Trinity College Student Code of Conduct

Introduction

1 An Anglican foundation and an affiliated College of the University of Melbourne, Trinity College is an autonomous institution governed by a representative Council of some forty members, which meets twice a year, and a Board with twelve members, which meets monthly. The Warden is the Chief Executive Officer of the College and works closely with the other members of the Senior Management Team, comprising the Dean of the Residential College (who acts as Deputy to the Warden), the Dean of International Programs, the Dean of the Trinity College Theological School, the Director of Advancement, the Director of Finance & Administration, and the Chief of Staff.

2 Trinity College is an educational community in which all conduct is expected to be based on respect and consideration for others. The Trinity College Student Code of Conduct imposes obligations upon students to demonstrate respectful, considerate behaviour in their dealings with each other and with staff members, and describes processes for responding to breaches of this Code. Conduct not consistent with respect for others may be the subject of processes and disciplinary actions relevant to the seriousness of the alleged behaviour. Details and examples of disciplinary provisions and procedures are included in this Code of Conduct document.

3 The Trinity College Student Code of Conduct (the Code) replaces the Intercollegiate Policy on Sexual Harassment previously used by the College in respect of student matters. Transitional arrangements between the Intercollegiate Policy and this Code of Conduct are dealt with in paragraphs 57 and 58 of this document. The Code will be reviewed each year.

4 The Code sets out the behaviour and conduct expected of members of the Trinity College student community. It also sets out the processes applicable or available where there have been possible breaches of the Code, and describes the range of consequences that may follow if a student is found by the College to have breached the Code.

5 The College has a variety of contractual and statutory relationships with its students. The College also recognises a general responsibility to ensure that the College as an educational community functions on the basis of 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. The College itself, once informed of a possible breach of the Code, may decide unilaterally to investigate the circumstances giving rise to the possible breach, make a determination about those circumstances and impose consequences on any student found to be in breach of the Code.

6 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 students at any time. More information about external sources of support and information can be found at the end of this document.

7 The College reserves the right to make changes to this Code from time to time.
Student Code of Conduct

8 This Code applies to all members of the Trinity College student community. It does not apply to staff employed or retained by Trinity College, who are subject to a separate Staff Code of Conduct.

9 All members of the Trinity College student community, whether they are enrolled as resident or non-resident students, must act in accordance with this Code. The Code assumes the commitment of every student to advocate and practise respect for all people, regardless of gender, race, religion, disability, marital status, sexual orientation or any other attribute.

10 All students are expected to fulfil admirable behavioural standards, and to be role models for others, aspiring to demonstrate the highest level of personal integrity at all times. Members of the Trinity College student community must express such commitment actively in their actions and words. They must respect the rights of all other members of College, while also acting in accordance with the laws of the wider Australian community.

11 Agreeing to abide by this Code of Conduct is a requirement for students becoming members of Trinity College, and abiding by this Code is a requirement for students remaining members of Trinity College. It is also a requirement for students to be admitted and continue as residential students.

12 Members of the Trinity College student community must 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) Ethical and honest behaviour

Respect for and responsibility to self

13 It is expected that Trinity College students will always behave responsibly in looking after themselves. They are responsible for their own conduct at all times. They are expected to know and to adhere to this Code and other College policies, particularly in respect of all forms of harassment.

Respect and empathy for, and responsibility to others

14 Trinity College students should show 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. Trinity College students should permit others to live and study in a safe, respectful environment and are entitled to expect such an environment for themselves.

15 Students should be aware that as members of staff are in a position of authority over students, relationships of a sexual or otherwise intimate nature between staff and students are not acceptable in any circumstances.

16 Bullying, discrimination, harassment, vilification and victimisation are expressly prohibited.

17 Students should be aware that their statements and actions have an impact upon other members of the College and on the reputation of Trinity College as a whole. Students should ensure that they act and speak is such a way as to not bring disrespect upon themselves, upon others or upon the College, nor bring the College into disrepute.

Ethical and honest behaviour

18 a) Trinity College students must behave with personal integrity and honesty. They must accept the consequences of their own actions, apologise where appropriate, and practise ethical and responsible behaviour in their dealings with others.
b) At all times, and in all dealings with external parties, Trinity College students must uphold the good name of the College. No use of the College’s name, crest, logos or other identifying emblems may be made without the express, prior, written permission of the Director of Communications.

**Breaches of the Code**

19 Trinity College students are expected to report possible breaches of this Code to one of the Advisors listed in paragraph 43 of this document, whether in respect of themselves or another member of the Trinity College student community.

