

Trinity College Student Code of Conduct – Residential College

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 40 members, which meets twice a year, and a Board which meets regularly. The Warden is the Chief Executive Officer of the College and works closely with the Senior Management Team.
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 all members of the Trinity 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.
3. The Trinity College Student Code of Conduct (the Code) is used instead of Intercollegiate policies dealing with misconduct.
4. The College has a Sexual Misconduct Policy that covers misconduct of a sexual nature. If a student 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.
5. 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 alleged 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.
6. 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 and workplace 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.
7. 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.
8. The College reserves the right to review and make changes to this Code from time to time.

Student Code of Conduct – Residential College

9. This Code applies to all members of the Trinity College Residential College student community, including their guests (see #[85] “Trinity College Guests”). There are Codes of Conduct and policies for students of the Pathways School and Theological School. This code does not apply to staff employed or retained by Trinity College, who are subject to a separate Staff Code of Conduct.
10. All students of the Residential College community, including non-residential members of the Residential College, or those attending short courses or other programs, on or off campus, must act in accordance with this Code. The Code expects the commitment of every student to advocate and practise respect for all people, regardless of sex, gender, race, religion, disability, marital status, sexual orientation, or any other attribute.
11. 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. Students 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.
12. Agreeing to abide by this Code is a requirement for students wishing to enter Trinity College and abiding by this Code is a requirement for a student’s continued membership of or place at the College. Students are expected to know and to adhere to this Code and other College policies.
13. Students 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) Be ethical and honest.

Respect for and responsibility to self

14. It is expected that students will always behave responsibly in looking after themselves. Individuals are responsible for their own conduct at all times. It is also expected that students will seek help if and when it is needed and will at all times apply themselves to their studies with dedication and vigour.

Respect and empathy for, and responsibility to others

15. Students must show respect, empathy and consideration for others, so that all members of the College can live, study, and work in harmony, and so that community members of every background feel respected, safe, and included. Trinity College students should permit others to live, work, and study in a safe, respectful environment and are entitled to expect such an environment for themselves.
16. Students should be aware that members of staff, including resident and non-resident (academic) tutors, are in a position of authority over students, and therefore relationships of a sexual or otherwise intimate nature between staff and students are never acceptable in any circumstances.
17. Students must not act improperly towards staff, students or visitors. Improper conduct includes Discrimination (see definition at paragraph 76) Bullying (see definition at paragraph 72), Harassment (sexual or otherwise) (see definitions at paragraph 77 and 84), Vilification (see definition at paragraph 88),

Victimisation (see definition at paragraph 87), inappropriate touching, Sexual assault including rape (see definition at paragraph 83) and any conduct which could cause injury or harm (including psychological harm). The College has a Sexual Misconduct Policy that covers misconduct of a sexual nature. The College has no tolerance (sometimes referred to as “zero tolerance”) for Sexual misconduct, including Sexual assault and rape.

18. 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 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 statements in social 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

19. a) Trinity College students must behave with personal integrity and honesty, including in the reporting of alleged conduct breaches. 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 Warden.

Breaches of the Code

20. Trinity College students who are concerned about a possible breach of this Code, whether in respect of themselves or another student, may discuss their concerns with a member of the Residential College support staff.
21. The College treats all 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.
22. The following are examples of breaches of the Code, but are not exhaustive:
- i. spreading innuendo, gossip or rumour;
 - ii. displaying or forwarding pornography or other inappropriate material including on social media;
 - iii. bullying, verbal abuse or hazing;
 - iv. assault, whether sexual or physical, including inappropriate touching or rape;
 - v. urinating in a public place, or public nudity whether within or outside the College grounds;
 - vi. use or sale of illicit drugs;
 - vii. public drunkenness;

- viii. theft of or damage to property;
 - ix. use of information technology, including social media, in ways that contravene the regulations governing its use or that might cause harm to others;
 - x. use of cameras, including mobile phone cameras, in ways that violate the privacy of others;
 - xi. publication, whether in print or electronically, of documents or statements that are disparaging, disrespectful, misleading or untrue;
 - xii. engaging in inappropriate external employment or activities;
 - xiii. excessive and/or repeated disruption to the learning of others during educational activities conducted by the College.
 - xiv. Stalking, whether physical, psychological or electronic.
23. 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 complainant or reporter 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.
24. Serious misconduct is defined in paragraph 81 below. 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 Guidelines

- 25. 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.
- 26. 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.
- 27. In cases where information about potential serious breaches of the Code of Conduct comes to the attention of any member of staff, the staff member has a duty to promptly inform the Dean.
- 28. Processes will be undertaken and concluded as quickly as is reasonably possible. The College will use its 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.
- 29. 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 may seek input 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.

