

**1. Context**

The University of South Australia Student Association (“USASA”) is a non-profit student-owned organisation that strives to provide a diverse and exciting university experience for the students of the University of South Australia (“University”).

The USASA Board is the peak decision making committee of the organisation, consisting of fourteen Student Representatives elected annually. The Board's function is to act on behalf of students and make decisions about the delivery of student-targeted activities and services. It also has overarching responsibility to manage the conduct of USASA's business and affairs, including the management and control of funds and property. The Board is supported by employed staff to deliver the policy direction they have determined.

**2. Strategic Alignment**

The Clubs program is a key element of USASA’s strategic plan within the pillar of Play.

OBJECTIVE 3	STRATEGY 2
<i>To have a campus culture where students have fun, make friends and take pride in their University.</i>	<i>Provide support for and encourage the establishment of Academic and Social clubs at the University</i>

The Club Code of Conduct (“Code”) has been aligned with the University of South Australia Code of Conduct for Students.

**3. Scope**

This Code applies to all members of USASA clubs (which includes members of Club Committees), whether they are students of the University or otherwise, in relation to any matter including:

- any club related activity on or off campus, including online activity;
- any communication with club members, students, staff or the general public, including online communications; and
- any conduct, whether related or unrelated to club activities, that has or is likely to have a negative impact on USASA, the University or any of its stakeholders.

Under the USASA Constitution, clubs are committees of the Board (called Club Committees) and are not separate associations in their own right. The constitution specifies that:

- Club Committees operate under the authority and direction of the Board and carry out the functions and exercise the powers ascribed to them by the Board;
- the number and nature of all Club Committees is determined by the General Manager or their delegate;

- all members of Club Committees will be appointed by those whom they represent each year pursuant to the Regulations;
- Club Committees must provide all information, and do all things necessary, to enable the Board to comply at all times with the Board's obligations under the Constitution; and
- Club Committees must follow any financial procedures set by the Board.



#### 4. Principles

The three principles that underpin behaviour for USASA club members:

- acknowledgement that all members of the club have rights;
- respect for the rights of others; and
- recognition that rights come with responsibilities.

Students who do not comply with the USASA's behavioural expectations may infringe on the rights of others to participate in club and University life.

USASA has a duty of care to all club members and may be obliged to take immediate action where a member's behaviour is inappropriate or interferes with the freedom of another member of the club, USASA or the broader community.

In appropriate circumstances, where a breach of USASA's policies and procedures might also amount to a breach of the law, USASA may report the matter to the relevant authorities.

USASA will take reasonable steps to make all club members aware of this Code and that it is accessible. All members will receive information about this Code annually through the club registration process and it will be available on the USASA Club Web Page.

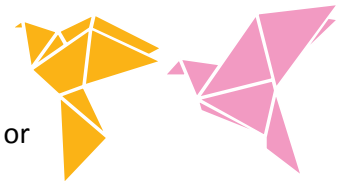
#### 5. USASA Club Member Code of Conduct

Club members have a right to:

- be treated fairly, equally and with respect by the club, its Club Committee, and other members;
- socialise in an environment free from all forms of harassment and discrimination;
- privacy and confidentiality concerning records, documentation and any other communication containing a member's personal information, unless consent is otherwise provided by the relevant member;
- be informed and actively participate in all club events and offerings; and
- voice their opinions, requirements and suggestions to the Club Committee.

Club members must:

- treat other members, students, staff of venues and other patrons (where a club function is being held) fairly, equally and with respect and courtesy;
- behave responsibly and ensure they conduct themselves in a manner which will not injure the reputation of the club, USASA, the University, its events, organisers, participants or sponsors;
- not physically or verbally harass, or victimise or bully, others;
- report any inappropriate behaviour of a member to their Club Committee for appropriate action;
- abide by and uphold the USASA Constitution and this Code; and



- pay any fees in relation to any event or offering (for example, tickets or membership) to which that member has committed.

Any member not behaving in accordance with the terms of the Code at an event of the Club may be asked to leave the function and will not be entitled to a refund of any monies paid.

