

## ACTIVATEUTS

### CODE OF CONDUCT FOR AFFILIATED CLUBS

Clubs must read and sign code of conduct during the relevant affiliation period.

#### DEFINITIONS

Within this document:

*ActivateUTS* is ActivateUTS (formally UTS Union Ltd).

*Board* is the Board of ActivateUTS.

*Chair* is the Chair of the ActivateUTS Board.

*Club* is any ActivateUTS Affiliated Club.

*Club Constitution* is the Constitution established for any affiliated club of the ActivateUTS.

*Code* is the Code of Conduct for Affiliated Clubs

*Conflict of Interest* means a conflict of interest as commonly understood and may arise where a Club member engages in activities or advances or inhibits personal interests at the expense of the Club's, ActivateUTS' or University's interests or the interests of their members.

Conflicts of interest may include, but are not limited to, the following:

- (a) Financial interests - An example of a financial conflict of interest which may arise is where a Club member who has a financial interest in a company is in a position to influence contracts for business between that company and the Club, ActivateUTS or the University;
- (b) Personal interests - Club members are expected not to use or manipulate any official position in order to gain personal benefit. For example, directing the Club's business to an organisation in which one or more Club members have an interest;
- (c) Personal and family relationships between members - Situations may well occur where members are working with family members or with persons with whom they develop close relationships (of hostility as well as friendship). Where such relationships exist between members or with prospective members they may have the potential to create a conflict of interest.

*Disciplinary Sub-Committee* is a sub-committee of the Board of ActivateUTS, whose members are determined from time to time by the Board of ActivateUTS. The sub-committee has the delegated authority of the Board of ActivateUTS to investigate and determine outcomes for alleged breaches of the rules contained in the ActivateUTS Clubs Code of Conduct

*Handbook* is the Sporting or Social Clubs' Handbook for clubs and societies at UTS as published by ActivateUTS from time to time.

*University* is the University of Technology, Sydney.

*UTS Union Constitution* is the constitutional document governing ActivateUTS

#### BACKGROUND

Under the UTS Union Constitution a key objective is “to assist and subsidise affiliated clubs and societies”. ActivateUTS supports social, cultural, sporting and recreational clubs for a number of purposes:

- To encourage student life on campus.
- To support students’ engagement with the University.
- To provide social networks.
- To promote cultural, artistic, sporting and recreational activities, events and competitions.

To provide students with opportunities to develop a range of co-curricular skills and attributes such as leadership, event coordination, team work, presentation and communication skills, cultural sensitivity, and health and wellbeing.

Within the UTS community, ActivateUTS’ support of clubs is designed to encourage positive attributes such as responsibility, safety of club members and guests at various events, respect for others and respect for cultural diversity.

This document is a code of conduct that outlines the appropriate behaviours of individuals involved in affiliated clubs of ActivateUTS. The Code does not seek to address all possible issues which the Club or its members may face. The successful development of a constructive environment relies on members taking responsibility for their own behaviour, which in turn needs to take into consideration the provisions of the Code, policies and codes of conduct and the Rules of the University and advice of the leadership of ActivateUTS. Members should be guided in their conduct by the principles established by the Code.

### **EXPECTED BEHAVIOUR**

Clubs and societies should operate according to democratic principles, with overall decision making power resting with the Club or Society’s membership. In particular, decisions over the use of funds, the membership fee, the election of office bearers and the program of events should be made democratically by the members and in accordance with the Club Constitution, the ActivateUTS Constitution and the Handbook.

The communication of ideas, opinions and beliefs is a fundamental aim of ActivateUTS’ support for affiliated clubs and societies. Clubs and societies should take all reasonable steps to communicate with their members regularly, preferably using a range of media. Respect for the right to freedom of speech of both Club members and those of other Clubs, is vital to achieving this aim and fostering an open community on campus. Freedom of speech should not be used to defame, vilify or incite violence against individuals or groups, or to bring UTS and/or ActivateUTS into disrepute.

