

**RESPECT. NOW.
ALWAYS.
TASKFORCE**

**RECOMMENDATIONS PROJECT REPORT
1 AUGUST 2019**



ABOUT THIS REPORT

Swinburne has a zero tolerance approach to sexual assault and sexual harassment.

The university continues to improve student safety and support initiatives for students and staff who have experienced sexual assault or sexual harassment.

In response to the release of the Australian Human Rights Commission (AHRC) *Change the Course* survey results in August 2017, Swinburne formed a Respect.Now.Always. (RNA) Taskforce. The RNA Taskforce includes Swinburne students and staff, and leads the implementation of all nine AHRC recommendations.

In September 2018, the Taskforce enlisted PriceWaterhouseCoopers to conduct an independent review of activities to supplement Swinburne's response.

This document is a report on our progress.

Working closely with experts within Swinburne and our counterparts in the broader higher education community has allowed us to further strengthen our efforts and provide the guidance and assurance that we are meeting the needs of our Swinburne community.

This initiative has now moved beyond its initial scope, including the addition of the Family violence project, in recognition of the multifaceted approach required. I am proud to see these efforts become embedded into our culture – and in particular to see our students integrate peer-to-peer projects such as Be a Better Human, in collaboration with Flinders University students.

Vice-President, Students
Dr Andrew J. Smith

1 August 2019

Ref. No.	Recommendation	Update	Status
2.1.1	<p>In conjunction with key stakeholders responsible for training and awareness initiatives, implement processes for development of a primary prevention plan for the University (e.g. on an annual basis).</p> <p>This plan should be used to facilitate a coordinated University approach, and should consider the most effective and efficient use of University resources.</p>	<p>A primary prevention training matrix has been developed identifying all relevant training programs. This will continue to be reviewed and modified as required and the effectiveness of each of the training modules will be assessed</p> <p>Refer Appendix 1 – Primary Prevention Training Plan 2019</p>	COMPLETE
2.1.2	Develop and implement processes for regular monitoring and review of progress against the formal primary prevention plan.	Refer to 2.1.1 above	To be completed by 31 December 2019
2.2.1	Take appropriate measures in order to ensure that key training modules can be accessed and understood by all students and staff, including those with particular needs.	<p><u>Student Consent Matters Module</u>: The effectiveness and fit for purpose nature of the Consent Matters module is being reviewed by the Centre for Social Impact (due November 2019). Following this review, further customisation may be required to ensure it is fit for purpose before it is incorporated into Canvas such that it is accessible to all students.</p> <p><u>Staff Consent Matter Module</u>: The effectiveness and fit for purpose nature of the Consent Matters module is being reviewed by the Centre for Social Impact (due November 2019). Following this review, P&C will then determine if they will use the same module for staff or make amendments. P&C to also decide on the most effective platform to roll out training to staff.</p>	<p>To be completed in readiness for Semester 1 2020</p> <p>To be completed in readiness for Semester 1 2020</p>
2.2.2	Conduct a review of the effectiveness of existing training modules, including consideration of the need to update or enhance Swinburne’s training or supplement it with other activity.	The effectiveness and fit for purpose nature of the Consent Matters module is being reviewed by the Centre for Social Impact (due November 2019).	To be completed by 31 December 2019

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Ref. No.	Recommendation	Update	Status
2.2.3	Based on the outcomes of the review in (2) above, take appropriate measures to encourage training completion among students where there is not a current mandatory obligation to complete training modules. This could include introduction of mandatory training to a wider cohort of students than just residential students in order to increase the awareness and preparedness of the broader student population.	Refer to 2.2.2 above	To be completed by 31 December 2019
2.3.1	With reference to the recommendations in Observation 2.2, review the content of existing training modules that are administered to students to ensure that these are comprehensive and understandable.	Refer to 2.2.2 above and Appendix 1. Reviews on the effectiveness of the various training modules will be ongoing.	Ongoing
2.3.2	With reference to the recommendations in Observation 2.2, take appropriate measures to encourage training completion among students where there is not a current mandatory obligation to complete training modules. This could include introduction of mandatory training to a wider cohort of students than just residential students, in order to increase the awareness and preparedness of the broader student population.		Ongoing
2.4.1	<p>Review the pilot training program to consider benefits realisation and effectiveness of the program, and decide whether a program of this nature should be implemented on a permanent basis.</p> <p>When planning further training for international students, management should consider the need to take a coordinated University approach, and should consider the most effective and efficient use of University resources (refer to Observation 1).</p>	The successful program, <i>Living in Melbourne</i> , will be recreated in a digital format to suit new audience standards (e.g. podcast). It will be filmed and recorded with the intention of using it in an ongoing manner in the ELICOS curriculum and classroom. The program assists in international student adjustment in the ELICOS framework, highlighting safety and acculturation.	To be completed by 31 December 2019

