

Grievance Policy

Code of Conduct

UTS Law Students' Society

Issued by	Erika Serrano (President)
Version	1.0
Date	31 October 2022
Next review date	31 October 2023

Version History

Version	Issuer	Changes
1.0	Erika Serrano (President)	Policy issued

Document Control

Person	Role
President	Approver (Sign-off)
Secretary	Reviewer

Table of Contents

1	Introduction.....	4
1.1	Our commitment	4
1.2	Purpose.....	4
1.3	Who does this policy apply to?	4
1.4	Definitions	4
1.5	Relationship with other policies and regulations	4
1.6	Policy review	5
2	Guiding principles.....	5
2.1	Principles for managing grievances	5
3	Your complaint resolution options	5
3.1	Overview	5
3.2	Early resolution by approaching the other person	5
3.3	Seeking the support of a Councillor	6
3.4	Raising a grievance with a Grievance Officer	6
3.5	Referring the matter to ActivateUTS, the University or law enforcement agency.	6
4	Raising a grievance.....	6
4.1	About our grievance process.....	6
4.2	Who are the Grievance Officers?	7
4.3	Approaching a Grievance Officer	7
4.4	Investigating a grievance.....	8
4.5	Documenting a decision of the Grievance Officer following investigation.....	9
4.6	Examples of remedial action	9
4.7	Relevant factors when making a decision about remedial action.....	9
Appendix 1	UTS Law Students’ Society Code of Conduct	10
1	Code of Conduct	10
1.1	Our commitment	10
1.2	Policy rationale	10
1.3	Who is bound by the Code of Conduct?	10
1.4	Breaches of the Code of Conduct	10
1.5	General standards of behaviour	11
1.6	Bullying	11
1.7	Discrimination	12
1.8	Harassment.....	13
1.9	Sexual harassment.....	14
1.10	Drugs and intoxication.....	14
1.11	Conflicts of interest.....	15
2	Code of Conduct for the First Year Law Camp Leaders.....	17
Appendix 2	Related documents	18

1 Introduction

1.1 Our commitment

The UTS Law Students' Society (**UTS LSS, us, we, our**) is committed to:

- (a) the health, safety and wellbeing of our Members, Councillors, stakeholders, and attendees at our events and initiatives;
- (b) facilitating full and fair participation at our events and initiatives;
- (c) fostering a safe and inclusive environment for our Members, Councillors, stakeholders, and attendees at our events and initiatives; and
- (d) ensuring that everyone feels safe and comfortable, and is treated with respect and dignity, at all our events and initiatives.

1.2 Purpose

We acknowledge that your enjoyment and participation at our events and initiatives relies on you feeling safe, included and fairly treated. We also recognise that problems and situations can arise at our events and initiatives which may cause you to feel aggrieved. These problems can arise from the behaviour of other Members, Councillors, stakeholders or attendees, or as a result of our decisions.

This policy:

- (a) identifies our responsibilities in relation to complaints, grievances, and breaches of applicable rules, guidelines, or policies;
- (b) informs you about the process for raising a grievance and how we will deal with a grievance raised with us; and
- (c) sets out the standards of behaviour in a Code of Conduct that applies to all Members, Councillors, stakeholders and attendees at our events and initiatives.

1.3 Who does this policy apply to?

This policy applies to all UTS LSS Members, Councillors, stakeholders and those attending our events and initiatives (**you**).

1.4 Definitions

In this policy,

ActivateUTS means ActivateUTS (ABN 53 107 038 684), an associated entity of the Association.

Association means the UTS Law Students' Society.

Code of Conduct means Appendix 1 of this policy.

Council has the meaning given to it by the UTS LSS Constitution.

Council Member has the meaning given to it by the UTS LSS Constitution.

Councillor means a Council Member.

Grievance Officer means those persons holding the positions named in clause 4.2 of this policy.

Member means a member of the Association, within the meaning of section 5 of the UTS LSS Constitution.

University means the University of Technology Sydney (UTS).