30. The procedures in this document do not derogate from the normal disciplinary powers and responsibilities of relevant staff members in respect of students, which may still be exercised as appropriate.
31. The usual 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. These steps constitute a guide regarding the usual process adopted by the College and the College is not bound to apply the process in every case or in every respect.
32. 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 of the College. 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 confidentiality. Failure to maintain and respect confidentiality when directed to do so may itself be considered a breach of this Code. The College's actions to maintain the privacy and confidentiality of the report in no way is intended to prevent either the complainant or respondent seeking other advice, support or guidance.
33. The College may report allegations of serious breaches of the Code, or results of investigations into breaches of the Code, to such external institutions and organisations as it deems appropriate, such as the University of Melbourne, University of Divinity, Victoria Police, or boards and regulatory agencies of the professions.

Complaint-based, or individual-initiated, processes

34. An individual wishing to report a potential breach of the Code suffered by themselves (Complainant) or an individual wishing to report a potential breach of the Code where the person making the report is a third party (Reporter) should seek advice from a trained member of the Residential support staff. Names and contact details of trained staff 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 or Victoria Police.
 - a) **Step 1: Speak with a trained Residential College support staff member.**
 - b) **Step 2: Decide, with the assistance of your support staff member, 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 your support staff member 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 an individual can use the steps that follow to resolve the matter. The conduct may be a breach of the Sexual Misconduct Policy in which case the Sexual Misconduct Policy will apply.

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

If you wish to make a complaint, you can do so verbally or in writing. A Residential College support staff member can assist you with preparing this submission. The complaint must identify those who are alleged have breached the Code (the Respondent) 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 Dean, Associate Dean, Student Services or designee.

- 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 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 (see paragraph 38).

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 parties. Breaches of an agreement reached via conciliation may result in additional action consistent with these procedures. Any conciliation agreement should be recorded in writing for future reference.

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 Dean of the Residential College and to the Warden. The outcome will be kept confidential by the Dean and the Warden, 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.

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.**

The College will decide whether a complaint will be investigated. The College 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 or not there has been a complaint.

35. 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.
36. If the College elects to investigate a matter, it will usually notify the students involved of the nature of the allegation being investigated. However, a failure to notify any student involved does not impugn the allegation, investigation, or findings.
37. 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 the reporter do not request an investigation, then the College may itself still decide to investigate the allegations.

38. 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.
39. 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.
40. 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 student from classes, activities or College premises. Interim action may be taken at any stage, including if conciliation is scheduled or in process. A student 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

41. The Dean or designee will make a decision 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.
42. If an investigator has been appointed the Dean or designee will not make its decision until they have received the investigator's report, or the investigator indicates that he or she will either not provide a report or will not be able to provide a report within a reasonable time frame.
43. The Dean or designee may inform themselves in any way they see fit and are not limited to considering the matters contained in the investigation report.
44. The decision of the Dean or designee must not be arbitrary, capricious 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.
45. The Dean or designee 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 the residential College, and termination of membership of Trinity College.

Review of Decision

46. A Respondent or Complainant is entitled to seek review by the Warden of the decision if they consider such decision was arbitrary, capricious, or unreasonable,

if the investigation process was seriously flawed, or if there is substantive new evidence.

47. An application for review is made by the Respondent or Complainant making a written request within ten working days of being notified of the decision to the Warden to review the decision.
48. The request must set out the basis on which the Respondent or Complainant seeks review of the decision with sufficient particularity.
49. The Warden shall make his or her 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.
50. The Warden shall not, unless they consider it necessary, undertake further investigation, take further evidence, hold any hearings, or request any submissions.
51. The Warden may:
 - a) Affirm the original decision;
 - b) Set aside the original decision in whole or in part; or
 - c) Modify the original decision.
52. The Warden will advise the Respondent in writing of their decision and findings but is not required to provide reasons.
53. The Warden 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 Warden.

Trinity College Residential Support Staff

54. The role of the Residential College support staff is to listen, and to inform the individual of their options for dealing with concerns about possible breaches of the Code. Residential College support staff have received training in respect of 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 a staff member does not mean that a complaint is being made however, the staff member may take action on the allegations if the staff member considers that there is an immediate significant risk to the health or wellbeing of students or staff.
55. Students must be aware, however, that where the information they give a staff member suggests the possible breach may involve serious misconduct, the staff member must bring the matter to the attention of the Dean, Associate Dean, Student Services or designee.
56. The Residential College support staff will indicate if, for any reason, they are unable to provide appropriate assistance, such as having a conflict of interest. A list of Residential College support staff is available on the Trinity Portal.
57. In cases where there is a conflict of interest for a staff member, or if a student requests this, External Advisors can be contacted to assist students with information and support.