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Ref. No.	Recommendation	Update	Status
2.5.1	Develop formal procedures for regular trend analysis of aggregated University data (maintained by Governance and Integrity). This should include an assessment of the identified considerations. Outcomes should be shared with relevant University stakeholders, and used to inform decision-making.	Complete	COMPLETE
2.5.2	Review existing resource arrangements in place for early intervention and risk identification, and consider the need to allocate additional resources to ensure that sufficient resources are available.	<p>Safer Community exists to triage, assess and case manage student behavioural concerns which may be reported by both staff and student as well as to provide referrals to appropriate internal and external services.</p> <p>Following a review of cases presented to and managed by the Safer Community team, there are at present sufficient resources to manage the current incident load.</p>	COMPLETE
2.6.1	Develop relationships with local nightlife venues that are frequently attended by students, and develop processes for regular communication with these venues.	<p>Hammer & Swine is actively engaged with RNA awareness and prevention programs.</p> <p>All other venues in the immediate area have been approached and are aware of Swinburne's approach to sexual assault and sexual harassment initiatives.</p>	COMPLETE
2.6.2	Identify opportunities for increased security and support for students who attend, or are in close proximity to nightlife events, particularly at venues where sexual assault and sexual harassment is known to have taken place historically.	As per 2.6.1	COMPLETE

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Ref. No.	Recommendation	Update	Status
2.7.1	Update Swinburne's formal documentation in order to formalise the processes and controls that are undertaken to reduce risks associated with off-site trips. Updates should be communicated to relevant students and staff.	Local excursions as off-site trips: Governance, Legal and Integrity have a dedicated resource for this item. They are updating an existing PAVE 'Excursions' work instruction document and are investigating requirements for other faculties.	To be completed by 31 October 2019
2.7.2	Develop detailed guidance or instructions relating to how to respond to incidents of sexual assault or sexual harassment on off-site trips. This should be formally documented and distributed to relevant staff and students.	As per 2.7.1	To be completed by 31 October 2019
2.7.3	Establish minimum standard of training or qualification requirements for staff or student leaders who oversee or attend off-site trips which are not facilitated by Student Life. These should be formally documented and communicated to relevant students and staff.	Underway. Swinburne Abroad has identified a need to strengthen Study Tour leaders training in this area. Swinburne Abroad have been discussing options with P&C for a training module that could include sexual assault and sexual harassment incident response and risk management.	To be completed by 31 October 2019
2.8.1	With reference to the guidance on anonymous reporting mechanisms in the On Safe Ground guidance, develop and implement an accessible mechanism to allow anonymous online reporting of sexual assault and sexual harassment. Appropriate measures should be taken to promote the existence and use by students of the anonymous reporting mechanism.	Reporting: Safer Community Online Reporting Student Help: Help for sexual assault or sexual harassment	COMPLETE

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Ref. No.	Recommendation	Update	Status
2.8.2	Develop formal guidance over the use of online reporting mechanisms. This should include processes for review and investigation of incidents, management of confidential information, and undertakings regarding secure storage of such information.	This work has dependencies on other work being undertaken by the taskforce.	To be completed by 31 August 2019
2.9.1	Consider the opportunity to provide and support assistance (including for issues arising as a result of involvement with an allegation of sexual assault or sexual harassment) to at-risk student cohorts. In particular, management should consider the level of support that is currently available for cohorts of students who may have different experiences of sexual assault and sexual harassment (e.g. LGBTIQ students, female students, Aboriginal and Torres Strait Islander students, students with disabilities).	Working with internal and external support groups, including AccessAbility Services and the Moondani Toombadool Centre, Safer Community is developing materials specifically designed for at-risk student cohorts.	To be completed by 31 December 2019
2.10.1	Clarify requirements for incident investigations, (including roles & responsibilities, reporting and escalation processes, minimum training requirements, and key considerations for staff investigating or gathering facts). These requirements should be formally documented and communicated to staff. Management should refer to relevant guidance and reference materials, which could include guidelines published by Universities Australia on responding to reports of sexual assault and sexual harassment.	Refer: Guidelines (staff – log in required) Refer: Guidelines (students)	COMPLETE
2.10.2	Develop clear and accessible guidance for students about what will occur should a student report an incident, to reduce barriers to reporting and improve confidence in University processes. The guidance should also direct students to options for anonymous reporting.	To follow task 2.10.1 Refer: Guidelines (staff – log in required) Refer: Guidelines (students)	9 August 2019

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Ref. No.	Recommendation	Update	Status
2.10.3	Clarify for students and staff that action can be undertaken by the University without a victim/survivor reporting if there is perceived to be a broader risk to safety of students, staff or the public (e.g. a perpetrator of sexual assault or sexual harassment on campus). This includes instances where the incident has occurred within a public space.	See this as a subset of 2.10.2 Refer: Guidelines (staff – log in required) Refer: Guidelines (students)	9 August 2019
2.10.4	Develop formal processes in order to share information with Residential Advisors and Security relating to the students that are currently banned from entering residences in order to appropriately manage safety.	Refer Appendix 2 – Standard Operating Procedure (Banned Persons)	COMPLETE
2.11.1	Clarify the requirements and processing for reporting of incidents to the Police. This should include details of any specific circumstances that will be reported to Police, and guidance for staff on how to decide whether reporting to Police is appropriate. Requirements and processes should be formally documented and communicated to staff and students.	Refer Appendix 3 – Standard Operating Procedure (Victoria Police)	COMPLETE
2.12.1	In conjunction with Student Residences staff, review the Swinburne Student Residences Code of Conduct 2018, and update where required, in order to ensure that the formal documentation is reflective of current practice. This should include clear definitions of the different categories of misconduct, along with illustrative examples and details of the available sanctions for each category. Any updates to the code of conduct should be formally documented and communicated to staff and residents.	Refer Appendix 4 – Code of Conduct	COMPLETE

Ref. No.	Recommendation	Update	Status
2.13.1	Develop processes for the Health and Wellbeing and Safer Community services to gather immediate feedback about the services and support provided to affected individuals. This may include a digital solution, e.g. feedback via a smart application or online portal.	<p>Online feedback:</p> <p>Wellbeing at Swinburne feedback button Safer Community feedback button Safe@Swin app</p> <p>Program developers have developed a program that will allow for immediate feedback via the patient portal. This function will go live in December 2019 and all staff and students with a patient portal will be able to use this function.</p>	<p>COMPLETE</p> <p>December 2019</p>
2.13.2	Develop processes for regular formal review of feedback that is received. This should be used to inform decision-making. Processes developed by Swinburne should be formally documented and communicated to all relevant staff.	<p>Refer Appendix 5 – Process Flow Refer Appendix 6 - Guidelines</p>	<p>COMPLETE</p>
2.14.1	<p>Assess the existing systems used for data capture and reporting in relation to sexual assault and sexual harassment, and consider the introduction of a system based solution that will address the identified issues relating to the use of multiple, standalone systems for data capture and reporting.</p> <p>Where integration and reconciliation of data cannot be automated, formal processes for regular manual reconciliation and consolidation of information should be developed.</p>	<p>The existing systems used for data capture and reporting in relation to sexual assault and sexual harassment have been reviewed, with a formal process for manual reconciliation and consolidation of information developed.</p>	<p>COMPLETE</p>

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Ref. No.	Recommendation	Update	Status
2.15.1	<p>Develop processes for regular formal reporting to Swinburne's Executive Leadership Team (e.g. bi-annually) of aggregated recorded data on incidents of sexual assault and sexual harassment. This should include the number of incidents reported, as well as the University response, the outcome (including sanctions), and high-level trend analysis over the available data.</p> <p>Processes should be formally documented and communicated to all relevant staff.</p>	Complete	COMPLETE
2.16.1	Align with good practice by consolidating Swinburne's formal documentation relating to sexual assault and sexual harassment into stand-alone, clearly identified sexual assault and harassment policies and procedures. At a minimum, all formal documentation relating to sexual assault or sexual harassment should include references or links to other relevant documents.	Processes to be added to the Work Instruction Wiki	To be completed by 31 December 2019
2.16.2	<p>Consolidate Swinburne's online guidance so that the University's support and response services are presented in a manner that is accessible and clear to users.</p> <p>This could involve creation of a subsection of the Swinburne website that incorporates all available guidance relating to sexual assault and sexual harassment.</p>	Refer: Preventing sexual assault and sexual harassment	COMPLETE

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Ref. No.	Recommendation	Update	Status
2.17.1	Formally document definitions of the key concepts identified across Swinburne's documentation so that definitions of key concepts are accessible, consistent and aligned with good practice, and communicate updates to relevant staff and students.	Completed	COMPLETE
2.18.1	<p>Update relevant formal documentation (e.g. Swinburne's People, Culture and Integrity policy) to include specific prohibition of sexual assault.</p> <p>Amendments to policies and procedures should be communicated to relevant students and staff.</p>	Under development	To be completed by 31 December 2019
2.19.1	<p>In conjunction with Safer Community and Health Services, formally document the roles and responsibilities of Safer Community and Health and Wellbeing Services, and communicate this to students and staff, including:</p> <ul style="list-style-type: none"> • Key roles and responsibilities • Guidance on when Safer Community should be engaged, and when Health and Wellbeing Services should be engaged • Details of how Safer Community may respond to reported incidents <p>When making updates to formal documentation, management should ensure that information is accessible and sufficiently consolidated.</p>	Refer Appendix 5 - Process Map	COMPLETE

Ref. No.	Recommendation	Update	Status
2.20.1	Implement further measures to enforce completion of mandatory staff training modules (including Working Together). This could include additional communications to staff, formal completion deadlines, and sanctions for non-completion.	<p>We are currently reviewing training modules with a view to the following:</p> <ul style="list-style-type: none"> Improving completion rates of mandatory staff training modules Reviewing classifications of training modules (compliance v recommended) Developing a communications plan to encourage more staff to participate in available training 	To be completed by 31 December 2019
2.20.2	Identify staff members who may be more likely to receive a disclosure of sexual violence, and enforce mandatory completion of the Responding to Disclosures of Sexual Violence training module for these staff members.	Security, Safer Community and People Assist staff are required to complete the Responding to Disclosures of Sexual Violence module. It is anticipated that additional job families will be added to the list in the future.	To be completed by 31 December 2019
2.21.1	<p>Review existing training that is administered to staff to identify any gaps (including consideration of the identified areas).</p> <p>Based on the outcomes of this review, develop and administer targeted training or guidance in order to address any identified risks that are not mitigated by existing training or guidance that is available.</p>	<p>MATE Bystander Training is available under the Course Catalogue in ELMO (log in required) and People & Culture are looking at rolling it out more broadly.</p> <p><i>How to handle disclosures of sexual violence</i> (log in required) notice was widely circulated and distributed (posted on staff notice boards) as an interim measure.</p>	<p>COMPLETE Broader roll out - Q4 delivery</p> <p>COMPLETE</p>
2.22.1	Consider updating Swinburne's formal documentation and training materials in order to recognise collective responsibility or shared accountability of all staff and students in relation to prevention of sexual assault and sexual harassment.	People & Culture are working on integrating messaging into the induction module.	To be completed by 31 December 2019

APPENDIX 1

Primary Prevention Training Plan 2019													
C = Compulsory C = Not yet compulsory/under review R = Recommended V = Voluntary N = Not applicable or not suitable													
Program	Students						University Residences			General Staff			Partners to Safer Community
	All students over 18 years (including online students)	All students under 18	International students/Migrant English	Student leaders and mentors	Students with misconduct	VCAL students	Residential students	Residential Advisers	Residential Life staff	All staff	Student Support Services staff	People Leaders	
Consent Matters - online module (Epigeum)	C	C****	C*	C	C***	N	C	C	C	V	R	V	University Residences; Wellbeing @ Swin; Student & Academic Services
Responding to disclosures of sexual assault - online module (Epigeum)	N	N	N	R	N	N	N	N	C	C	C	C	People and Culture
MATE – 3 day train-the-trainer	N	N	N	N	N	N	N	N	R	V	R	V	People and Culture
MATE – 3 hour bystander training	R	N	R	R	R***	N	R**	C**	N	R	R	R	People and Culture
ECASA – responding to disclosures of sexual assault	N	N	N	R**	N	N	R**	C**	C	V	C	C	Wellbeing @ Swin
EDVOS – responding to disclosures of family violence	N	N	N	R**	N	N	R**	C**	C	V	C	C	Wellbeing @ Swin
Workplace behaviours module	N	N	N	N	N	N	N	N	C	C	C	C	People and Culture
Workplace behaviour face-to-face training	N	N	N	N	N	N	N	N	N	N	N	C	People and Culture
Cyber Safety - online module	R	R	R	R	R	R	R	R	C	N	N	N	Information Technology
International student webinar - sex education and cultural awareness (developed by monash)	N	N	R	N	N	N	N	N	C	N	N	N	Student & Academic Services
Alcohol and drugs module	R	R	R*	C	R	R	C	C	C	N	N	N	Wellbeing @ Swin; University Residences

*students may need extra followup/debriefing
 ** modified for students and protocols to be setup
 *** may be used as part of a sanction dependent on case
 **** to be reviewed ?more appropriate module for under 18

Banned Persons Notices – Student Residences

1. Introduction
2. Purpose
3. Definitions
4. Generating Banned Person Notices
5. Sharing Banned Person Notices
6. Storing Banned Person Notices

Introduction:

This SOP provides general instruction and guidance to all Security Management team members on the process for the sharing of 'Banned Persons Notices' with the Student Residences.

Purpose:

This document outlines the process for how a 'Banned Persons Notice' is generated, distributed and stored. While people can be banned from other areas of the university or from the university as a whole this SOP relates specifically to the student residences.

Definitions:

- **Banned Person:** Any person who has been formally notified in writing by Swinburne University that they are not to attend any university premises. Some persons will only be banned from a specific area rather than the entirety of the university, these parameters will be outlined when the Security team is notified of a person being banned.

Generating Banned Person Notices:

The security team will be notified either by email or through a 'Person of Interest Notice' that a person has been banned from entering the residences. Once notified that a person has been banned from the student residences a 'Banned Person Notice' must be generated. This notice is to include the following information and **only** the following information:

- The name of the person who has been banned.
- A picture of the person who has been banned (if available).
- The end date of the ban (if the ban is permanent then state so).
- The year in which the person was banned.

This information must be populated into the template for the 'Banned Person Notices'. This can be found via the following file path: *G:\Dept\Security\Corporate\Banned Person Notices\Issued to Student Residence*

A 'Banned Person Notice' must be generated within 24 hours of the security team being notified of a ban being issued.

Sharing Banned Person Notices:

All 'Banned Person Notices' must be sent to the student residences via email as soon as they have been generated. The email must include the following people:

- Rowan Tan – rstan@swin.edu.au
- Suzie Roach – sroach@swin.edu.au
- Katie Adams – katrinaadams@swin.edu.au

Storing Banned Person Notices:

All 'Banned Person Notices' must be stored via the following file path to ensure that they are accessible by all members of the Security Management Team at all times:

G:\Dept\Security\Corporate\Banned Person Notices\Issued to Student Residence

Reporting to Victoria Police

1. Introduction
2. Purpose
3. Definitions
4. Reporting of Criminal Activity
5. Reporting of Sexual Assault or Harassment
6. Cross Department Reporting

Introduction:

This SOP provides general instruction and guidance to all stakeholders within Swinburne University regarding reporting incidents to Victoria Police.

Purpose:

This document outlines the various circumstances in which a matter is reported to Victoria Police. The SOP covers the reporting of criminal activity including sexual assault and sexual harassment. This SOP also stipulates when to make a report to Victoria Police and which departments within the university to notify when a matter needs to be reported.

Definitions:

- **SOP:** Standard Operating Procedure
- **Criminal Activity:** An act committed in violation of law where the consequence of conviction by a court may include punishment.
- **Sexual Assault:** Occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent. The term can refer to a broad range of sexual behaviours that make a victim survivor feel uncomfortable, frightened or threatened. Sexual assault is a crime and includes rape, sexual touching and child sexual abuse
- **Sexual Harassment:** Sexual harassment is when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person, and/or engages in any other unwelcome conduct of a sexual nature in relation to another person, including through digital or online means, that is offensive, humiliating or intimidating
- **Stakeholders:** Any Swinburne University staff, Swinburne University students, external contractors engaged by Swinburne University for works at the university.