ActivateUTS has a responsibility to ensure that its clubs operate accountably, safely, legally and ethically. To receive the benefits that affiliation affords, Clubs must adhere to this Code. Behaviour or conduct which is not consistent with the Code is unacceptable and will not be tolerated by ActivateUTS. In particular, Clubs and their members are expected to:

- (a) comply with legal or other administrative requirements, and lawful and reasonable directions given by persons in authority;
- (b) exercise their judgment in the interests of ActivateUTS and the University, as well as the Club;
- (c) make decisions fairly and without bias using the best information available;

- (d) maintain adequate documentation to support decisions made;
- (e) respect the dignity of the public, students and other members by treating them with courtesy, honesty and sensitivity to their rights, including privacy and confidentiality;
- (f) comply with any and all conditions of access to the University's communication facilities, including security of confidential or official information for which the Club or its members are responsible;
- (g) act responsibly when becoming aware of any unethical behaviour or wrong doing; engage to the best of your ability to protect the health and wellbeing of your co-club member.
- (h) treat others fairly and with respect, and not harass, victimise or discriminate against members, students or others in the course of the Clubs activities on the grounds of sex (including pregnancy), sexuality (including transgender status) gender, race, colour, ethnic or ethno-religious background, descent or national identity, marital status, disability, age, political conviction or religious belief, carers' responsibilities or other grounds covered by antidiscrimination or other relevant legislation;
- (i) follow processes which ensure that Clubs or their members do not and are not seen to have conflicts of interest, including engaging in activities which advance or inhibit personal interests at the expense of the Club, ActivateUTS or the University's interests or the interests of members of those institutions.
- (j) understand and comply with the laws of consent.

Additionally, all affiliated Clubs are subject to, and must adhere to, all relevant official University of Technology, Sydney policies, Rules and codes. These documents are available at:

<http://www.gsu.uts.edu.au/policies/index.html>

## **UNACCEPTABLE BEHAVIOUR**

Reports or complaints of unacceptable behaviour will be taken seriously by ActivateUTS and handled in a confidential, impartial and fair manner, taking into account the principles of procedural fairness. ActivateUTS is obliged to take action when it becomes aware of unacceptable behaviour which may have an adverse affect on the wellbeing of Club members, ActivateUTS or the University.

Unacceptable behaviour is that which is inconsistent with the expected behaviour described above and the stated purposes of ActivateUTS' support of clubs. Differing social and cultural standards may mean that behaviour that is acceptable to some may be perceived as unacceptable or unreasonable to others. In determining whether behaviour is unacceptable or unreasonable, consideration will be given to what a "reasonable person" would judge to be unacceptable or unreasonable having regards to the circumstances. The information below provides further guidance on what is unacceptable behaviour within or from ActivateUTS clubs.

### **Examples of Unacceptable Behaviour**

Behaviour which would be considered unacceptable within or from ActivateUTS Clubs includes (but is not limited to) the following:

- Acting in any manner that brings UTS and/or ActivateUTS into disrepute.
- Aggressive or abusive behaviour such as verbal abuse, threatening gestures or actual violence or assault.

- Bullying, harassment, intimidation or stalking.
- Abusive or harassing notes, emails, telephone calls, text messages, etc.
- Unwelcome physical contact including that of a sexual, intimate or threatening nature.
- Teasing, name calling or ridicule or making someone the brunt of pranks or practical jokes, excluding or isolating individuals or malicious or mischievous gossip or compliant.
- Withholding approval for or denial of requests maliciously, discriminatorily, unfairly or without basis.
- Belittling opinions or unreasonable and unconstructive criticism.
- Stealing or misuse of the resources of the Club, ActivateUTS or University, or failing to ensure that resources of the Club, University or ActivateUTS (ie materials, funds, personnel, equipment, plant, facilities, electronic communications, Club, ActivateUTS or University logo and letterhead etc) are used efficiently, carefully, lawfully and honestly.
- Having (or being seen to have) a Conflict of Interest.
- Involvement with any reprisal made against any person who has made any disclosures under the Protected Disclosures Act, 1994 or other complaint.
- Making public comments (either verbal or written) in a private capacity which are attributed as official comment of the University, ActivateUTS or the Club, or using official Club, University or ActivateUTS stationery for private correspondence or for purposes not related to official duties.
- Unless permission has been granted, using University, ActivateUTS or Club resources for private purposes.
- Soliciting or giving gifts, benefits or additional monies where a gift could be seen by others as an inducement in situations which could place a Club member under an obligation. Gifts of more than a nominal value and benefits or other inducements offered or received by members should be recorded in a register and open for inspection to all Club members, the Board of ActivateUTS and the Registrar of the University.
- Failing to comply with the Club's Constitution, the ActivateUTS Constitution or the Handbook.
- Failing to comply with reasonable directions from ActivateUTS.