20 The College will treat all possible breaches of the Code seriously. However, the College recognises that students’ 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 discretion of the College.

21 Examples of possible breaches of the Code include:

a) verbal abuse;

b) displaying or forwarding pornography;

c) bullying;

d) spreading innuendo, gossip, or rumour;

e) urinating in a public place, or public nudity whether within or outside the College grounds;

f) public drunkenness, including within the College grounds, where no physical violence is involved;

g) theft of or damage to College property;

h) use of information technology in ways that contravene the regulations governing it;

i) use of cameras, including mobile phone cameras, in ways that violate the privacy of others;

j) publication, whether in print or electronically, of documents or statements that are disrespectful misleading or untrue;

k) engaging in inappropriate external employment or activities;

l) excessive and/or repeated disruption to the learning of others during educational activities conducted by the College.

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

a) investigated, whether or not a person makes a complaint about the conduct;

b) the subject of a determination, after investigation, of whether the student concerned has engaged in serious misconduct; and

c) capable of resulting in, after a determination, consequences such as expulsion from the residential college, non admission to the residential college, conditional admission, termination of membership of Trinity College, termination of membership of Trinity College Foundation Studies and termination of membership of the Trinity College Theological School.

23 Serious misconduct is defined in paragraph 66. That definition is not exhaustive and characterisation of conduct as “serious misconduct” will be a matter for the College to determine in each particular case.

**Process**

**General**

24 Subject to paragraphs 33(e) and (f), 37 and 38, the process in relation to any complaint, or where the College decides itself to investigate a student’s conduct, will be at the discretion of the College.

25 In cases where information about a possible breach of the Code has come to the attention of the College, however this information comes to the attention of the College, the College may unilaterally initiate a process to investigate and resolve the matter.
26 In cases where such information comes to the attention of any staff member of the College, including a trained Advisor, the staff member will have a duty to report the incident to the relevant Division Head (Dean of the Residential College, Dean of the Theological School, Dean of International Programs).

27 Reporting to both police and parents will occur in circumstances involving possible breaches of the Code by students under 18 years, or where students under 18 years are alleged to be a victim of possible breaches.

28 Allegations of serious physical violence, including sexual assault, will be immediately reported to the police by the College.

29 Processes will be undertaken and concluded as quickly as is reasonably possible. The College accepts it has a responsibility to ensure that any investigation and determination process adopted under this Code is fair.

30 The College reserves the right to determine the nature of the process depending upon the gravity of the possible breaches of the Code, issues of confidentiality, and the number of students involved. The College will seek and take account of the views of students involved in deciding what processes to adopt, but subject to paragraphs 33(e) and (f), 37 and 38, the final decision of which processes to adopt in a particular case will be made by the College.

31 The procedures in this document do not derogate from the normal disciplinary powers and responsibilities of relevant staff members, which may still be exercised as appropriate.

32 The steps in relation to possible breaches of the Code are shown below. These steps can be used where a person wishes to complain about a possible breach of the Code but will also be available to the College when it becomes aware of a possible breach of the Code and decides to investigate the matter itself.

**Complaint based, or individual initiated, processes**

33 An individual may always seek advice from a trained Advisor. Names and contact details of trained Advisors are available on the College Portal. Individuals may also make use of a broad range of community-based mechanisms, such as the Victorian Equal Opportunity Commission.

   a) **Step 1: Speak with a trained Advisor.** If appropriate and desirable, also speak directly and informally with the person who engaged in the behaviour you think may be in breach of the Code.

   b) **Step 2: Decide, with the assistance of your Advisor, whether the behaviour is likely to be a breach of the Code.** If not, then speak with your Advisor about other means of support, such as the University Counselling Service. If the behaviour is likely to be a breach of the Code, then an individual can use the steps that follow 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 asked to put your complaint in writing. An Advisor can assist you with this. The complaint must identify those students you allege have breached the Code and what you allege they have done. It should be as specific as possible. The complaint will be forwarded to the relevant Division Head and the Warden.

   d) **Step 4: Conciliation.** All complaints will need to go through a conciliation process, unless the College decides otherwise. 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. If agreement cannot be reached, any party to the conciliation may ask for the allegations to be investigated. Alternatively, even if the complainant does not ask for the matters to be investigated, the College may itself decide to investigate the allegations.

**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 relevant Division Head and other relevant parties. Breaches of an agreement reached via conciliation may result in additional action consistent with these procedures.

*Note 1:* 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 of the allegations of a breach of the Code by the College, irrespective of the outcome of the conciliation, so that the parties may take that fact into account in their negotiations.
Note 2: in all cases involving allegations of serious misconduct, the outcome of the conciliation MUST be reported to the relevant Division Head and to the Warden. The outcome will be kept confidential by the relevant Division Head and the Warden, save for any disclosures they deem necessary and appropriate if the allegations are to be investigated separately by the College.

e) Step 5: After an unsuccessful conciliation any party to the conciliation may ask for the matter to be investigated. The relevant Division Head, in consultation with the Warden, will decide whether a complaint will be investigated. In making this decision, the views of all those involved will be considered.

If it is decided that a complaint will be investigated, a committee of one senior member of the Trinity College Community and two individuals who are not members of the Trinity College community will be appointed by the relevant Division Head¹ or designee² to investigate the matter formally.

f) Step 6: Outcomes of Investigation. The committee will present its findings about what occurred, and will make recommendations to the relevant Division Head or designee, who will make the final decision whether there has been a breach (or breaches) of the Code, how serious those breaches are and what consequences (if any) should follow for the students involved. Consequences may include, but are not limited to, termination of membership of Trinity College, expulsion or suspension from the residential College, the imposition of conditions on continued residence or membership, payment of compensation for property damage and apologies (including public apologies).

g) Appeal. There will be no internal appeal or review processes within the College if there has been a formal investigation and report. If any party is dissatisfied with the outcome of these processes, they may discuss their dissatisfaction with the Warden. Students of course retain the access of all members of the Australian community to HREOC/EOCV processes, and to the Courts.

Non complaint based, College initiated processes

34 Where the College receives information about a possible breach of the Code, it may decide whether to investigate the matter regardless of whether there has been a complaint or not.

35 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 or not.

36 If a complaint is made about a possible breach of the Code, the College may await the outcome of any conciliation process and any application by the complaint for the complaint to be investigated. If conciliation is unsuccessful and the complainant does not apply for an investigation, then the College may itself still decide to investigate the allegations.

37 Where the College is satisfied the possible breach may not amount to serious misconduct, the manner in which the College investigates the matter will be decided by the College on a case by case basis.

38 Where the College is satisfied the possible breach or breaches may amount to serious misconduct, the College will appoint a committee of one senior member of the Trinity College Community and two individuals who are not members of the Trinity College community will be appointed by the relevant Division Head¹ or designee² to investigate the matter formally.

39 The committee will present its findings about what occurred, and will make recommendations to the relevant Division Head or designee, who will make the final decision whether there has been a breach (or breaches) of the Code, how serious those breaches are and what consequences (if any) should follow for the students involved. Consequences may include, but are not limited to, termination of membership of Trinity College, expulsion or suspension from the residential College, the imposition of conditions on continued residence or membership, payment of compensation for property damage and apologies (including public apologies).

¹ The relevant Division Head is the head of the school in which the student is enrolled: the Dean of the Residential College, Dean of the Trinity College Theological School, or Dean of International Programs.

² The designee will be a member of Trinity College’s Senior Staff. In cases where a process is initiated that involves the relevant Division Head as one of the parties (either complainant or respondent), the Warden will appoint the committee. In cases where a process is initiated that involves the Warden as one of the parties (either complainant or respondent), the Board will appoint the committee.
There will be no internal appeal or review processes within the College if there has been a formal investigation and report. If any party is dissatisfied with the outcome of these processes, they may discuss their dissatisfaction with the Warden. Students of course retain the access of all members of the Australian community to HREOC/EOCV processes, and to the Courts.

**Trinity College Advisors**

41 The role of an Advisor is to listen, and to inform the individual of their options for dealing with possible breaches of the Code. Advisors are staff members who have received training in respect of all forms of harassment and are specifically available to students in respect of information about this Code, and in particular, the various options available to student in the case of a breach of the Code. Speaking with an Advisor does not mean that a complaint is being made.

42 Students must be aware however that where the information they give an advisor suggests the possible breach may involve **serious misconduct**, Advisors **must** bring the matter to the attention of the relevant Division Head.

43 Advisors may indicate if, for any reason, they are unable to provide appropriate assistance owing to a conflict of interest. Staff who serve as Internal Advisors to students:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Contact Information</th>
<th>Office Location</th>
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<tbody>
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<tr>
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<td>Swanston St Rm 13</td>
<td>x7024</td>
</tr>
</tbody>
</table>

44 In cases where there is a conflict of interest for an Internal Advisor or if a student requests this, External Advisors can be contacted to assist students with information and support.

45 The relevant Division Head (see below) or designee manages arrangements for contacting External Advisors. The relevant Division Head or designee will also liaise with External Advisors in their capacity as External Conciliators when appropriate. The Divisional Heads are:
Mr Campbell Bairstow (Leeper Building)
Dean of the Residential College
Telephone: (03) 9348 7109 / Email: cbairstow@trinity.unimelb.edu.au

The Acting Dean, Assoc. Prof. Andrew McGowan (Leeper Building)
Dean of the Trinity College Theological School
Telephone: (03) 9348 7106 / Email: warden@trinity.unimelb.edu.au

Dr Barbara Cargill (Wynne Cottage)
Dean of International Programs
Telephone: (03) 9348 7132 / Email: bcargill@trinity.unimelb.edu.au

Community mechanisms for complaint, information and support

Equal Opportunity Commission of Victoria
http://www.equalopportunitycommission.vic.gov.au

Commonwealth Human Rights and Equal Opportunity Commission
http://www.hreoc.gov.au

Counselling & Support Line: 03 9344 2210
Admin Line: 03 9347 3066 / Facsimile: 03 9663 9742 / Email: casa@rwh.org.au
TTY: 03 9635 3620

Police Victoria
Carlton (24 HRS) Police Station 330 Drummond St: (03) 9347 1377
C.I.U. 155 Royal Pde Parkville 3052: (03) 9347 3611

University of Melbourne Department of Health, Counselling & Disability Services
Counselling Service, Level 2, 138 Cardigan Street, Carlton
+61 (3) 8344 6927 / 8344 6928
http://www.services.unimelb.edu.au/counsel/

Role of staff in respect of the Student Code of Conduct

Role of the Warden

46 The Warden is responsible for the good government of the College. At her or his discretion, the Warden may act in any capacity in respect of possible breaches of the Code as set out in this document.

47 Where a complaint has been addressed to the Warden, he/she will usually direct the matter to the relevant Head of Department/Division to be dealt with under the processes set out in this Code.

Role of Division Heads

48 The Division Head will have responsibility for responding to all matters relating to possible breaches of the Code as set out in this document. The relevant Division Head is also available to Advisors in respect of advice and support. The relevant Division Head may also appoint a member of the Senior Staff to act as his/her designee.
Role of Advisors

Internal Advisors

49 Internal Advisors are staff who have received particular training and are specifically available to students in respect of information about this Code, and in particular, the various options available to students in the case of a possible breach of the Code. Speaking with Advisors does not mean that a complaint is being made. **A complaint is not made until it is put in writing and given to an Advisor or relevant Division Head.** Students must remember however that where an Advisor believes there has been a possible breach of the Code which could amount to serious misconduct as defined in this Code, the Advisor is obliged to bring the matter to the attention of the relevant Division Head.

50 Advisors may indicate to students if, for any reason, they are unable to provide appropriate assistance, including owing to a conflict of interest.

External Advisors/Conciliators

51 In cases where there is a conflict of interest for an Internal Advisor or if a student requests this, External Advisors can be contacted to assist students with information and support.

52 The relevant Division Head or designee manages arrangement for contacting External Advisors. The relevant Division Head or designee will also liaise with Advisors in their capacity as External Conciliators when appropriate.

Role of Chaplains

53 The Chaplains in the College offer pastoral care, support and encouragement to all the College community. They are available to discuss any matter. However, under the National Code of Practice for Clergy, they are required to adhere to strict rules regarding confidentiality. These rules will be explained to staff and student when meeting with them.

There may be a legal obligation to report criminal offences.

Role of other staff

54 All members of staff have a responsibility to report serious breaches of the Student Code of Conduct, particularly those in the case of students under the age of 18. However, if students wish to discuss possible breaches of this Code, they should do so either with an Advisor, or with the relevant Division Head.

Role of other students

55 As outlined in the Code, all students have a responsibility to speak with an advisor about possible breaches of the Code of Conduct.

56 Students are encouraged to seek the advice of an Advisor in the first instance or to encourage other students to do so. If desired, more than one student can seek the advice of the same Advisor if this is helpful to the individuals concerned, or where more than one person has been affected by a possible breach of the Code.

57 Students are strongly advised not to discuss such matters with other students, or with staff other than those indicated in the Code.
Definitions

58. “Bullying” means acts of aggression – physical or verbal – against another person which result in the other person being coerced into doing or not doing something, becoming injured, embarrassed, anxious, or seriously uncomfortable. Bullying often involves an abuse of power. While bullying can be an isolated incident it is often repeated.

59. “College” includes the Warden, Council and the Board of Trinity College and includes each of them acting in a way authorised by the Trinity College Act 1979, the Constitution of Trinity College or any other policies and procedures of Trinity College.