1.5 Relationship with other policies and regulations

- (a) This policy is issued for the purposes of section 14.2 of the UTS LSS Constitution.
- (b) This policy operates in addition to the:

- (i) UTS LSS Constitution;
 - (ii) UTS LSS By-Laws;
 - (iii) UTS LSS Competitions Rules;
 - (iv) UTS LSS Intersarsity Competitor Selection Policy;
 - (v) applicable policies, procedures, rules and regulations of ActivateUTS and the University.
- (c) Should a conflict arise between this policy and a document listed in clause 1.5(b) above, the latter will prevail to the extent of the inconsistency.

1.6 Policy review

This policy will be reviewed annually, on the anniversary of its first issue, by the Grievance Officers.

2 Guiding principles

2.1 Principles for managing grievances

We aim to ensure that grievances are:

- (a) resolved promptly via a process of consultation, co-operation and discussion;
- (b) resolved at the lowest level reasonable in the circumstances;
- (c) properly documented and evidenced with appropriate records throughout the grievance resolution process;
- (d) resolved in the spirit of fairness and impartiality throughout the resolution process;
- (e) resolved with all reasonable steps taken to respect the confidentiality and privacy of those involved in a grievance.

3 Your complaint resolution options

3.1 Overview

It is acknowledged that there may be circumstances where you feel aggrieved by the behaviour of, or decisions made by others whilst attending, organising or when otherwise involved with UTS LSS events, initiatives, and programs. When this happens, you have four options available to you:

- (a) Early resolution by approaching the other person;
- (b) Discussing the matter with a Councillor;
- (c) Raising a grievance with a Grievance Officer; and
- (d) Referring the matter to ActivateUTS, the University or law enforcement agency.

All of the above options can be utilised at any time.

3.2 Early resolution by approaching the other person

- (a) In the first instance, if you feel comfortable doing so, you are encouraged, wherever possible and appropriate, to attempt to resolve the matter directly with the other person in an open, candid, and constructive manner.
- (b) Your discussion with the other person should focus on their behaviour and actions that led to you feeling aggrieved. You can refer to the definitions and examples set out in the Code of Conduct to further assist in explaining why you feel aggrieved, and the effect that their behaviour and actions have had on you.
- (c) We encourage you to attempt to resolve the matter via early resolution by approaching the other person as it is anticipated that effective local action focussed on early intervention and conciliation will prevent the need for more formal processes to resolve grievances. In some

cases, the lack of early resolution may itself be a prompt for a formal grievance rather than the original matter itself.

- (d) Where you feel that the matter has not been resolved through early resolution, or you feel uncomfortable about approaching the other person, or if the matter is more serious or severe in nature, then you should use one of the options stated below or initiate a formal grievance in accordance with this policy.

3.3 Seeking the support of a Councillor

- (a) You can reach out to any Councillor to discuss your matter. This can be:
 - (i) a Councillor responsible for or organising an event or initiative relating to the matter;
 - (ii) a Councillor present at an event or initiative relating to the matter;
 - (iii) a Councillor you feel comfortable turning to for support.
- (b) You may reach out to a Councillor in writing via email, or you can raise the matter with them in-person, either at the time of the matter, the event or initiative relating to the matter or afterwards.
- (c) Our Councillors are volunteers and are equipped with varying levels of skills and experiences. Our Councillors generally do not undergo any specific training in relation to complaints handling. It is at the Councillor's discretion as to whether they are comfortable handling your matter and how they handle your matter.
- (d) A Councillor may offer assistance by:
 - (i) talking through the situation with you;
 - (ii) providing guidance as to how you can resolve the matter;
 - (iii) acting as a support person if you wish to raise the matter directly with the other person;
 - (iv) acting as a support person if you wish to raise a grievance in accordance with Part 4; and
 - (v) raising the matter with another person, such as another Councillor, a Grievance Officer or talking to an external organisation on your behalf.

