

ANUSA Clubs Code of Conduct

Purpose

The purpose of the Code of Conduct is to foster safety and well-being in club spaces and appropriate stewardship of clubs.

Scope

This Code of Conduct applies to and is binding for all clubs affiliated or seeking affiliation with ANUSA, and to officers and members of such clubs. It applies in relation to conduct within club spaces, at club events and activities and in relation to any other conduct between members of a club or between members of a club and officers of the club. ANUSA and clubs have a positive obligation to eliminate discrimination, sexual harassment and vilification in all our spaces.

Key Definitions

“**ANUSA**” means the ANU Students’ Association Incorporated.

“**Club spaces**” include physical and online or digital spaces or communication facilities used by club members and any club event or activity however held, and to individual contact between club members where there is a connection with the club.

“**prohibited conduct**” means racist, sexist, homophobic, transphobic or other discriminatory conduct or speech and includes:

- a) promotion or advocacy of racist, sexist, homophobic or transphobic or discriminatory ideas
- b) advocating changing law or government or university policy to enable such prohibited conduct;
- c) permitting or failing to prevent the use of club spaces or communications for advocacy, ideas or conduct described in paragraphs (a) and (b);
- d) providing a platform in any club space to an individual or group to engage in such conduct or speech; or
- e) failure of the club to respond adequately to an allegation or incident of such conduct or speech related to the club or directed to any member or person present in a club space.

A reference to racist, sexist, homophobic, transphobic or other discriminatory conduct includes conduct or speech that:

- (f) is harmful or derogatory in relation to group having protected attribute; or
- (g) that would be of a defamatory nature if it were directed against an individual instead of a group having a protected attribute, or
- (h) which advocates the superiority or preferencing of or the exclusion or segregation of a group possessing a protected attribute,

but does not include criticism of or protest against a government, commercial or non-commercial entity which may have an association with a group possessing a protected attribute if that criticism or protest has a reasonable basis.

A club shall not be considered to engage in prohibited conduct merely because it is established or conducted to foster cultural, linguistic or social activities associated with a particular ethnic, cultural, national, social or other group sharing a protected attribute, as long as the club's membership and activities are open to all students without discrimination.

“Protected Attribute” means the attributes listed at section 7 of the Discrimination Act 1991 (ACT) as amended from time to time. These attributes include accommodation status, age, association (whether as a relative or otherwise) with a person who is identified by reference to another protected attribute, breastfeeding, disability, employment status, gender identity, genetic information, immigration status, industrial activity, irrelevant criminal record, parent, family, carer or kinship responsibilities, physical features, political conviction, pregnancy, profession, trade, occupation or calling, race, record of a person's sex having been altered under the Births, Deaths and Marriages Registration Act 1997 or a law of another jurisdiction that corresponds, or substantially, corresponds, to the Act, section 26 (alteration of register), relationship status, religious conviction, sex, sex characteristics, sexuality, subjection to domestic or family violence.

“SSAF” means Students Services Amenities Fee governed by Higher Education Legislation Amendment (Student Services and Amenities) Act 2011.

Policy Statement

The Code does not address all possible situations but is a set of principles that provide guidance on required standards of behaviour within club spaces.

This Code stands beside and does not replace the rights and obligations under law. This Code is not intended to and does not exclude the ANU discipline rule, where applicable.

Code of Conduct

Obligations of Officers

In relation to a club, all officers of a club, must:

- behave honestly and with integrity in connection with their role;
- act with care and diligence in connection with their role and in management of the affairs, resources and records of the club;
- not improperly use their position, resources of the club or information obtained in a club role for the benefit of