Any ActivateUTS Club or representative of that Club that is found to be involved in the above types of behaviour shall be deemed to be in breach of the ActivateUTS Code of Conduct for Affiliated Clubs.

### **DISCIPLINARY PROCEDURES**

Disciplining of a Club can occur where the CEO or disciplinary sub-committee is of the reasonable opinion that a Club or its members:

- (a) Have refused or neglected to comply with a provision or provisions of the UTS and/or ActivateUTS policies; and/or
- (b) Have wilfully acted in a manner prejudicial to the interests of UTS and ActivateUTS.

(c) Have acted in a manner outlined as unacceptable behaviour in this Code of Conduct.

The CEO will in the first instance investigate any report or complaint of unacceptable behaviour. The CEO has the delegated authority to conduct an investigation and take action as required. Should the CEO deem necessary, they may from time to time convene a disciplinary sub-committee to further investigate. The sub-committee will have the delegated authority from the Board to conduct an investigation into the report or complaint of unacceptable behaviour. As part of any investigation into a report or complaint of unacceptable behaviour the club or member the subject of the investigation will be given an opportunity to respond to the allegation of unacceptable behaviour. To enable the club or member to respond to the allegation of unacceptable behaviour the club or member will be informed of the substance of the report or complaint of unacceptable behaviour that is being investigated.

If necessary the CEO or sub-committee may refer the report or complaint of unacceptable behaviour to the University. University procedures can be found at <http://www.gsu.uts.edu.au/policies/code-conduct.html>

If the CEO or sub-committee is of the reasonable opinion that a criminal act has occurred, they may refer the matter immediately to the University or relevant authority as may be required by law.

If the CEO or disciplinary sub-committee is of the reasonable opinion that a Club or its members have breached this Code of Conduct it may by resolution:

- (a) Expel the Club from affiliation with ActivateUTS;
- (b) Remove any or all of the office bearers of the Club and direct the Club to undertake elections for the vacant positions;
- (c) Remove funding support for the Club; and/or
- (d) Impose a penalty that the Board views as appropriate to the situation.

Consultation with the University in line with its rules and regulations with respect to Student Behaviour will be considered.

Where the sub-committee passes a resolution, the Chair of the sub-committee shall as soon as practicable, cause a notice in writing to be served on the Club:

- (a) Setting out the resolution of the sub-committee and the grounds on which it is based;
- (b) Stating that the Club may make a written submission or oral representations to the sub-committee at its next meeting, to be held no earlier than 14 days;
- (c) Stating the date, place and time of that meeting; and
- (d) Informing the Club that they may do either or both of the following:
  - (i) Have a Club representative attend and speak at the meeting; and/or
  - (ii) Submit to the sub-committee at least three days prior to the date of that meeting written representations relating to the resolution.

If the sub-committee deems the club or one of its members has behaved inappropriately but the Club/a Club Member disagrees the sub-committee shall:

- (a) Give to the Club Representative an opportunity to make an oral representation at a sub-committee meeting;
- (b) Give due consideration to any written representations submitted to the sub-committee by the Club prior to the meeting; and
- (c) By resolution determine whether to confirm or to rescind the initial resolution. Such final resolution shall be binding on the Club and its members.

Where the sub-committee confirms a resolution the Chair shall, within seven days after that confirmation, by notice in writing inform the Club of the fact.

***This document has been drafted by Elizabeth Brett, CEO ActivateUTS and approved by the ActivateUTS Risk and Audit Committee in April 2015.***