In addition to this Code, all students of the University are also bound by the University's Code of Conduct For Students:

<http://w3.unisa.edu.au/policies/codes/students/Code-of-Conduct-for-Students.pdf>

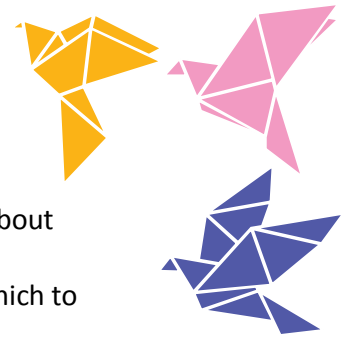
## 6. Definitions

For the purpose of this policy, the following definitions apply:

- **Bullying** means the repeated unreasonable ill treatment of a person by another or other people. It may consist of offensive, abusive, belittling or threatening behaviour directed at an individual or group that a reasonable person would expect to create a risk to the emotional, mental or physical health of the person(s) affected or targeted.
- **Complaint** means a verbal or written communication from a member who believes they have been treated unfairly or inappropriately, either by a club member or executive member, or as a result of Club policies and procedures which fall within the scope of this policy.
- **Complainant** means a member who has lodged a Complaint under the provisions contained within this policy.
- **Discrimination** means treating an individual and/or group in employment or education less favourably than others, or causing them disadvantage on any of the grounds specified in the relevant legislation.

Examples of discrimination include but are not limited to:

- making denigrating verbal or written comments or jokes relating to the attributes specified in the relevant legislation
  - displaying or distributing denigrating written or pictorial material, graffiti, clothing or badges relating to the attributes specified in the relevant legislation
  - expressing stereotypes relating to the attributes specified in the relevant legislation
- **Harassment** is a deliberate and/or aggressive act which can be a form of bullying if it is repeated or persists over a period of time. Harassment may also be considered unlawful discrimination if it is associated with attributes covered by federal and/or state anti-discrimination legislation (e.g. age, sex, race, disability etc).
  - **Information** in relation to a request by the General Manager includes any information, whether in documentary or non-documentary form.
  - **Natural Justice** (also called 'procedural fairness') is a concept that seeks to ensure fairness to all parties and includes the following principles:
    - all parties must be given an opportunity to present their case



- the respondent must be provided with notice and information about allegations made against them
- the respondent must be given a reasonable timeframe within which to respond

The decision maker must:

- act fairly and without bias
  - declare any conflict of interest
  - consider all relevant evidence before the decision maker
  - base any decision on evidence that supports it
  - all parties must be informed of the decision in relation to the Complaint, and the reasons for that decision
- **Respondent** means the person or persons whose alleged behaviour or action/inaction is the subject of the Complaint.
  - **Sexual Harassment** means unwelcome sexual behaviour or sexual innuendo that has the effect of offending, intimidating or humiliating a person in circumstances where a reasonable person having regard to all the circumstances would have anticipated that the person harassed would be offended, humiliated or intimidated.
  - The **General Manager** is a professional staff member of USASA who is authorised by the USASA Board to conduct enquiries and take action to resolve complaints raised by members under this Code of Conduct.
  - **Support person** means a person who provides assistance to any party to a Complaint.
  - **Victimisation** means an act by a person which causes another person involved in the Complaint, other than the respondent, to be intimidated or coerced; or suffer a detriment or disadvantage, or be otherwise treated unfavourably; or the threat of such conduct, on the grounds that the person made or is proposing to make a complaint, or has or is proposing to provide information about a complaint, or otherwise asserting their legal rights.

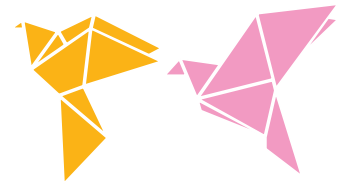
## 7. Complaints

Any person may pursue a Complaint in relation to an alleged breach of the Code.

Complaints will be dealt with in accordance with the principles of natural justice, and will be resolved as swiftly and as sensitively as the circumstances allow.

Both the Complainant and Respondent may be assisted or accompanied by a support person at relevant meetings.

Requests by the Complainant for anonymity will be considered on a case by case basis by the General Manager.



### **a. Before a Complaint is lodged**

Wherever possible, before lodging a Complaint, the Complainant should attempt to resolve any issues with the Respondent in an informal manner. The Complainant may choose to do this independently or with the assistance of a support person. The aim of informal discussions are to:

- encourage communication between the Complainant and the Respondent; and
- to achieve an early resolution of the Complaint without a formal process.

### **b. How a Complaint is made**

If no informal resolution is possible, the Complainant may lodge a formal Complaint with the General Manager.

The Complaint must be made in writing in a form approved by the Board, and must be signed and dated by the Complainant. The Complaint must set out the factual background regarding the Complaint in sufficient detail for the basis of the Complaint to be properly understood.

