

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 40 members, which meets twice a year, and a Board with 12 members, which meets monthly. The Warden is the Chief Executive Officer of the College and works closely with the Senior Management Team comprising the Dean of the College, the Dean of the Trinity College Theological School, the Dean of the Pathways School, the Director of Advancement, the Chief Financial Officer, the Director of Human Resources, and the Director of Major Projects.
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 the Intercollegiate Policy on Discrimination, Sexual Harassment and Bullying Policy and Procedures
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 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.
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 review and 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 students of the Trinity College community, whether they are enrolled as resident or non-resident students, or 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 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. 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.
11. Agreeing to abide by this Code of Conduct 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.
12. **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;**
 - c) **and Ethical and honest behaviour.**

Respect for and responsibility to self

13. It is expected that students will always behave responsibly in looking after themselves. They are responsible for their own conduct at all times. It is also expected that they will seek help if and when it is needed, and will at all times apply themselves to their studies with dedication and vigour. They are expected to know and to adhere to this Code and other College policies, particularly in respect to all forms of harassment.

Respect and empathy for, and responsibility to others

14. 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, work, 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 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.

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 in 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 Warden.

Breaches of the Code

19. Trinity College 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.
20. 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.
21. Examples of possible breaches of the Code include:
1. spreading innuendo, gossip, or rumour;
 2. displaying or forwarding pornography;
 3. bullying and verbal abuse;
 4. assault, whether sexual or physical
 5. urinating in a public place, or public nudity whether within or outside the College grounds;
 6. use or sale of illicit drugs;
 7. public drunkenness;
 8. theft of or damage to property;
 9. use of information technology in ways that contravene the regulations governing it;
 10. use of cameras, including mobile phone cameras, in ways that violate the privacy of others;

11. publication, whether in print or electronically, of documents or statements that are
disparaging, disrespectful misleading or untrue;
 12. engaging in inappropriate external employment or activities;
 13. 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 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.
23. Serious misconduct is defined in paragraph 69 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

24. 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, 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.
26. 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.
27. Allegations of conduct which may amount to a breach of criminal law will ordinarily be reported to the police by the College.
28. 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.
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 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.

30. 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.
31. 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.
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 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

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.**
- 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. 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.

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

34. 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 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.
37. 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.
38. 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

39. 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.

40. 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

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 a 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. A list of staff who serve as Advisors is available on the Trinity Portal.
44. 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.
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:
 - *Dean of the 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

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, 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.
48. 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

49. 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

50. 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.
51. 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

52. 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.
53. 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

54. 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.

Other staff members

55. 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

56. As outlined in the Code students concerned about possible breaches of the Code of Conduct are expected to discuss their concerns with an Advisor.
57. 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.
58. Students are strongly advised not to discuss such matters with other students, or with staff other than those indicated in the Code.

Definitions

59. The “**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.
60. A “**designee**” will be 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.
61. “**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 (like 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.
62. “**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.

63. "**Complaint**" means a written complaint about a possible breach of the Code.
64. "**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).
65. "**Foundation Studies students**" means students currently enrolled in Trinity College Foundation Studies. All Foundation Studies students are also "non-resident students" of the College.
66. "**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.
67. "**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.
68. "**Residential student**" means currently enrolled students who are in residence in the College.
69. "**Serious misconduct**" is conduct which involves sexual assault, physical violence, blackmail, victimisation, 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.
70. "**Theological students**" means students currently enrolled in the Trinity College Theological School.
71. "**Trinity College student community**" means current, enrolled students of Trinity College, whether resident or non resident and includes Foundation Studies and Theological School students.
72. "**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.
73. "**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.