness of those breaches, and
- c) what consequences (if any) should follow for the Respondent.

If the Deputy Head of College deems that the breach of the Code constitutes serious misconduct, they will refer the matter to the Head of College who will decide as to what consequences (if any) should follow the Respondent.

If an investigator has been appointed, the Deputy Head of College or authorised representative shall not decide until they have received the investigator's report, or the investigator indicates that they will not provide a report.

The Deputy Head of College or authorised representative may inform themselves in any way they see fit and are not limited to considering the matters contained in the investigation report. The decision of the Deputy Head of College or authorised representative must not be arbitrary, erratic, or unreasonable.

For avoidance of doubt, they are not required to have regard to any rules, principles or practices generally applied in legal proceedings of a criminal or disciplinary nature. The Deputy Head of College or authorised representative may impose any sanction or consequence that is within the power of the College to impose. Consequences may include, but are not limited to, apologies (including public apologies where appropriate), personal or professional counselling,

the imposition of conditions on continued residence or membership, payment of compensation for property damage, suspension or expulsion from Union College, and termination of membership of Union College.

Review of Decision

As Respondent, you are entitled to seek review of a decision by the Deputy Head of College or authorised representative made in accordance with this Code.

An application for review is made by the Respondent making a written request within seven days of being notified of the decision to the Head of College to review the decision. The request must set out the basis on which the Respondent seeks review of the decision with sufficient particularity.

The Head of College shall make their decision on the papers by reference to:

- a) The respondent's request for review,
- b) The original decision, and
- c) any material that the original decision maker had before them.

The Head of College shall not, unless they consider it necessary, undertake further investigation, take further evidence, hold any hearings, or request any submissions.

The Head of College may:

- a) Affirm the original decision,
- b) Set aside the original decision in whole or in part, or
- c) Modify the original decision.

The Head of College may only set aside the original decision in whole or in part or modify the original decision if they make a finding that the original decision was not consistent with this Code. For avoidance of doubt and without limitation, a decision is not consistent with this Code if it is arbitrary, erratic, or unreasonable.

The Head of College will advise the Respondent in writing of their decision and findings but is not required to provide reasons beyond an assessment of procedural fairness. The Head of College may delegate their function under this section to another person, in which case any decision or direction made by the delegate shall have the same effect as if made by the Head of College.

Union College Relevant Members of Staff

The role of the relevant College staff (see paragraph 82) is to listen, and to inform you of their options for dealing with concerns about possible breaches of the Code.

The relevant College staff have received training in respect of forms of harassment and are specifically available to you in respect of information about this Code, and particularly the various options available to a resident in the case of a breach of the Code.

Speaking with a relevant staff member does not mean that a complaint is being made. However, the relevant staff member may act on the allegations if they consider that there is an immediate significant risk to the health or wellbeing of residents or UC team.

You must be aware, however, that where the information you give a relevant member of the UC team suggests the possible breach may involve serious misconduct, they must bring the matter to the attention of the Deputy Head of College.

The relevant member of staff will indicate if, for any reason, they are unable to provide appropriate assistance, such as having a conflict of interest. In cases where there is a conflict of interest for a relevant you request this; External Advisors can be contacted to assist residents with information and support.

The Deputy Head of College or authorised representative manages arrangements for contacting External Advisors.

The Deputy Head of College or authorised representative will also liaise with External Advisors in their capacity as External Conciliators when appropriate.

Role of staff in respect of the Resident Code of Conduct

The Head of College

The Head of College is responsible for the good governance of the College.

At their discretion, the Head of College may act in any capacity in respect of possible breaches of the Code as set out in this document. Where a complaint has been addressed to the Head of College, they will usually direct the matter to the Deputy Head of College to be dealt with under the processes set out in this Code.

Where the Head of College becomes aware of a complaint that may be referred to legal counsel or Queensland Police, they will inform the Chairman of the Board. The Head of College will retain executive responsibility for the processing of the complaint.

The Head of College has sole responsibility for reviews of the merit of any outcomes of investigations into alleged misconduct.

Deputy Head of College

The Deputy Head of College will have responsibility for responding to all matters relating to possible breaches of the Code as set out in this document.

The Deputy Head of College is responsible for making decisions about the outcome of investigations, including the decision to suspend or expel a student. The Deputy Head of College or authorised representative is also available to staff and residents in respect to advice and support. The Deputy Head of College may also appoint a member of the Senior Staff to act as their authorised representative.

Relevant Staff members

Relevant Staff Members are available to you in respect of information about this Code, and in particular, the various options available to you in the case of a possible breach of the Code.

Speaking with a relevant staff member does not mean that a complaint is being made. A complaint is not made until it is put in writing and given to the Deputy Head of College.

You must remember, however, that where a member of staff believes there has been a possible breach of the Code which could amount to serious misconduct as defined in this Code, the member of staff is obliged to bring the matter to the attention of the Deputy Head of College. Staff members must indicate to you if, for any reason, they are unable to provide appropriate assistance or unconflicted advice, including in circumstances where the relevant member of staff has a conflict of interest or close personal relationship with an individual or individuals involved in the alleged breach of the Code.