58. The Dean or designee manages arrangements for contacting External Advisors.

Community mechanisms for complaint, information and support

Equal Opportunity Commission of Victoria

<http://www.equalopportunitycommission.vic.gov.au> Phone 1-300 292 153

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 Investigation Team. Phone: (03) 8690 4056

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/>

University of Melbourne Student Union Legal Aid office

<https://umsu.unimelb.edu.au/support/legal/>

Role of staff in respect of the Student Code of Conduct

The Warden

59. The Warden is responsible for the good governance 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.
60. Where a complaint has been addressed to the Warden, she/he will usually direct the matter to the Dean to be dealt with under the processes set out in this Code.
61. Where the Warden becomes aware of a complaint that may be referred to legal counsel or Victoria Police, she/he will inform the Chair of the Board. The Warden will retain executive responsibility for the processing of the complaint.

Dean

62. The Dean will have responsibility for responding to all matters relating to possible breaches of the Code as set out in this document. The Dean, or designee, is also available to the Residential College support staff in respect to advice and support. The Dean may also appoint a member of the Senior Staff to act as her/his designee.

Residential College support staff

63. Residential College support staff 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 a staff member does not mean that a complaint is being made. Support staff can advise students on how to lodge a complaint. Students must remember, however, that where a staff member believes there has been a possible breach of the Code which could amount to serious misconduct as defined in this Code, the staff member is obliged to bring

the matter to the attention of Dean or designee.

64. Support staff must indicate to students if, for any reason, they are unable to provide appropriate assistance or unconflicted advice, including in circumstances where the staff member 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

65. In cases where there is a conflict of interest for a staff member, or if a student requests this, External Advisors can be contacted to assist students with information and support.
66. The Dean or designee manages arrangements for contacting External Advisors. The Dean or designee will also liaise with Residential College support staff in their capacity as External Conciliators when appropriate.

Other staff members

67. All members of staff have a responsibility to report serious breaches of the Student Code of Conduct. However, if students wish to discuss possible breaches of this Code, they should do so either with a Residential College support staff member, or with the Dean.

Other students

68. As outlined in the Code, students concerned about possible breaches of the Code of Conduct are expected to discuss their concerns with Residential College support staff.
69. Students are encouraged to seek the advice of a Residential College support staff member 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 staff member if this is helpful to the individuals concerned, or where more than one person has been affected by a possible breach of the Code.
70. Students are to be aware of the need to maintain confidentiality and are strongly advised not to discuss such matters with other students, or with staff other than those indicated in the Code.

Definitions

71. A “**designee**” will be a member of the College staff or of the Trinity College Board.
72. “**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 rumors, stalking, and taking advantage of having power over someone.
73. “**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.

74. **“Complaint”** means a written complaint about a possible breach of the Code or a verbal complaint made to a designated officer of the College in the presence of another member of staff of the College. The College at its own initiative may commence a complaint process where it considers that the gravity of the allegations warrants such a step.
75. **“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”.
76. **“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 (e.g. sex, gender, race, disability, age, physical characteristics, religious belief, sexual orientation, political opinion).
77. **“Harassment”** occurs when someone is made to feel intimidated, insulted or humiliated, in circumstances where it was reasonable to expect that the behavior 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.
78. **“Non-resident students”** means current students of the College who are not in residence, which can include students currently enrolled in the College’s Non-Resident program, students currently enrolled in short courses and programs, or external members of the Choir, Trinity Tiger Tones, Candy Stripes or other groups with ties to the College.
79. **“Residential student”** means students who are in residence in the College.
80. **“Respondent”** is the person responding to an allegation that they have breached the Code.
81. **“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 student 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.
82. **“Sexual Misconduct”** is a term that encompasses conduct or behaviour of a sexual nature that occurs when there is an absence of consent. It includes sexual harassment and sexual assault. It is sexual behaviour or conduct that makes the recipient feel uncomfortable, harassed, afraid, or unsafe.
83. **“Sexual assault”** occurs along a continuum of violent behaviour which includes: any uninvited sexual behaviour which makes the recipient feel uncomfortable, harassed or afraid; unwanted touching or remarks; sexual harassment; coerced

sexual activity; and rape with or without physical violence and threats to life. It is sexual activity to which a person does not consent. The use of emotional or physical violence to force another person to engage in sexual activity may constitute sexual assault.

84. **“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.
85. **“Trinity College community”** means current, enrolled residential and non-residential students, alumni engaged in activities that involve current students of Trinity College. Included are non-resident and alumni members of the Choir, Trinity Tiger Tones, Candy Stripes and other such groups.
86. **“Trinity 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 who are less than 18 years of age.
87. **“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 or where they have supported the complainant or participated in the complaint process e.g. by providing evidence of misconduct.
88. **“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.