- themselves or any other person or entity or to harm any person or entity;
- not to act unlawfully in connection with their role;
 - not to breach the appropriate protection of confidential or personal information;
 - take reasonable steps to disclose and appropriately deal with any actual or perceived conflict of interest;
 - not participate or be present during any decision in which the officer has a material personal interest;
 - ensure the club keeps appropriate financial and other records and that these records are passed on to incoming executives;
 - ensure that club members are provided with prominent reminders of standards of behaviour expected under this Code and by the club;
 - Take reasonable steps to ensure that any club spaces are free of risk to health and safety to members of a club;
 - Take reasonable positive steps from time to time to foster a club environment free of discrimination, sexual harassment or vilification in consultation with members of the club
 - not engage in or permit any club space to be used for prohibited conduct
 - Ensure that all expenditure of SSAF monies is compliant with SSAF legislation

Obligations of Student Members and others

In relation to a club, all members of a club and anyone in a club space must:

- treat everyone with which they engage in connection with the club with courtesy and respect;
- not engage in conduct that another person would reasonably find offensive, intimidating, humiliating or harassing;
- not engage in sexual harassment or sexual violence;
- not engage in illegal conduct in connection with the club or in relation to any person;
- not discriminate against any person;
- not otherwise engage in prohibited conduct.

Non-Students and Non-Members

Any individual who enters or engages in a club space who is not a student or not a member of a club has the same obligations under this code as a student member of the club.

Club Mechanisms for Dealing with Misconduct

A club must have a transparent process easily accessible to its members and non-members for making a complaint related to the club (including allegations of misconduct).

Dealing with issues regarding the Code of Conduct

1: In some non-serious and isolated instances, it may be appropriate to seek to resolve an issue locally (e.g. by warning, counselling, apology or similar response). More serious matters may require action such as expulsion from the club, other disciplinary action allowed for in club rules or referral of the issue to appropriately resourced bodies as discussed below.

2: Where a breach of this Code is alleged the Club should initially determine the best course of action to investigate and deal with any alleged violation of this Code.

3: Where a club is dealing with an alleged instance of misconduct, it must ensure that any person alleged to have engaged in misconduct is provided with:

- sufficient information as to the nature of allegations against them; and
- a reasonable opportunity to respond to those allegations (for example in writing)

The club should ensure that any decision making about the allegations is undertaken by decision makers who are unbiased.

Examples of bias: bias can arise where a decision maker is personally affected, has a close personal relationship with the complainant or the person affected or has had previous dispute with one of the parties

4: Subject to item 5, below, the club must deal with any allegations confidentially, only disclosing personal information where reasonably necessary for the purposes of handling the allegations and dealing with potential breach of this Code.

5: Where an allegation of breach of this Code is received by the club, the club must provide a confidential report to ANUSA of the complaint and the action taken by the club to deal with the allegation.

Record keeping

Clubs must ensure records are kept of all allegations of breach of this Code and action taken by the Club in response to the alleged breach.

Referral to Police or ANU

Where an issue may involve criminal conduct or serious breach of the ANU Discipline Rule, the Club may refer the matter to police (in consultation with the victim of any alleged crime) or to the ANU, as appropriate.

Seeking Advice and Support from the ANUSA Clubs Officer

If a club is uncertain how to proceed with allegations it has received it may seek advice and support from the ANUSA Clubs Officer. This does not relieve the club of responsibility for appropriately dealing with any allegations it receives.

Failure to Deal with a Breach

If a club fails to deal appropriately with an alleged breach of this Code, it may be subject to disciplinary action in accordance with the ANUSA Clubs Regulations.

Appeal to ANUSA

A person dissatisfied with a club's handling of a complaint or allegation under this Code of Conduct may raise the matter with the ANUSA Clubs Officer. While the club will remain responsible for dealing with the matter, it must cooperate with the Clubs Officer and provide any information the Clubs Officer requests. Failure by a Club to implement an outcome or action recommended by the Clubs Officer may provide a basis for disciplining of the Club in accordance with the Clubs Regulations. If the Club's constitution provides for appeal to the ANUSA Clubs Officer, the Clubs Officer may deal with the matter as an appeal.

Inconsistency with Regulations

In the case of any inconsistency between this policy and the ANUSA Regulations or the ANUSA Constitution, the latter shall prevail.