



## ALSA Bylaw 4 – Code of Conduct

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*Refer to appendix for amendments*

## **ALSA Bylaw 4 – Code of Conduct**

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### **1. Scope**

- 1.1. This Bylaw is intended to prevent misconduct in any form at ALSA Events, and through its operations.
- 1.2. Misconduct includes, but is not limited to, harassment, bullying and / or discrimination.
- 1.3. This Bylaw intends to govern any Conflicts of Interest which may arise during ALSA Events or Operations.
- 1.4. Nothing in this policy is intended to vary rights and responsibilities at law.
- 1.5. Nothing in this policy is intended to unreasonably restrict participation in, and the enjoyment of, ALSA Events that encourage the development of professional and / or personal relationships.

### **2. Operating Provisions**

- 2.1. This Bylaw is created under the power conferred upon the ALSA Executive under the ALSA Constitution.
- 2.2. This Bylaw operates subject to the ALSA Constitution.
- 2.3. Should a conflict arise between the content of this Bylaw and the ALSA Constitution, the ALSA Constitution will prevail.

### **3. General**

- 3.1. This Bylaw will be available to all participants at all ALSA Events.
- 3.2. Appointed representatives of Member Associations are responsible for making the members of their delegation to ALSA Events aware of their obligations under this policy.
  - 3.2.1. At the time of registration for an ALSA Event, the Appointed representative of a Member Association will confirm to the ALSA Executive, in a form dictated by the ALSA Executive, that their delegation is aware of the existence of this Bylaw and their obligations therein.
- 3.3. ‘ALSA Event’ encompasses all aspects of ALSA Conference, Council Meetings, Competitions and any other event organised by or on behalf of ALSA, either in person or online.
- 3.4. ‘ALSA Executive’, ‘Conference Convenor’ and ‘ALSA Committee’ are defined in the ALSA Constitution.
- 3.5. ‘Council Convenor’ is the Representative of the Member Association elected by Council to host Council. They will be recognised by the ALSA Executive.
- 3.6. ‘Participants’ include ALSA Executive, Committee and Sub-Committee Members, Council Delegates, Competitors and / or any person who attends or engages with an ALSA Event.

#### **4. Declaration of Position or Conflict of Interest**

- 4.1. All individuals up for nomination at Elections or who are eligible to be appointed to the Review Board pursuant to section 10 of this Bylaw are required to declare any current positions, if any, that they hold on a Member Association or Affiliate Organisation, and when their term ends.
  - 4.1.1. The ALSA Executive will make this information available to Council as soon as practicable.
- 4.2. If a current member of the ALSA Executive or Committee takes a position on a Member Association or Affiliate Organisation during the course of their term on ALSA, they must declare this to the ALSA Executive.
  - 4.2.1. The ALSA Executive will make this information available to Council as soon as practicable.
- 4.3. If a situation arises where a member of the ALSA Executive or Committee believes there is a Conflict of Interest in their position or responsibilities as a member of the ALSA Executive or Committee, and their position on a Member Association or Affiliate Organisation, the member must declare this Conflict of Interest to the ALSA Executive.
- 4.4. A Conflict will arise between a member of the Review Board and a complaint made against any person who:
  - 4.4.1. They have a close personal or professional relationship with;
  - 4.4.2. They have engaged in an intimate or sexual relationship with in the past 24 months;
  - 4.4.3. They are family members; or,
  - 4.4.4. Is a current student or alumni of their university of origin.
    - 4.4.4.1. The ALSA Executive must resolve the conflict as soon as practicable.

#### **5. Standard of Behaviour**

- 5.1. All participants shall conduct themselves in a manner consistent with professional standards and in accordance with sections 5-9 of this Bylaw.
- 5.2. All participants are entitled to enjoy the activities of ALSA Events without the undue interference of others.
- 5.3. All participants will ensure the name of ALSA is not brought into disrepute by their actions.
- 5.4. ALSA reserves the right to expel any participant who behaves in a manner inconsistent with sections 5-9 of this Bylaw.
  - 5.4.1. In the event that the participant expelled is a competitor, they will lose their right to compete. In the event they are a member of a team, the team will be disqualified if they do not have the requisite number of team members remaining.
- 5.5. All complaints or reports of misconduct pursuant to section 5 must be made to the Equity and Wellbeing Officer.