External Advisors/Conciliators

In cases where there is a conflict of interest for a member of staff, or if you request this, External Advisors can be contacted to assist you with information and support. The Deputy Head of College or authorised representative manages arrangements for contacting External Advisors.

The Deputy Head of College or authorised representative will also liaise with Advisors in their capacity as External Conciliators when appropriate.

Other staff members

All members of staff have a responsibility to report serious breaches of the Resident Code of Conduct subject to any standards of practice that apply to them as professionals.

However, if you wish to discuss possible breaches of this Code, you should do so with a relevant member of staff, as defined in paragraph 84.

Other residents

As outlined in the Code, if you are concerned about possible breaches of the Code of Conduct, you are expected to discuss your concerns with a relevant member of staff.

You are encouraged to seek the advice of a relevant member of staff in the first instance or to encourage other residents to do so. If desired, more than one resident can seek the advice of the same member of staff if this is helpful to the individuals concerned, or where more than one person has been affected by a possible breach of the Code.

You are to be aware of the need to maintain confidentiality and are strongly advised not to discuss such matters with other residents, or with staff other than those indicated in the Code.

Definitions

Authorised representative will be a member of the College staff or of the Union College Board.

Bullying is when people repeatedly use words or actions against someone or a group of people to cause distress, embarrassment, anxiety, and risk to their wellbeing. These actions are usually done by people who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless.

Bullying is not the same as conflict between people (such as having a fight) or disliking someone, even though people might bully each other because of conflict or dislike. Bullying can occur online, in writing or pictures, or by conduct. It can include acting unpleasantly near or towards someone, giving nasty looks, making rude gestures, spreading rumours, stalking, and taking advantage of having power over someone.

Complaint means a written complaint about a possible breach of the Code.

Complainant is the person making the allegation of a breach of the Code and is usually the person affected by the alleged breach. In instances where a third party is filing the complaint, they may be referred to as the "Reporter".

Discrimination means conduct that makes distinctions between people to disadvantage some and to advantage others or treats some people less favourably than others in similar circumstances, on the basis or because of an attribute or status they possess (e.g., gender, race, disability, age, physical characteristics, religious belief, sexual orientation, political opinion).

Harassment occurs when someone is made to feel intimidated, insulted, or humiliated, in circumstances where it was reasonable to expect that the behaviour complained of would have had that effect. Harassment involves behaviour that is unwelcome, often unsolicited, and repeated, and usually unreciprocated.

Sexual harassment is included in this definition and is one particularly serious form of harassment. It involves conduct (including the use of words and remarks) of a sexual nature.

Hazing occurs when a person is deliberately subjected to a situation or behaviour that is likely to cause embarrassment and results in the person being ridiculed, humiliated, degraded, abused, intimidated and/or

harassed. Such behaviour risks the person's mental wellbeing and/or physical health and safety regardless of their willingness to participate.

Relevant Staff refers to staff who have received relevant training and are able to provide advice and guidance in relation to the Resident Code of Conduct. This includes the Deputy Head of College, Head of Finance & Operations, Tutorial Program Coordinator, and Operations Manager.

Reporter See "Complainant".

Respondent is the person responding to an allegation that they have breached the Code.

Serious misconduct is conduct which could result in harm to self or others and can involve sexual assault, some forms of inappropriate touching, physical violence, blackmail, psychological abuse, victimisation, sexual or serious harassment, use or sale of illicit drugs, an abuse of a position of power or responsibility within the College, repeated breaches of the Code of Conduct, dishonesty, fraud, the deliberate making of false allegations against another resident or a staff member, serious verbal abuse or vilification. This is not a comprehensive or exhaustive list and definition of "serious misconduct" is at the discretion of the College.

Sexual Assault is defined as all forms of sexual misconduct and behaviours. It includes rape, stealthing, unwanted oral sex, indecent assault, and acts of indecency. Please refer to the Sexual Misconduct Policy for the full definition.

Sexual Harassment is any unwelcome sexual advance or request for sexual favours in situations in which any reasonable person would have anticipated that a person would be offended, humiliated, or intimidated.

Union College Community means current, enrolled residential and non-Union College residential residents, alumni engaged in activities that involve current residents at Union College. Included are non-resident and alumni.

Union College Guests Members of the College are responsible for the actions of their guests and will be held to account for breaches of the Code by their guests.

Members must comply with policies regarding guests including that members of the College may not have overnight guests.

Victimisation means any unfavourable treatment of a person because they have made a complaint, or allegation, about a breach of this Code of Conduct, whether the complaint is written or verbal and irrespective of whether the person asked for the complaint to be conciliated or investigated or not.

Vilification in this Code means any form of conduct not undertaken reasonably and in good faith during a genuine academic, artistic, or public discussion, publication, or debate that:

- a) incites hatred against, contempt for, or revulsion or severe ridicule of another person or class of person on the grounds of their race, religious beliefs or practices, sexual orientation, or gender identity, or
- b) is done because of the race, religious beliefs or practices, sexual orientation or gender identity of another person and is reasonably likely to offend, insult, humiliate that other person.

Resident Signature

NAME:

SIGNATURE:

DATE: