



TRINITY COLLEGE
THEOLOGICAL SCHOOL



UNIVERSITY
OF DIVINITY

Trinity College Theological School Student Code of Conduct

Introduction

Trinity College (the College) is an Anglican foundation and an affiliated College of the University of Melbourne. The Trinity College Theological School (the Theological School) is a College of the University of Divinity, and is in partnership with the Diocese of Melbourne, the Province of Victoria, and various other dioceses around Australia.

As an educational community, the College expects all conduct to be based on:

- a) respect for and responsibility to self;
- b) respect and empathy for, and responsibility to others;
- c) ethical and honest behaviour.

The Code explicitly prohibits discrimination, harassment or any form of bullying based on gender, race, age, religion, disability, marital status, sexual orientation, or any other attribute.

For definitions of all applicable terms see **Appendix A (p.4)**.

All students of the College are expected to know and to adhere to this Code and all other College policies, particularly in respect to all forms of harassment.

Allegations of conduct not consistent with the Code may be subject to investigatory and disciplinary processes (see **Appendix B, p.6**). Because the Theological School has responsibilities also to the University of Divinity, the Diocese of Melbourne and the Province of Victoria, some breaches of the Code may also be subject to other policies and procedures (see **Appendix D, p.12**).

Scope

This Code applies to all students of the College community, including resident and non-resident students, students attending short courses or other programs, and online students.

Any student wishing to gain admission to any part of the College, including the Theological School, must agree to be bound by the Code and its associated procedures. Abiding by this Code is a requirement for any student's continued membership of or place at the College.

Commitment to Child Safety

Trinity College is committed to the safety and wellbeing of all children and young people. This will be the primary focus of our care and decision-making. Trinity College has no tolerance for child abuse.

Trinity College is committed to providing a child safe environment where children and young people are safe and feel safe, and their voices are heard about decisions that affect their lives. Particular attention will be paid to the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.

Every person involved in Trinity College has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make. See [Child Safe Policy](#) for more information.

Respect for and responsibility to self

Students are expected always to behave responsibly in looking after themselves, and are responsible for their own conduct at all times. Students are expected to seek help if and when it is needed.

All members of College staff are in a position of authority over students. Therefore, relationships of a sexual or otherwise intimate nature between staff and students are not acceptable in any circumstances. While the primary responsibility for this lies with members of staff, all students are expected to conduct themselves with integrity and propriety.

Respect and empathy for, and responsibility to others

Students are expected to 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. College students are to permit others to live, work, and study in a safe, respectful environment and are entitled to expect such an environment for themselves.

Bullying is inappropriate and unacceptable behaviour. The College will not tolerate workplace bullying under any circumstances. Discrimination, harassment, vilification, victimisation, and inappropriate touching are expressly prohibited.

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 are to ensure that they act and speak in such a way as to not bring disrespect upon themselves, upon others or upon the College, nor bring the College into disrepute. This includes online interaction.

Ethical and honest behaviour

a) All students of the College are expected to behave with personal integrity and honesty. They are to 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, students of the College are to 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 Warden.

Breaches of the Code

Students who are concerned about a possible breach of this Code, whether in respect of themselves or another student, are expected to discuss their concerns with one of the Advisors listed on the Trinity Portal.

Serious misconduct is defined in **Appendix A**. 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.

The College will treat all possible breaches of the Code seriously. However, the College recognises that a student's 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.

Students 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 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 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, termination of membership of Trinity College, termination of membership of Trinity College Foundation Studies and termination of membership of the Trinity College Theological School.

Appendix A

Definitions

Academic misconduct – includes, but is not limited to, cheating, plagiarism, collusion, forging or falsifying documents, academic results or records or submitting false or incorrect information for enrolment or entry into a course or subject and any other conduct by which a student seeks to gain for himself or herself, or for any other person, any academic advantage or advancement to which he or she or that other person is not entitled.

Appeal – An appeal is a request for review of the outcome of a complaint.

Bullying – includes repeated, unreasonable behaviour directed toward a staff member or student, or a group of staff or students by staff members or students that creates a risk to health and safety, including the physical or psychological health of staff or students. This may be obvious and direct, like physical or verbal abuse, or this may be more subtle and indirect, such as spreading rumours, withholding information, or publishing offensive material on social media. Behaviour is considered repeated if an established pattern of the same or different types of behaviour can be identified and the behaviour persists.

Child safety - encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

Child sexual abuse - is when a person uses power or authority over a child to involve them in sexual activity and does not always involve physical contact or force. *Emotional child abuse* occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing domestic violence. *Physical child abuse* is the non-accidental infliction of physical injury or harm of a child.

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 from time to time in place at Trinity College.

Complaint – a problem or concern raised by a student who considers they have been wronged because of an action, decision or omission within the control or responsibility of Trinity College or by another student.

Discrimination – means conduct that makes distinctions between people so as 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 (eg sex, race, disability, age, physical characteristics, religious belief, sexual orientation, political opinion).

Designee – means a member of the College staff or of the Trinity College Board. 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.

Foundation Studies students – means students currently enrolled in Trinity College Foundation Studies. All Foundation Studies students are also *non-resident students* of the College.

Harassment – means behaviours that result in someone being 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.

Non-resident students – means current students of the College who are not in residence. This includes students currently enrolled in the Theological School, and students currently enrolled in Foundation Studies.

Relevant Division Head is the head of the school in which the student is enrolled or participating: the Dean of the College (for resident and non-resident students), the Dean of the Trinity College Theological School, or Dean of Pathways School.

Residential student – means currently enrolled students of the University of Melbourne, or the University of Divinity, who are in residence in the College.

Serious misconduct – involves sexual assault, physical violence, blackmail, victimisation, serious harassment, use or sale of illicit drugs, an abuse of a situation 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.

Sexual harassment – unwelcome behaviour of a sexual nature that is uninvited, unwanted, and unreciprocated by the recipient/s. Sexual harassment is not sexual interaction, flirtation, attraction or friendship that is invited, mutual, consensual or reciprocated. This is because this is not 'unwelcome' behaviour and it would not be reasonable to anticipate that this behaviour would offend, humiliate or intimidate.

Suspension – means the suspension of a student's enrolment at Trinity College for a specified period at the end of which the student's enrolment is reinstated unless otherwise requested by the student. The word 'suspend' has the same meaning.

Theological students – means students currently enrolled in the Trinity College Theological School, who may be either residential students or non-residential students.

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

Victimisation – means any unfavourable treatment of a person because he or she has 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 in the course of 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.

Appendix B

Process

General Guidelines

1. 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.
2. 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.
3. In cases where such information comes to the attention of any member of the staff of the College, including a trained Advisor, the staff member has a duty to report possible breaches to the relevant Division Head.
4. Allegations of conduct which may amount to a breach of criminal law will ordinarily be reported to the police by the College.
5. Processes will be undertaken and concluded as quickly as is reasonably possible. The College accepts that it has a responsibility to ensure that any investigation and determination process adopted under this Code is fair.
6. 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 students involved. The College will seek and take account of the views of students 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.
7. 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.
8. 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.
9. 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 a given case and insofar as the maintenance of confidentiality does not conflict with other obligations and responsibilities the College has. Participants in any process under the Code will be reminded about the importance of confidentiality, and will be expected to adhere to any directions they are given about maintaining and respecting it. Failure to maintain and respect confidentiality when directed to do so may itself be considered by the College to be a breach of this Code.

Complaint-based, or individual-initiated, processes

10. 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.
 - 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. 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 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 Director of Human Resources, and a copy will ordinarily be provided to the respondent.

d) Step 4: Conciliation. Unless the College decides otherwise, all complaints will need to go through a conciliation process. 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.

11. 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.
12. 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 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.

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, the Warden or her/his designee will constitute a Committee to investigate the matter formally. The College reserves the right to take appropriate disciplinary action without referring the matter to a Committee if the circumstances warrant.