In appropriate circumstances, the General Manager may receive a Complaint in some other form.

### **c. After a Complaint is lodged**

Within two working days of the Complaint being lodged, the General Manager will write to the Complainant to acknowledge receipt of the Complaint. The acknowledgement will be accompanied by a copy of this Code, and other information about the Complaint resolution process which the General Manager considers appropriate.

The General Manager may decide not to proceed with the investigation and/or determination of a Complaint where:

- the Complaint is trivial and/or vexatious;
- the Complainant and Respondent have not made a genuine attempt to resolve the matter informally;
- there is insufficient information or evidence to warrant any action; or
- a Complainant fails or refuses to comply with any reasonable request by the General Manager to provide assistance or information,

and the General Manager will notify the Complainant in writing, within five working days of that decision.

A Complainant may withdraw their Complaint at any time by advising the General Manager, in writing. The General Manager will advise the Respondent, as soon as reasonably able, that the Complaint has been withdrawn. The General Manager may still proceed to investigate and make a decision with respect to any matter arising from a withdrawn Complaint, where the General Manager considers it appropriate to do so.



#### **d. Investigation of the Complaint**

Within five working days of the Complaint being lodged, the General Manager will provide written notification to the Respondent of the Complaint by providing to the Respondent a copy of the Complaint, this Code and any applicable USASA policies and/or procedures.

At the same time as the notification, the Respondent must be invited to provide a written response to the Complaint (if the Respondent wishes).

The Respondent is required to comply with any reasonable request by the General Manager to provide assistance or information.

If the General Manager considers it appropriate to do so, the General Manager may arrange a meeting between the Complainant and the Respondent for the purpose of trying to resolve the Complaint (regardless of whether the Respondent has provided a response). If this occurs, the General Manager will confirm the time and place of the meeting, in writing.

Both the Complainant and the Respondent are entitled to have a support person present during the meeting. The support person will not be a person who has any direct or indirect involvement in the circumstances giving rise to the Complaint.

The General Manager may appoint an independent person to convene the meeting. Any such independent person will be provided with a copy of the Complaint, any response from the Respondent, and a copy of this Code, and any other information which the General Manager considers appropriate.

The person convening the meeting (whether the General Manager or the independent person) will determine the manner in which the meeting will be conducted. This may include holding discussions with both parties and/or private sessions with the individual parties.

If the person convening the meeting considers that there is a reasonable prospect of a resolution, further informal meetings may be convened as reasonably necessary.

If there are any outcomes from a meeting, the General Manager will provide a written confirmation of those outcomes to the Complainant and Respondent.

Where a Complaint is not fully resolved by the meeting(s), or if the General Manager does not consider it appropriate to convene a meeting, the General Manager will commence an investigation into any unresolved issues. The General Manager is to conduct the investigation in a swift and sensitive manner, and will keep the Complainant and Respondent advised of the likely timeframe within which the investigation will be completed.

#### **e. Decision**

Once the investigation is completed, the General Manager must make a decision with respect to the Complaint and may decide to take any action considered appropriate, including, without limitation:

- taking no action;
- requiring a person to give a verbal and/or written apology;



- requiring the Complainant and/or Respondent to do, or refrain from doing, a specified act or thing;
- requiring the affairs of a club to be conducted or regulated in a particular way;
- issuing a written warning to any person(s) and/or club;
- suspending or banning any person from participating in the activities of a club, at specified times or events, or in general;
- suspending or cancelling the club membership of any person(s);
- suspending or banning any person from holding an position within a club (whether elected, appointed or otherwise); and
- suspending or disbanding a club.

The General Manager may decide to make the taking of any action subject to some other action or event occurring.

The decision and any action to be taken must be communicated to the Complainant, the Respondent and any other affected party, within five working days of the decision being made, in a manner to be determined by the General Manager. Notification of all members of a club will be taken to be effective if the General Manager communicates the decision to the Secretary or similar office bearer with a direction to notify all members of the club.

Written reasons must be given for the decision, but are not required to be detailed or exhaustive. Information must also be given regarding rights of Review to the USASA Board, including the deadlines for submitting a request for Review.

At each meeting of the Board, the General Manager must, as part of his monthly report, provide a summary of the progress of all undetermined Complaints and the outcome of any finalised Complaints.