Reporting of Criminal Activity:

Any instances or alleged instances of criminal activity occurring at any Swinburne University campus should be reported to Swinburne Security via the 9214 3333 phone line or via email to the securitysut@swin.edu.au inbox. The security team will then conduct an investigation into the report to see if the report can be substantiated to a level where a further report can then be submitted to Victoria Police. This will be done by the Security Manager. In addition to the report made to Victoria Police a report will also be logged in the Swinburne Security team's database.

If the report cannot be substantiated to a level where a further report can be made to Victoria Police a report will be logged in the Swinburne Security team's database. This data can then be used for trending of confirmed and alleged criminal activity which will better inform the crime prevention initiatives undertaken by Swinburne Security.

If a report of criminal activity or alleged criminal activity occurring on any Swinburne University campus is made independently from Swinburne Security then the Swinburne Security team must be notified via email to the securitysut@swin.edu.au inbox.

Reporting of Sexual Assault or Harassment:

Any instances or alleged instances of sexual assault or sexual harassment occurring at any Swinburne University campus should be reported to the Safer Community team via email to the safercommunity@swin.edu.au inbox. After receiving the report, Safer Community will reach out to the victim/survivor to offer support and provide the option of reporting to Victoria Police.

Depending on the victim/survivor's wishes, the Safer Community team may then conduct an investigation into the report to see if the report can be substantiated to a level where a further report can then be submitted to Victoria Police. If the victim/survivor doesn't wish to formally report to Victoria Police, Safer Community will respect their wishes. In instances where the alleged perpetrator is deemed to be a risk to the University and broader community, Safer Community will make an Information Report to Victoria Police with de-identified details of the victim/survivor. This will be done by the Safer Community Manager.

In addition to the report made to Victoria Police a case will be created in the Safer Community’s database. If the report cannot be substantiated to a level where a further report can be made to Victoria Police case notes will be logged in the Safer Community’s database. This data can then be used for trending of confirmed and alleged sexual assault or sexual harassment which will better inform the primary prevention initiatives undertaken by the Safer Community team.

If a report of sexual assault or sexual harassment occurring on any Swinburne University campus is made independently from the Safer Community team then the Safer Community team must be notified via email to the saferrcommunity@swin.edu.au inbox.

Cross Department Reporting:

The following table outlines which other departments must or may be notified of a report being made to Victoria Police:

Department Submitting the Report to Victoria Police	Departments that must be notified of a report being made to Victoria Police.	Departments that may need to be notified of a report being made to Victoria Police if practical or applicable.
Swinburne Security	Safer Community	Student Services, FSG, P&C, Finance, IT, Other Faculties or Departments as required.
Safer Community	Swinburne Security	Student Services, FSG, P&C, Finance, IT, Other Faculties or Departments as required.
Student Services, FSG, P&C, Finance, IT, Other Faculties or Department..	Swinburne Security, Safer Community.	

Swinburne Student Residences

Code of Conduct 2019

Objective of this Code of Conduct

The Swinburne Student Residences Code of Conduct, in conjunction with the Residential Handbook, General Licence Agreement, and applicable Swinburne University policies, is intended to regulate the conduct of students who reside in the Swinburne Student Residences, use Residences facilities and services or participation in Residences activities, and facilitate the proper functioning of the Residences.

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1. Residents' Rights and Responsibilities

1.1. Residents' Rights

As a member of the residential community, you have the right to expect the following:

- 1.1.1 The ability to sleep and study free from undue interference, unreasonable noise, and other unreasonable distractions.
- 1.1.2 Personal privacy within the limits of the Residences.
- 1.1.3 A clean and safe living environment.
- 1.1.4 Freedom from bullying, violence, sexual harassment, discrimination and other forms of harassment.
- 1.1.5 Assistance and support from the Swinburne Student Residences staff, Residential Advisors and the wider University.

1.2 Residents' Responsibilities

As a member of the residential community, you have the responsibility to:

- 1.2.1 Help maintain an environment conducive to academic study.
- 1.2.2 Treat fellow residents and staff with respect, consideration, and cooperation.
- 1.2.3 Accord every resident personal dignity and report incidents of bullying, violence, sexual harassment, discrimination and other forms of harassment to Residences staff.
- 1.2.4 Understand and comply with all University and Residences policies and regulations; including those that apply to all formally organised events both on- and off-campus.
- 1.2.5 Resolve personal and community issues in a calm and respectful manner.
- 1.2.6 Make informed decisions regarding the consumption of alcohol. If you choose to consume alcohol you are expected to do so in a responsible manner.
- 1.2.7 Exercise an individual commitment to personal and community safety and security, by not intentionally or recklessly placing oneself or other persons at risk.
- 1.2.8 Comply with reasonable requests from University and security staff, and contractors.

2 Resident Conduct & Unacceptable Behaviour

All residents are expected to not engage in “Unacceptable Behaviour” or “General Misconduct”, as defined in the Swinburne University People, Culture and Integrity Policy addressing Unacceptable Behaviour, which can be found at the following web address:

<http://www.swinburne.edu.au/policies-regulations/policies/people-culture-integrity/unacceptable-behaviour/>; and

The Swinburne Student General Misconduct Regulations (2012), which can be found at the following web address: <http://www.swinburne.edu.au/policies-regulations/statutes-regulations/student-general-misconduct/>

Unacceptable Behaviour and General Misconduct include the following:

2.1 Bullying

Bullying is characterised by repeated, unreasonable behaviour directed at a student or staff member, or group of students or staff members that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. The behaviour can include actions of an individual or a group, and may involve the bully using a system of work or inappropriately asserting power.

2.2 Violence

Violence is a physical assault or attack by direct or indirect application of force that creates a risk to health and safety. The attacker’s intent is not determinative.

2.3 Sexual Assault and Sexual Harassment

Sexual assault and sexual harassment are defined as:

- **Sexual Assault:** Occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent. The term can refer to a broad range of sexual behaviours that make a victim survivor feel uncomfortable, frightened or threatened. Sexual assault is a crime and includes rape, sexual touching and child sexual abuse
- **Sexual Harassment:** Sexual harassment is when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person, and/or engages in any other unwelcome conduct of a sexual nature in relation to another person, including through digital or online means, that is offensive, humiliating or intimidating.

2.4 Discrimination

Discrimination is defined by legislation in Victoria. It includes both direct and indirect discrimination. Direct discrimination occurs if a person treats, or proposes to treat, a person with an “attribute” unfavourably because of that attribute. Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with an attribute and is not reasonable.

For the purposes of determining discrimination, the offender’s awareness and motive are irrelevant.

Attributes protected under Federal and Victorian laws include, but are not limited to: age, disability or impairment (including disease or illness), gender identity, lawful sexual activity, marital status, physical features, political belief or activity, pregnancy or potential pregnancy, race, colour, nationality, ethnic or national origin, religious belief or activity, same sex relationships, sexual orientation and social origin.

2.5 Harassment

Harassment is any form of behaviour that is not wanted, is not asked for and that a reasonable person would consider likely to create a hostile or uncomfortable environment by humiliating, intimidating or offending another person or group of people because of an attribute protected by the law (See Discrimination for an explanation of “attributes” protected by discrimination laws.)

Racial and religious vilification is behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person or group of people, because of their race or religion. Acts of racial and religious vilification are unlawful in any public place.

2.6 General Misconduct

For the purposes of this Code of Conduct, it is general misconduct if a resident—

- 2.6.1 while on Swinburne Student Residence premises, using Residences facilities and services or engaging in Residences activities—
 - I. commits an offence
 - II. engages in conduct which causes the University to be guilty of a crime; or
 - III. intentionally or recklessly causes injury to another person;

- 2.6.2 intentionally or recklessly causes damage to, or commits theft of—
 - I. Residences property; or
 - II. property on Residences premises;
- 2.6.3 interferes with or improperly or unsafely uses Residences property, facilities or services;
- 2.6.4 while on Residences premises, using Residences facilities or services or engaging in Residences activities engages in improper behaviour, including—
 - I. harassment;
 - II. threatening or intimidating behaviour;
 - III. use of abusive or offensive language;
 - IV. disorderly behaviour;
 - V. breach of the peace;
 - VI. access, display, download, upload or broadcast of offensive material;
 - VII. acting in breach of laws or rules of conduct relating to smoking, alcohol consumption, use of drugs, gambling, occupational health and safety or discrimination;
- 2.6.5 engages in conduct which is detrimental to the reputation of the Residences;
- 2.6.6 engages in a pattern or sequence of conduct which places substantial demand on Residences resources, vexatiously or without proper justification;
- 2.6.7 offers a bribe or other improper inducement in relation to the provision of Residences services or the discharge of the functions or duties of Residences staff;
- 2.6.8 falsely claims an identity, qualification, prior learning or experience;
- 2.6.9 acts in breach of a provision of a University statute or regulation relating to conduct;
- 2.6.10 promotes or sells products or services within the Residences, either as an individual, or on behalf of another individual or organisation;
- 2.6.11 undertakes or organises any fundraising, sponsorship or advertising activities within the Residences without the prior written approval by the Associate Director Student Housing and Finance;
- 2.6.12 enters into any formal or implied agreement with another organisation, business or divisions of the University on behalf of the Residences;
- 2.6.13 represents the Residences or the University without the written permission of the Associate Director Student Housing and Finance;
- 2.6.14 uses the University and/or Residences logo and names without authorisation, or;