## **6. Professionalism and Ethics**

- 6.1. ALSA reserves the right to expel any participant who behaves in a manner inconsistent with Professional Standards and / or Ethics.
- 6.2. Behaviour includes, but is not limited to:
  - 6.2.1. Deliberately or recklessly causing damage to property;
  - 6.2.2. Theft;
  - 6.2.3. Violent behaviour;
  - 6.2.4. Offensive Behaviour;
  - 6.2.5. Excessive Alcohol Consumption, or consumption in a manner otherwise inconsistent with the Responsible Service of Alcohol obligations in the locality where the ALSA Event is taking place;
  - 6.2.6. Unjustifiable interference with the enjoyment of other participants;
  - 6.2.7. Unjustifiable disruption of an official ALSA Event;
  - 6.2.8. Failure to respect guests of ALSA;
  - 6.2.9. Use, possession, sale or distribution of or request for prohibited drugs and / or substances;
  - 6.2.10. Other behaviour determined by Council to be significant enough to merit referral to the Review Board.
- 6.3. A member of the ALSA Executive, Committee, Sub-Committee or Discipline and Grievance Committee who misrepresents the Organisation to its members, any external person or other Organisation, will be considered to have violated this section. Failure to satisfy the requirements of their role under the Constitution is subject to the Complaints Procedure in this Bylaw.
- 6.4. All complaints or reports of misconduct pursuant to section 5 must be made to the Equity and Wellbeing Officer.

## **7. Anti-Discrimination**

- 7.1. ALSA has a zero-tolerance policy for discrimination of any kind. ALSA values participants as unique individuals, and we welcome the experiences they bring to our community. ALSA will take all reasonable steps to prevent discrimination from occurring.
- 7.2. ALSA commits to the fair and equitable treatment of all participants regardless of any characteristic protected by law or convention. Every ALSA participant has the right to engage with ALSA Events where their knowledge, skills and abilities are factors in their success and contribution to our community.
- 7.3. Discrimination is defined as ‘being treated differently on the basis of a persons’ membership to a protected category’ as listed below.

- 7.4. ALSA does not discriminate against participants at ALSA Events and / or applicants for the ALSA Executive, Committee, or Sub-Committee positions on the basis of any of the following non-exhaustive factors:
- 7.4.1. Gender or Gender Identity;
  - 7.4.2. Race;
  - 7.4.3. Sexuality or Sexual Orientation;
  - 7.4.4. Disability;
  - 7.4.5. Age;
  - 7.4.6. Ethnic Background, Nationality or Citizenship;
  - 7.4.7. Marital status;
  - 7.4.8. Pregnancy;
  - 7.4.9. Socioeconomic Status;
  - 7.4.10. Religion;
  - 7.4.11. Political Beliefs; or,
  - 7.4.12. University of Origin.
- 7.5. All complaints or reports of misconduct pursuant to section 7 must be made to the Equity and Wellbeing Officer.
- 7.6. ALSA is a secular organisation. ALSA respects the rights of others to be able to attend and participate in ALSA Events and where possible, will take steps to ensure that ALSA Events do not fall on dates of religious significance. ALSA will consult an interfaith calendar of religions practiced in Australia prior to setting dates for ALSA Events. If a proposed date conflicts with a major religious holiday, ALSA will attempt to change the date of the ALSA Event so as to:
- 7.6.1. Not conflict with the religious holiday; or,
  - 7.6.2. Where possible, conflict to a lesser extent.
- 7.7. Where a conflict cannot be avoided, ALSA will notify Council and any other participants as soon as practicable.

## **8. Bullying and Harassment**

- 8.1. ALSA has a zero-tolerance policy for bullying and harassment of any kind. ALSA aims to create an environment free from bullying and harassment where all members are treated with courtesy and respect.
- 8.2. Bullying and Harassment is defined as repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards another person or group.
- 8.3. Bullying and Harassment can manifest in many ways, including but not limited to interactions both in person and online.
- 8.4. ‘One off’ incidents of social isolation, conflict, random acts of aggression/intimidation or abuse are not considered Bullying and Harassment for the purposes of this section.

- 8.5. All complaints or reports of misconduct pursuant to section 8 must be made to the Equity and Wellbeing Officer.

## **9. Sexual Harassment and Assault**

- 9.1. ALSA has a zero-tolerance policy for sexual harassment and / or assault. ALSA aims to create an environment free from sexual harassment and / or assault where all members are treated with courtesy and respect and where relationships can be built on mutual attraction, friendship and respect.
- 9.2. Sexual harassment and assault includes, but is not limited to:
- 9.2.1. Any unwelcome or non-consensual physical contact of a sexual nature;
  - 9.2.2. Making promises or threats in relation to sexual activity;
  - 9.2.3. Displaying sexually graphic material;
  - 9.2.4. Unsolicited photos, videos or statements which contain sexually graphic material of the sender and / or other people;
  - 9.2.5. Unwelcomed sexual gestures, statements or advances;
  - 9.2.6. Persistent requests for sex and / or intimate contact;
  - 9.2.7. Stalking; and,
  - 9.2.8. Sexually based insults or threats.
- 9.3. All complaints or reports of misconduct pursuant to section 9 must be made to the Equity and Wellbeing Officer.
- 9.4. Upon receipt of a complaint of sexual harassment or assault, the Review Board may, with the consent of the complainant:
- 9.4.1. Refer the matter to local law enforcement and / or authorities;
  - 9.4.2. Direct any offending material to be removed and / or deleted;
  - 9.4.3. Deny the respondent entry to ALSA Events;
  - 9.4.4. Expel the respondent from an ALSA Event;
  - 9.4.5. Request an apology be given to the complainant; or,
  - 9.4.6. Pursue any other action they deem appropriate.

## **10. The Review Board**

- 10.1. The Review Board shall, in the absence of a Conflict of Interest, consist of the following persons:
- 10.1.1. The ALSA President;
  - 10.1.2. The Vice President (Education);
  - 10.1.3. The Conference or Council Convenor;
  - 10.1.4. The Equity and Wellbeing Officer; and,
  - 10.1.5. A nominated member of the Discipline and Grievance Committee.

- 10.1.5.1. The composition of the Review Board is subject to sections 4.3, 4.4 and 11.3 of this Bylaw.
- 10.2. The Review Board shall deliberate on:
  - 10.2.1. Any matter concerning the behaviour of participants at an ALSA Event;
  - 10.2.2. Any matter referred by motion of the ALSA Council; and,
  - 10.2.3. Any matter raised by formal complaint in accordance with the Complaints and Reporting Procedure contained in section 11 of this Bylaw.
- 10.3. In interpreting a complaint and / or the nature of a participants' behaviour, the Review Board may have regard to whether the offending action(s) were committed:
  - 10.3.1. During an ALSA Event; or,
  - 10.3.2. While traveling to or from an ALSA Event; or,
  - 10.3.3. While representing ALSA.
- 10.4. The Review Board will consider the position of the participant. Specifically, whether the participant is:
  - 10.4.1. A member of the ALSA Executive, Committee or Council, as defined in the ALSA Constitution;
  - 10.4.2. A member of an ALSA Sub-Committee or the Discipline and Greivance Committee; or,
  - 10.4.3. A delegate at an ALSA Event who may not be the appointed Councillor or Competitor for their university of origin.
- 10.5. The Review Board shall convene:
  - 10.5.1. By motion of ALSA Council; or,
  - 10.5.2. At its own discretion upon receipt of a complaint by a participant or other person under this Bylaw.
- 10.6. The Review Board shall:
  - 10.6.1. Treat all complaints as strictly confidential;
  - 10.6.2. Conduct its proceedings in a fair and sensitive manner, in accordance with direction from local authorities or law enforcement, where appropriate;
  - 10.6.3. Handle all complaints in a timely fashion; and,
  - 10.6.4. Give reasons for their decision to the parties.