3.4 Raising a grievance with a Grievance Officer

- (a) If you are unable to resolve the matter by early resolution means, or with the assistance of a Councillor, or if the matter is more serious or severe in nature, then you should raise a grievance with a Grievance Officer.
- (b) The process and procedures to raise a grievance are set out in Part 4.

3.5 Referring the matter to ActivateUTS, the University or law enforcement agency.

- (a) You can also raise your matter with ActivateUTS or the University for a breach of the ActivateUTS Code of Conduct or of University policies, procedures, rules and regulations; or with a law enforcement agency for an act prohibited by law.

4 Raising a grievance

4.1 About our grievance process

- (a) If you decide to make a formal complaint or grievance to a Grievance Officer, the Grievance Officer will handle your complaint by:
 - (i) following the procedures as set out in this Part; and
 - (ii) observing the guiding principles set out in Part 2.
- (b) Notwithstanding the procedure set out below, the Grievance Officer who receives your complaint may exercise their discretion to amend, substitute or set aside the procedure set out

below if, in their view, your complaint would be more appropriately, fairly, and efficiently managed in an alternative manner.

- (c) For the purposes of clause 4.1(b) above, a Grievance Officer may refer you, or refer your complaint to:
 - (i) the Responsible Person or the Competitions Appeals Panel under Part 6 of the UTS LSS Competitions Rules, if your complaint refers to a situation to which those rules apply;
 - (ii) the Intervarsity Competitions Appeal Panel under Part 6 of the UTS LSS Intervarsity Competitor Selection Policy, if your complaint refers to a decision made under that policy;
 - (iii) the Council under section 15(1) of the UTS LSS Constitution, if your complaint refers to a provision of the UTS LSS Constitution, other than under Part 7 (“Elections”), or the UTS LSS By-laws;
 - (iv) the Electoral Officer or the Election Review Panel under Part 7 (“Elections”) of the UTS LSS Constitution, if your complaint refers to a provision of that Part; and
 - (v) ActivateUTS or the University, either as required under applicable policies, procedures, rules and regulations of ActivateUTS or the University, or at the discretion of the Grievance Officer.

4.2 Who are the Grievance Officers?

- (a) We have two Grievance Officers:
 - (i) the President (president@utsslss.com); and
 - (ii) the Secretary (secretary@utsslss.com).
- (b) You may approach either Grievance Officer for the purposes of this policy.
- (c) If a Grievance Officer has a conflict of interest in a matter as defined by the Code of Conduct because they are personally involved in a grievance, including as the complainant or the subject of the complaint, then the Grievance Officer will refer your matter, with your consent, to the other Grievance Officer or to a third-party in their place.

4.3 Approaching a Grievance Officer

- (a) You may initially approach a Grievance Officer in any matter you see fit, however the Grievance Officer may decide that future contact should be contacted in a manner as they see fit.
- (b) After you approach a Grievance Officer:
 - (i) the Grievance Officer will arrange to meet you, either in person or virtually.
 - (ii) the Grievance Officer will allow you to have a support person present during the interview if you so wish.
 - (iii) the Grievance Officer will inform you of the process for resolving a grievance, including that the Grievance Officer may, at their discretion, elect to not investigate the matter or refer the matter to an external party.
 - (iv) the Grievance Officer will ask you questions to understand what has occurred from your perspective.
 - (v) the Grievance Officer, following the conclusion of the interview, will give you a record of the interview, taken by the Grievance Officer during the interview.
 - (vi) the Grievance Officer will give you an opportunity to review, correct and endorse the record of interview.
 - (vii) the Grievance Officer must keep a record of all information obtained during an investigation. The notes taken by the Grievance Officer should be detailed and contain as much information as possible. The interviewee’s words should be used as far as possible.

- (c) If it is necessary for the Grievance Officer to confer with the other Grievance Officer to seek assistance in the resolution of the grievance, or if the Grievance Officer's tenure ends and responsibility for resolving the grievance falls to a successor, the consent of the complainant will need to be obtained before information is handed over.

