

UTS UNION LTD
DRAFT CODE OF CONDUCT FOR AFFILIATED CLUBS

DEFINITIONS

Within this document:

Board is the Board of UTS Union Ltd.

Chair is the Chair of the Union Board.

Club is any UTS Union Affiliated Club.

Club Constitution is the Constitution established for any affiliated club of the Union.

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, Union's 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, the Union 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.

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

Union is UTS Union Ltd.

Union Constitution is the UTS Union Limited Constitution.

University is the University of Technology, Sydney.

BACKGROUND

Under the Union's Constitution a key objective is "to assist and subsidise affiliated clubs and societies". The Union 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, the Union's 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.

The Code is provided as a set of general principles rather than detailed rules. 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 the Union. 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 Union Constitution and the Handbook.

The communication of ideas, opinions and beliefs is a fundamental aim of the Union's 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 the Union into disrepute.

The Union 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 the Union. 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 the Union 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;
- (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, the Union or the University's interests or the interests of members of those institutions.

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

Unacceptable behaviour is that which is inconsistent with the expected behaviour described above and the stated purposes of the Union's 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 Union clubs.

Examples of Unacceptable Behaviour

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

- Acting in any manner that brings UTS and/or the Union 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, Union or University, or failing to ensure that resources of the Club, University or Union (ie materials, funds, personnel, equipment, plant, facilities, electronic communications, Club, Union 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, the Union or the Club, or using

official Club, University or Union stationery for private correspondence or for purposes not related to official duties.

- Unless permission has been granted, using University, Union 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 the Union and the Registrar of the University.
- Failing to comply with the Club's Constitution, the Union Constitution or the Handbook.
- Failing to comply with reasonable directions from the Union.

Any UTS Union 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 UTS Union Code of Conduct for Affiliated Clubs.

DISCIPLINARY PROCEDURES

Disciplining of a Club can occur where the Board 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 UTS Union policies; and/or
- (b) Have wilfully acted in a manner prejudicial to the interests of UTS and the Union.
- (c) Have acted in a manner outlined as unacceptable behaviour in this Code of Conduct.

The Board will investigate any report or complaint of unacceptable behaviour before making any finding in relation to the report or complaint. The Board can delegate the task of investigating a report or complaint of unacceptable behaviour to the CEO. The Board or Delegate has the absolute discretion on how to conduct the 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 the investigation of the report or complaint of unacceptable behaviour is delegated to the CEO the CEO will provide a report of the investigation to the Board which will

include the CEO's findings in relation to the report or complaint of unacceptable behaviour that is the subject of the investigation.

If the Board 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 the Union;
- (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.

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

- (a) Setting out the resolution of the Board and the grounds on which it is based;
- (b) Stating that the Club may make a written submission or oral representations to the Board 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 Board at least three days prior to the date of that meeting written representations relating to the resolution.

At a meeting of the Board, the Board shall:

- (a) Give to the Club Representative an opportunity to make an oral representation;
- (b) Give due consideration to any written representations submitted to the Board 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 Board confirms a resolution the Chair shall, within seven days after that confirmation, by notice in writing inform the Club of the fact.