Non complaint-based, College-initiated processes

13. Where the College receives information about a possible breach of the Code, it may decide to investigate the matter regardless of whether or not there has been a complaint.
14. If the possible breach may involve serious misconduct as defined below, the College may investigate the matter regardless of whether or not there has been a complaint.
15. 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 complainant 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.
16. For all possible breaches of the Code, including serious misconduct, the manner in which the College investigates the matter will be determined by the College on a case-by- case basis.

17. Where the College is satisfied the possible breach or breaches may amount to serious misconduct, the Warden may appoint a committee to investigate the matter formally.

Outcome of Investigations

18. If a committee has been appointed it 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 student(s) involved. 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 the residential College, and termination of membership of Trinity College.
19. 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 access, as do all members of the Australian community, to HREOC/EOCV processes, to Victoria Police and to the Courts.

Trinity College Advisors

20. 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 a student in the case of a breach of the Code. Speaking with an Advisor does not mean that a complaint is being made.
21. 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.
22. Advisors may indicate if, for any reason, they are unable to provide appropriate assistance owing to a conflict of interest. A list of staff who serve as Advisors is available on the Trinity Portal.
23. In cases where there is a conflict of interest for an Advisor, or if a student requests this, External Advisors can be contacted to assist students with information and support.
24. 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:
 - Dean of the Residential College
 - Dean of the Trinity College Theological School
 - Dean of the Pathways School

Community mechanisms for complaint, information and support

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

Centre Against Sexual Assault (CASA) <http://www.casa.org.au>

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

Victoria Police: Melbourne North Police Station (open 24 hours) 36 Wreckyn Street, North Melbourne.

Phone: (03) 8379 0800

Victoria Police Crime Department, Sexual Offences & Child Abuse Co-ordination Office Level 6, 452 Flinders Street, Melbourne, Victoria, 3004. Phone: (03) 9611 8800

University of Melbourne Department of Health, Counselling & Disability Services: Counselling Service, Level 2, 138 Cardigan Street, Carlton. Phone: (03) 8344 6927 / 8344 6928

<http://www.services.unimelb.edu.au/counsel/>

Role of staff in respect of the Student Code of Conduct

The Warden

25. 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.
26. Where a complaint has been addressed to the Warden, she/he will usually direct the matter to the relevant Head of Department/Division to be dealt with under the processes set out in this Code.
27. Where the Warden becomes aware of a complaint that may be referred to legal counsel or Victoria Police she/he will inform the Chairman of the Board. The Warden will retain executive responsibility for the processing of the complaint.

Division Heads

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

Advisors

29. 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.
30. 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

31. In cases where there is a conflict of interest for an Advisor, or if a student requests this, External Advisors can be contacted to assist students with information and support.
32. 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.

Chaplains

33. The Chaplains and other clergy 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.

Other staff members

34. 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.

Other students

35. As outlined in the Code students concerned about possible breaches of the Code of Conduct are expected to discuss their concerns with an Advisor.

36. 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.
37. Students are strongly advised not to discuss such matters with other students, or with staff other than those indicated in the Code

Appendix C

Advisors

The names and contact details of Advisors who may be consulted can be found on the College Portal at:
<https://portal.trinity.edu.au/portal/emergency/advisors.php>

Other staff who may be particularly appropriate for students to contact include:

- Ms Emily Dawson (College Nurse)
- Dr Peter Campbell (Registrar)
- The Revd Marilyn Hope (Honorary Chaplain to the Theological School)

Appendix D

TCTS Additional Guidelines

Any student who is enrolled in a unit or course of study through the University of Divinity is also subject to the policy on

- Academic Misconduct <http://www.divinity.edu.au/documents/academic-misconduct-policy/> and the

- Statement on Rights, Responsibilities and Conduct <http://www.divinity.edu.au/documents/statement-rights-responsibilities-conduct/>

The University has separate processes for investigation and action.

Candidates for ordained ministry are subject to the General Synod's

- Faithfulness in Service document. http://www.anglican.org.au/governance/commissions/pages/professional_standards.aspx