4.4 Investigating a grievance

- (a) A Grievance Officer may decide that a grievance should be investigated.
- (i) This may occur when the grievance involves:
- (A) serious allegations of misconduct; or
 - (B) informal resolution is undesirable to the parties involved; or
 - (C) if the grievance is against a Councillor; or
 - (D) if the allegations are denied by the other person; or
- (ii) When a grievance is investigated:
- (A) the Grievance Officer will need to identify who was directly involved in the grievance and, if applicable, who may have witnessed the grievance.
 - (B) the Grievance Officer will arrange to meet with the other person, either in person or virtually, and inform them that a grievance has been raised against them and that an investigation has commenced into the matter.
 - (C) the Grievance Officer must allow the other person to have a support person present during the interview if they so wish.
 - (D) the Grievance Officer will ask the other person questions to determine what has occurred from their perspective.
 - (E) the Grievance Officer must allow the other person an opportunity to respond fully to and defend themselves against the allegations raised by the grievance.
 - (F) the Grievance Officer, following the conclusion of the interview, must give a record of the interview, taken by the Grievance Officer during the interview, to the other person.
 - (G) the Grievance Officer must give the other person the opportunity to review, correct and endorse their record of interview.
 - (H) If applicable, the Grievance Officer will interview witnesses using the procedure set out above.
- (iii) The Grievance Officer must keep a record of all information obtained during an investigation. The notes taken by the Grievance Officer should be detailed and contain as much information as possible. The interviewees words should be used as far as possible.
- (b) A Grievance Officer may decide that a grievance does not need to be investigated.
- (i) This may occur when the grievance is not of a serious nature and can be resolved without the need for investigation.
- (ii) The Grievance Officer may decide not to investigate a grievance when the grievance can be resolved by:
- (A) the Grievance Officer meeting with the complainant to give them advice on how to deal with a similar situation in the future; or
 - (B) the Grievance Officer meeting with the other person to notify them that they may have acted inappropriately or in breach of the Code of Conduct; or
 - (C) the Grievance Officer seeking an undertaking from the other person that the behaviour will not happen in the future.

- (iii) Where the Grievance officer decides to not investigate a grievance, they must inform the complainant of this course of action and what, if any, remedial action has been taken.

4.5 Documenting a decision of the Grievance Officer following investigation

- (a) If the Grievance Officer has completed an investigation in accordance with clause 4.4(a), the Grievance will make a determination and prepare a report.
- (b) The Grievance Officer is to include:
 - (i) The Grievance Officer's findings in relation to the sequence of events that led to the incident occurring;
 - (ii) Whether the Grievance Officer has determined that the grievance has occurred;
 - (iii) Who the Grievance Officer has determined to be involved in causing the grievance;
 - (iv) The Grievance Officer's recommended remedial actions that should be taken to resolve the grievance and what steps should be taken to prevent the grievance from recurring.
- (c) The Grievance Officer must distribute this report to the complainant and the other person.
- (d) In the event that an external party, such as those referred to in clause 3.5, has been involved in resolving the grievance and they make a recommendation to the Grievance Officer or take action on account of their own authority, the Grievance Officer shall advise the complainant and the other person of the external party's recommendations or actions (in addition to the Grievance Officer's report).

4.6 Examples of remedial action

- (a) Counselling the person who harassed, discriminated against or treated you unfairly. The aims of counselling are to make the members more aware of the inappropriate behaviour, what is expected and what the consequences are likely to be if the behaviour occurs again;
- (b) Requesting the person who harassed, discriminated against or treated you unfairly to apologise to you;
- (c) Denying the person who harassed, discriminated against or treated you unfairly access to certain UTS LSS opportunities for a specified period of time;
- (d) Escalating the issue to ActivateUTS;
- (e) Recommending to the Council that the person be removed from office;
- (f) Taking any other action necessary to rectify the issue.

4.7 Relevant factors when making a decision about remedial action

In making the decision about the type of remedial action to take or recommend the Grievance Handler may consider:

- (a) The seriousness of the breach;
- (b) Whether the other person involved knew what they were doing and intended to do it;
- (c) Whether remedial action has been taken against the other person in relation to this type of breach before; and
- (d) Whether there are any particular circumstances that mean that remedial action should not be taken.