## **11. Complaints and Reporting Procedure**

- 11.1. Any member of the ALSA Executive, Committee, Council Member or Competitor may make a complaint against any participant of an ALSA Event acting in a matter inconsistent with sections 5-9 of this Bylaw.
- 11.2. Complaints made against a participant must be made in writing to the Equity and Wellbeing Officer, who will refer it to the Review Board immediately.

- 11.2.1. The ALSA Executive will ensure that their contact details as well as the Complaints and Reporting Procedure are available to all participants upon their arrival at an ALSA Event.
- 11.2.2. Should a complaint be lodged as a result of conduct during normal day-to-day operations, it may be filed via email to the Equity and **Wellbeing** Officer.
- 11.3. If a member of the Review Board, as listed in section 10.1, is the subject of a complaint, they will be conflicted out of the investigation. The ALSA Executive will appoint a proxy to act in their place.
- 11.4. Following a complaint, the Review Board must conduct an investigation and reach a decision.
  - 11.4.1. The Review Board must provide reasons for their decision;
  - 11.4.2. The respondent to a complaint has a Right to Appeal, pursuant to section 12 of this Bylaw, the decision of the Review Board to the Discipline and Grievance Committee within 24 hours of the decision.
  - 11.4.3. The Review Board has the power to expel or remove a participant from an ALSA Event.
- 11.5. No reimbursement or compensation of any kind will be paid or provided by ALSA or any affiliate member to any person or participant who is expelled or removed as a result of a violation of this Bylaw.
- 11.6. ALSA prohibits retaliation against any person or member association who files a complaint against behaviour contained in sections 5-9 of this Bylaw. We encourage any person or member association who believe a violation of sections 5-9 of this Bylaw has occurred, to lodge a complaint, in writing, to the Equity and **Wellbeing** Officer
- 11.7. ALSA will not penalise any person who does not report misconduct or who chooses not to file a complaint in accordance with this Bylaw.
- 11.8. Any person or participant who is the subject of a complaint, pursuant to this Bylaw, will be treated with respect. If the accusation is credible, the person may be prohibited from participating in or attending ALSA Events until the investigation is concluded.
- 11.9. If a complaint that is filed is made in bad faith, the Review Board may choose to penalise the complainant in accordance with this Bylaw.
- 11.10. All complaints will follow the Disciplinary Procedure contained the ALSA Constitution.

## **12. Right to Appeal**

- 12.1. A participant who is expelled or removed pursuant to this Bylaw shall have the Right to Appeal.
  - 12.1.1. Appeal must be filed within 24 hours of the decision of the Review Board, in writing, with the Discipline and Grievance Committee.
- 12.2. The member of the Discipline and Grievance Committee who is appointed to the Review Board shall be conflicted out of any appeal.



- 12.3. The appellant may address the Discipline and Grievance Committee at the discretion of the Chair.
- 12.4. Decisions of the Discipline and Grievance Committee are final.
- 12.5. All appeals will follow the Disciplinary Procedure contained in the ALSA Constitution.

## APPENDIX 1: Amendments

Amendment Date	Author / Amender	Substantive Explanation	Passed by Motion of Council
July-2016	Jacinta Kenward	First issued	
February 2018	Georgia Mullen	Change of appointment of Welfare Officer when there has been one appointed (4.1.1.3)	
July 2021	Alana Bonenfant	Full edit and Review Addition of reference to online and in person events; specific reference to conduct during Competitions added Change of structure of Appeal and Review Board More extensive explanation of misconduct to which this bylaw applies.	
October 2021	Theodore Totsis	Edit and review. Punctuation, spelling, grammar. Sections edited and reviewed for punctuation, spelling and grammar purposes include: 5.4, 7.4, 7.4.6, 8.2, 8.3, 10.1.5.1, 11.2.1, 11.6, 11.9. Addition of section 5.5. Amending of 'and/or' to 'and / or'. Correction of section 10 reference at section 10.2.3 to section 11.	Passed 4 December 2021 by a motion of Council