#### **f. Matters to be determined by the Board**

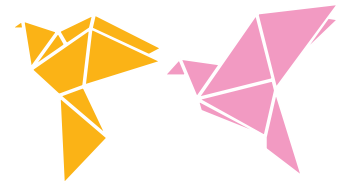
##### *Review of General Manager's decision on Complaint*

A Complainant or Respondent who is dissatisfied with a decision by the General Manager upon a Complaint may seek a Review of the decision to the USASA Board. Any Review must be lodged, in writing, with the President (or the President's delegate) within five working days of notification of the General Manager's decision.

##### *Complaints to be referred directly to the Board*

The General Manager must refer a Complaint directly to the USASA Board, as soon as practicable, if any part of the Complaint:

- involves allegations concerning the General Manager, or where the General Manager was a direct participant in the circumstances giving rise to the Complaint;
- gives rise to the General Manager having a direct conflict of interest;
- involves allegations concerning the conduct of a past or present Board member, or a person who has been or may be elected as a Board member;
- has the possibility of materially affecting the operations or reputation of USASA; and/or
- is otherwise sufficiently serious that the General Manager considers that the matter warrants consideration by the Board.



### *Determination by the Board*

Any matter which the Board is required to determine under this Code will be listed on the Agenda for the next Board meeting for which the deadline for submitting agenda items has not closed. The Board usually holds monthly meetings, with the deadline for the submission of agenda items seven days prior to each meeting.

Where a Review is submitted, the President will write to the Complainant and the Respondent to confirm receipt of the Review and the procedure for the Review.

The Board may delegate its decision making powers to a committee of three or more Board members (including *ex officio* members of the Board) for the purpose of investigating and determining any matter which the Board is required to consider under this Code. Where such a delegation is made, the committee may exercise any powers which the Board has under this Code.

A Board member who has a direct conflict of interest must declare that conflict to all other Board members and refrain from participating in the determination of any matter under this Code.

All deliberations of the Board in relation to any matter under this Code will be confidential and held *in camera*. Any minutes made in relation to these deliberations must not be disclosed outside of the Board.

Where a Complaint is directly referred to the Board, the Board will apply, with appropriate alterations, the Complaints procedure which the General Manager is required to follow under this Code.

Upon a request for a Review of a decision by the General Manager on a Complaint, the Board will conduct a preliminary consideration of the Review on the documents, which will include:

- the Request for Review;
- the original formal Complaint and any response;
- any documentation obtained or submitted during the Complaint procedure; and
- any written confirmation of outcomes to which the Complainant and Respondent have agreed.

The Board will not usually conduct further investigation on a Review. However, where the justice of the case requires, the Board may:

- suspend the operation of the General Manager's decision for a specified period of time and extend any such suspension;
- require the Complainant and/or Respondent to provide further information; and/or
- conduct, or direct the General Manager to conduct, further investigations in relation to the matters raised on Review.

The Board may then do any one or more of the following, upon resolution by simple majority:

- confirm the General Manager's decision;



- set aside the General Manager’s decision and substitute a decision which the Board considers appropriate; and/or
- set aside the General Manager’s decision and refer the Complaint back to the General Manager with directions regarding the proper consideration and decision of the Complaint (with any such subsequent decision being reviewable by the Board)
- take no further action.



Any decision made by the Board under this Code and any action to be taken must be communicated to the Complainant, the Respondent and any other affected party, within five working days of the decision being made, in a manner to be determined by the Board. Notification of all members of a club will be taken to be effective if the Board communicates the decision to the Secretary or similar office bearer with a direction to notify all members of the club.

Written reasons must be given for the decision, but are not required to be detailed or exhaustive.

The decision of the Board on any matter under this Code is final and not subject to further review.

#### **g. University of South Australia**

The General Manager will refer any breaches of the UniSA Student Code of Conduct to the appropriate Head of School.

### **8. Confidentiality and record keeping**

All records created and held in relation to a Complaint must be treated as confidential. This means:

- information concerning the Complaint will only be made available to a person who has a legitimate role under this Code and/or is required or authorised by law to access the information
- if the Complainant requests that their Complaint be kept confidential, their permission must be obtained before information about the Complaint is provided to any other person, subject to Natural Justice.

A complete written record of all Complaints and their outcomes must be kept. This includes:

- where the Complaint has been substantiated retaining a copy of the record file and providing a copy of the record to the Respondent, who is entitled to attach comment
- retaining a record of any corrective and/or preventative action taken in response to the Complaint