Appendix 1 UTS Law Students' Society Code of Conduct

1 Code of Conduct

This appendix sets out the UTS Law Students' Society Code of Conduct (**Code of Conduct**).

In this appendix, a reference to a clause is a reference to a clause of this appendix unless otherwise stated.

1.1 Our commitment

The UTS Law Students' Society (**UTS LSS, us, we, our**) is committed to:

- (a) the health, safety and wellbeing of our Members, Councillors, stakeholders, and attendees at our events and initiatives;
- (b) facilitating full and fair participation at our events and initiatives;
- (c) fostering a safe and inclusive environment for our Members, Councillors, stakeholders, and attendees at our events and initiatives; and
- (d) ensuring that everyone feels safe and comfortable, and is treated with respect and dignity, at all our events and initiatives.

1.2 Policy rationale

This Code of Conduct:

- (a) sets out the standards of behaviour expected of anyone involved in our events and initiatives; and
- (b) aims to assist us in upholding our commitment stated in clause 1.1 ('Our commitment') by:
 - (i) creating a safe and inclusive environment for everyone involved in or attending our events and initiatives; and
 - (ii) ensuring that everyone involved in or attending our events and initiatives is treated with respect and dignity, and protected from discrimination, harassment and abuse.

1.3 Who is bound by the Code of Conduct?

- (a) The Code of Conduct binds everyone involved in or attending our events and initiatives including but not limited to:
 - (i) Members;
 - (ii) Councillors;
 - (iii) volunteers;
 - (iv) non-member attendees; and
 - (v) any other person involved in our events and initiatives.
- (b) As part of the UTS LSS community, an individual to whom this Code of Conduct applies:
 - (i) makes a commitment to actively encourage behaviours that promote a safe and inclusive environment at our events and initiatives;
 - (ii) agrees to be bound by the standards of behaviour set forth in this Code of Conduct; and
 - (iii) is taken to have actual knowledge of the provisions of this Code of Conduct.

1.4 Breaches of the Code of Conduct

- (a) All individuals set out in clause 1.3 ('Who is bound by the Code of Conduct') are expected to abide by the Code of Conduct.

- (b) Failure to abide by the Code of Conduct may be considered a breach and may result in disciplinary action in accordance with the Grievance Policy and/or other UTS LSS rules and regulations, or that of the University or law enforcement agencies.

1.5 General standards of behaviour

Those bound by the Code of Conduct are expected to abide the following general standards of behaviour:

- (a) treat others with respect and dignity;
- (b) act in an ethical, considerate, fair, courteous and honest manner when dealing with others;
- (c) be a positive role model to others;
- (d) not engage in bullying, harassing or discriminatory behaviour towards others;
- (e) assist the UTS LSS in creating a safe and inclusive environment at our events and initiatives;
- (f) promote and value the best interests and reputation of the UTS LSS;
- (g) accept responsibility for one's actions;
- (h) avoid conflicts of interest;
- (i) be aware of and abide by UTS LSS, ActivateUTS, University and other standards, rules and procedures;
- (j) understand the possible consequences, for oneself and for others, for breach of UTS LSS, ActivateUTS, University and other standards, rules and procedures;
- (k) respect and protect the privacy and confidential information of others, whether obtained through UTS LSS events and initiatives and whether pertaining to an individual or organisation; and
- (l) take a pro-active approach to upholding the standards of behaviour and values under this Code of Conduct.

1.6 Bullying

The UTS LSS has a zero-tolerance policy towards bullying, in all its forms.

(a) What is bullying?

Bullying involves a wide range of conduct. Bullying is generally accepted to be behaviour that intimidates, offends, degrades, insults, or humiliates an individual. Conduct that may be considered bullying ranges from ridiculing or demeaning language, hurtful or derogatory comments or statements to threatened or actual violence.

Bullying has the potential to cause great anxiety and distress to the victim subject bullying conduct.