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

61. “Discrimination” means any conduct that makes distinctions between an individual or a group so as to disadvantage some and to advantage others, or treats an individual or a group less favourably than others, on the basis or because of an attribute or status they possess (e.g. sex, race, religious belief, sexual preference, political opinion).

62. “Foundation Studies students” means students currently enrolled in Trinity College Foundation Studies. All Foundation Studies students are also “non-resident students” of the College.

63. “Harassment” means any offensive, belittling or threatening behaviour directed at an individual or group that takes place in circumstances in which any reasonable person, having regard to the circumstances, would have been offended, humiliated or intimidated. Harassment is behaviour that is unwelcome, unsolicited, usually unreciprocated and often (but not always) repeated. Sexual harassment is included in this definition and is one particularly serious form of harassment. It occurs where the harassment involves conduct of a sexual nature. In addition to sexual harassment people may experience harassment because of their belief systems, including political or religious beliefs or activities, cultural, racial, or socio-economic background, gender, sexual orientation, parental status, physical features or disability, among other things.

64. “Non-resident students” means current students of the College who are not in residence, which include students currently enrolled in the College’s Non-resident program, students currently enrolled in the Theological School and students currently enrolled in Foundation Studies.

65. “Residential student” means currently enrolled students who are in residence in the College.

66. “Serious misconduct” includes sexual assault and means any breach of this Code of Conduct which, to a significant extent, involves physical violence, blackmail, victimisation, 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 student or a staff member, serious verbal abuse or vilification.

67. “Theological students” means students currently enrolled in the Trinity College Theological School.

68. “Trinity College student community” means current, enrolled students of Trinity College, whether resident or non-resident and includes Foundation Studies and Theological School students.

69. “Victimisation” means any unfavourable treatment of a person who has made a complaint, or allegation, about a breach of this Code of Conduct, whether the complaint was written or oral and irrespective of whether the person asked for the complaint to be conciliated or investigated.

70. “Vilification” means any form of conduct not undertaken reasonably and in good faith that:
   a) incites hatred against, serious contempt for, or revulsion or severe ridicule of another person or class of person on the grounds of their race, religious beliefs or practises; or
   b) is done because of the race of another person and is reasonably likely to offend, insult, humiliate that other person.
Redress Process Diagram

71. The following diagram presents various scenarios for redress if an individual or group is the recipient of disrespectful and/or inappropriate behaviour from another member/group of members of the Trinity College community:

If you are the recipient of disrespectful and/or inappropriate behaviour from another member/group of members of the Trinity College community, please speak with an Advisor. At any stage of this process an individual may seek advice from a trained Advisor. Names and contact details of trained Advisors are available via the Portal. Individuals may also make use of a broad range of community-based mechanisms, such as the Equal Opportunity Commission.

Step 1: Speak with a trained Advisor. If appropriate and desirable, also speak directly and informally with the person who engaged in the offensive behaviour.

Do you wish to make a complaint?

No

Yes

Do you wish to be directed by the College or the participants?

College

Participants

Step 2a: Conciliation

A conciliator will be appointed to meet with each party individually to discuss and reach agreement regarding future behaviours. If agreement cannot be reached, a formal process may be initiated. Please note that conciliation may not be possible in the case of serious misconduct.

Step 2b: Investigation:

A committee of one senior member of the Trinity College Community and two individuals who are not members of the Trinity College community will be appointed by the relevant Division Head or designee to formally investigate the matter. Please note that an investigation may be necessary in the case of serious misconduct.

Does the behaviour constitute a breach of the code of conduct?

No

Yes

The College may unilaterally initiate the formal or informal processes below to resolve the matter.

Step 3a: 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 relevant Division Head and other relevant parties. Breaches of an agreement reached via conciliation may result in additional action consistent with these procedures.

Step 3b: Outcomes of Investigation:

The committee will present findings about what, on the balance of probabilities, occurred, and will make recommendations to the relevant Division Head or designee, who will make a decision about outcomes. Outcomes may include disciplinary consequences. Further behaviour may result in additional action consistent with these procedures.

The relevant Division Head is the head of the school in which the student is enrolled. The Dean of the Residential College, Dean of the Theological School, or Dean of International Programs. Please note that in the case of serious misconduct, the Warden may choose to serve as the relevant Division Head.

The designee will be a member of Trinity College’s Senior Staff. In cases where a process is initiated that involves the relevant Division Head as one of the parties (either complainant or respondent), the Warden will appoint the committee. In cases where a process is initiated that involves the Warden as one of the parties (either complainant or respondent), the Board will appoint the committee.