While bullying is commonly encountered as an ongoing course of conduct, the UTS LSS recognises that single incidents can constitute bullying.

(i) Overt bullying

Overt bullying is easily observable and usually expressed through physical or verbal means.

Examples of overt bullying include:

- Verbal abuse, such as shouting or swearing at another person in public or in private;
- Constantly humiliating or ridiculing others, belittling them in front of others, persistent criticism or sarcasm;
- Making threats or inappropriate comments.

(ii) **Exclusion and victimisation**

This type of bullying can be described as covert or indirect and may be harder to spot.

Examples of covert bullying include:

- Personal insults and name-calling, spreading malicious rumours;
- Freezing out, ignoring, excluding and deliberately talking to a third party to isolate another.

(iii) **Supervision-related bullying**

Inappropriate supervision is when an individual abuses their authority within an organisation.

Examples of inappropriate supervision include:

- Subjecting targets to excessive supervision, monitoring everything they do and being excessively critical about minor things with malicious intent;
- Overruling an individual's authority without prior warning or proper discussion;
- Setting impossible targets and objectives, or changing targets without telling the person;
- Deliberately withholding information which the person requires in order to do their job effectively.

(iv) **Cyber-bullying and social media related bullying**

The UTS LSS recognises the value of social media platforms such as Facebook and Instagram, particularly to connect Members and promote our events and initiatives. However, these social media platforms have also created a place for bullying to take place online.

Issues with a Member, Councillor, stakeholder or attendee should not be communicated on social media platforms. These issues should be addressed to the relevant person or directed through the grievance process in accordance with this policy.

Social media posts and comments:

- should respect and maintain the privacy of others;
- should promote and represent the UTS LSS in a positive way;
- must not include offensive, hateful or abuse language or photos;
- must not be misleading, defamatory or false about another person.

1.7 Discrimination

The UTS LSS has a zero-tolerance policy towards discrimination, in all its forms.

(a) **What is discrimination?**

Discrimination means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have.

Discrimination can be direct discrimination or indirect discrimination.

- **Direct discrimination** occurs when someone in the same or similar position to another person is treated unfairly due to a certain attribute or characteristic.
- **Indirect Discrimination** occurs when an organisation has a rule, requirement, policy or practice that applies equally to everyone, but disadvantages a particular group or groups more than other groups.

The relevant attributes or characteristics include but are not limited to the following:

- (i) race;
- (ii) age;
- (iii) disability;
- (iv) sex or gender;
- (v) sexual orientation;
- (vi) gender identity;
- (vii) transgender orientation;
- (viii) intersex variations of sex characteristics;
- (ix) marital status;
- (x) relationship status;
- (xi) pregnancy;
- (xii) parental status;
- (xiii) family responsibilities;
- (xiv) carer status;
- (xv) physical features;
- (xvi) participation in industrial activity;
- (xvii) political belief or affiliation;
- (xviii) political activity;
- (xix) religious belief or affiliation;
- (xx) religious activity;
- (xxi) irrelevant criminal record;
- (xxii) irrelevant medical record;
- (xxiii) association with a person who has, or is believed to have, any of these attributes.

Discrimination also includes any other behaviour recognised as discrimination by the laws of the Commonwealth, State or Territory.

(b) What is not discrimination?

We offer opportunities available to Members that may require a competitive application and selection process. It is not discrimination for us to assess applications and make a selection if:

our selection is by a method which is reasonable on the basis of a candidate's skills, abilities and aptitude relevant to the opportunity and relative to each candidate; or where the opportunity is conducted or offered only for persons who have a particular attribute or characteristic, and a candidate does not have that attribute or characteristic.

1.8 Harassment

The UTS LSS has a zero-tolerance policy towards harassment, in all its forms.

(a) What is harassment?

Harassment means any type of unwelcome behaviour that:

- (i) a person does not want;
- (ii) is offensive, humiliating, abusive, belittling or threatening;

- (iii) that is reasonably likely to cause the recipient to feel offended, humiliated or intimidated.

Harassment includes bullying.

It doesn't matter whether someone intended to harass another person. Harassment can be unintended. In some circumstances a simple apology may be all that is needed to rectify the situation.

Harassment may be a single incident or an ongoing course of conduct. Harassment may be explicit or implicit, verbal or non-verbal and public or private acts.

(b) Examples of harassment

- (i) Bullying, exclusion, or intimidation;
- (ii) Language or actions that marginalise, insult, vilify or offend a person;
- (iii) Peer pressure.

1.9 Sexual harassment

The UTS LSS has a zero-tolerance policy towards sexual harassment, in all its forms.

(a) What is sexual harassment?

Sexual harassment is any unwelcome behaviour of a sexual nature that makes a person feel offended, humiliated or intimidated, and which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person would be offended, humiliated or intimidated.

(b) Examples of sexual harassment

Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile environment.

(c) Support services available to victims of sexual harassment

(i) UTS Counselling Service

Phone: +61 2 9514 1177

Email: student.services@uts.edu.au

Location: CB01.6 (Level 6) Building 1, 15 Broadway, Ultimo NSW 2007

(ii) UTS Sexual Assault Support Line

Phone: 1800 531 626

(iii) NSW Rape Crisis

Phone: 1800 424 017

1.10 Drugs and intoxication

- (a) The UTS LSS has a zero-tolerance policy for the use, sale or distribution of illegal substances or the misuse of prescribed pharmaceuticals by a person attending a UTS LSS event or initiative.
- (b) A Member, Councillor or other volunteer contributing or otherwise involved in the organising or running of a UTS LSS event or initiative should avoid the consumption of alcohol at that event or initiative unless the availability of alcohol is an aspect of that event such as, for example, a UTS LSS social event.
- (c) The UTS LSS may:
 - (i) remove a person from a UTS LSS event or initiative; or

- (ii) refuse food and beverage service to a person who is
- (iii) intoxicated; or
- (iv) engaging in the use, sale or distribution of illegal substances; or
- (v) engaging in the misuse of prescribed pharmaceuticals at a UTS LSS event or initiative.

1.11 Conflicts of interest

The UTS LSS expects that Members, Councillors, and other volunteers contributing to UTS LSS events and initiative to avoid situations involving a conflict of interest.

(a) What is a conflict of interest?

A conflict of interest exists where someone's interests conflict, or clash, with their work, duties or responsibilities to the UTS LSS which gives, may give, or may be perceived to give, an advantage to that person, or to other who are associated with that person.

A conflict of interest may be actual, potential, or perceived. A conflicting interest may be pecuniary or non-pecuniary in nature.

(i) Actual conflicts of interest

An actual conflict of interest arises where a person is being influenced by a conflicting interest.

(ii) Potential conflicts of interest

A potential conflict of interest arises where a person could be influenced by a conflicting interest.

(iii) Perceived conflicts of interest

A perceived conflict of interest arises where person could appear to be influenced by a conflicting interest.

(iv) Pecuniary interests

A pecuniary interest is a personal interest involving actual or potential financial gain or loss by a person, including an associated person such as a relative, friend or colleague. A pecuniary interest may arise where a person is involved with a decision by the UTS LSS to engage a supplier of goods or services and that person or an associated person has property, equity or is otherwise involved with that supplier.

(v) Non-pecuniary interests

A non-pecuniary interest is a personal interest without a financial component, gain or loss by a person. This includes situations where there may be an opportunity to gain an advantage over others, tendency for favouritism, or prejudice arising due to friendship, relationship, animosity or other personal involvement with another person or group.

(b) Declaring and resolving a conflict of interest

- (i) Members, Councillors, and other volunteers must take reasonable steps to avoid, resolve or disclose a conflict between their personal interests and the interests of the UTS LSS when contributing to UTS LSS events and initiatives.
- (ii) If a Member, Councillor, or other volunteer identifies or otherwise becomes aware of a conflict of interest between their personal interests and the interests of the UTS LSS, that person is under a positive duty to:

- (A) disclose that conflict to a Councillor overseeing or responsible for the UTS LSS event or initiative where the conflict arises; and
 - (B) resolve the conflict of interest by, for example, electing to or agreeing to be removed from the situation or to have their involvement in that event or initiative restricted to the extent necessary to resolve the conflict of interest.
- (iii) The interest of the UTS LSS and the broader student membership base is to be favoured over any private interest of a Member, Councillor or other volunteer.
 - (iv) This section should be read in conjunction with the existing constitutional duty on Councillors under section 33 of the UTS LSS Constitution to declare material interests in relation to Council meetings.

(c) Examples of conflicts of interest

These are some examples of conflicts of interest that may arise. This list is not intended to be definitive or exhaustive, but merely as a guide.

- When someone organises for the UTS LSS to purchase goods and services supplied by a family member, partner, spouse, or close friend;
- When someone is involved in the recruitment or selection of a family member, partner, spouse, or close friend for a UTS LSS opportunity, including during a by-election;
- When someone participates in UTS LSS competitions but has access to competition materials not readily available to other competitors;
- When someone organises for the UTS LSS to promote a certain good, service or program provided by their employer.

2 Code of Conduct for the First Year Law Camp Leaders

In addition to complying with the Code of Conduct set out in Appendix 1, First Year Law Camp Leader agree to, and are taken to have actual knowledge of the rules below:

- (a) Be responsible for the health, safety and welfare of the first-year students.
- (b) Fully participate in all areas of camp. Act as a leader and take initiative to complete all daily tasks without being asked. As a leader, we expect you to engage and encourage campers at all times, including, each morning as everyone arrives and during lunch.
- (c) Attend and be prompt to all rostered activities.
- (d) Do not engage in inappropriate conduct, language, behaviour or attitude.
- (e) Be respectful and welcoming of the campers.
- (f) Act in a lawful and reasonable manner, taking proper care to ensure the health, safety and welfare of all students.
- (g) Do not engage in unacceptable behaviour, including, but not limited to:
 - (i) acting in any manner that brings the University or the Association into disrepute;
 - (ii) engaging in aggressive or abusive behaviour such as verbal abuse, threatening gestures or actual violence or assault;
 - (iii) bullying, harassment, intimidation or stalking;
 - (iv) sending abusive or harassing notes, emails, telephone calls, text messages;
 - (v) making unwelcome physical contact including that of a sexual, intimate or threatening nature;
 - (vi) teasing, name-calling or ridiculing or making someone the brunt of pranks or practical jokes, excluding or isolating individuals or engaging in malicious or mischievous gossip;
 - (vii) withholding approval for or denial of requests maliciously, discriminatorily, unfairly or without basis;
 - (viii) belittling opinions or unreasonable and unconstructive criticism; and
 - (ix) stealing or misuse of the resources of the Association, ActivateUTS or University.
- (h) Listen to the instructions and respect decisions made by the President and the Vice-President (Activities), and ActivateUTS representatives.
- (i) UTS LSS Council members, Leaders and Volunteers at First-Year Law Camp shall not engage in physical and/or sexual relations of any kind with the first-year attendees of the camp. The consequence of engaging in this behaviour is:
 - (i) For leaders and volunteers: immediate removal from the camp and a ban on returning to law camp in subsequent years.
 - (ii) For members of the UTS LSS Council: immediate removal from the camp, a ban on returning to law camp in subsequent years, and resignation from their role on the UTS LSS Council.

Appendix 2 Related documents

Document name (linked)

[UTS Law Students' Society Constitution](#)

[UTS Law Students' Society By-laws](#)

[ActivateUTS Clubs Code of Conduct](#)

[UTS Code of Conduct](#)

[UTS Equity, Inclusion and Respect Policy](#)

[UTS Student Complaints Policy](#)

[UTS Student Complaints Management Procedures](#)

[UTS Respect.Now.Always Guide to Responding to Disclosures of Sexual Assault and Sexual Harassment](#)