2.6.15 incites another person to commit general misconduct

3 Smoking, Drug and Alcohol Use, and Prohibited Materials

3.1 Alcohol

3.1.1 Irresponsible, reckless or anti-social behaviour relating to excessive consumption of alcohol are not permitted in the Residences. This includes but is not limited to:

- I. Encouraging underage residents to consume alcohol or supplying them with alcohol;
- II. Public intoxication;
- III. The purchase or use of kegs;
- IV. Organising and participating in drinking games (e.g. beer pong, flip cup) and pub crawls;
- V. Use of drinking devices such as hoses, funnels, punchbowls to consume and mix alcohol;
- VI. Manufacturing and distributing alcohol;
- VII. Pressuring residents to consume alcohol

3.1.2 Residents under the legal drinking age (18) are not permitted to consume or possess alcohol in the Residences or at any Residences sponsored events.

3.1.3 Any behaviour in relation to the consumption of drugs and/or alcohol which infringes on the safety and rights of residents and could be considered as General Misconduct (Section 2.6) is not permitted.

3.1.4 Residents are permitted to consume alcohol in the Residential College Dining Hall, rear College courtyard, and Swinburne Place 3rd Floor Common Rooms/outdoor balconies until 11pm.

3.1.5 Residents are not permitted to consume alcohol in College Rooms 217, 317, 417 and 517, and Swinburne Place 3rd floor study and "chill out" rooms.

3.1.6 Alcohol free zone during the Exam and Swot VAC periods include the Residential College public spaces, Swinburne Place 3rd Floor Common Rooms and Swinburne Place 3rd Floor outdoor balconies.

3.1.7 Glass bottles and drinking glasses (for alcoholic and non-alcoholic beverages) are prohibited from all outdoor areas on the Residences premises, including apartment balconies and adjacent outdoor areas, the Swinburne Place 3rd floor outdoor balconies and the Residential College rear courtyard.

3.2 Smoking

Swinburne University is a smoke-free campus, as part of the commitment to ensuring a safe and healthy environment for staff, students and visitors.

Smoking and Vaping is not permitted on University premises, including Residences bedrooms, apartments, common areas, balconies and outdoor spaces in and around the campus.

3.3 Drugs

Use, possession, cultivation and manufacture, or trafficking of any illegal drug is not permitted in the Residences. Marijuana (or cannabis) is considered as an illegal drug in the state of Victoria.

Possession of Drug Paraphernalia (any equipment that is used to produce, conceal, and/or consume illicit drugs) is not permitted in the residences. This includes but is not limited to items such as bongs, herb grinders, and various types of pipes.

3.4 Prohibited Materials

Possession or storage of any combustible materials or liquids, explosive devices, firearms or knives or any other dangerous, or controlled weapon as defined under the Victorian Control of Weapons Act 1990, or any other illegal substances or items is not permitted in the Residences or anywhere on Swinburne property.

4 Social Gatherings and Parties

4.1 Gatherings, parties and private functions are not permitted within the residences.

4.2 Residents must hold private parties off campus to avoid disruptions in the Residences.

4.3 Social events are not permitted to be advertised via social media or the use of posters.

4.4 No more than twice the amount of tenants should be present in your apartment at any one time (e.g. In a three-bedroom apartment, this would equal 6 people), in accordance with OH&S regulations.

5 Noise and Quiet Times

5.1 General Noise Levels

5.1.1 Swinburne Student Residences are intended primarily for study, sleep and quiet relaxation. Residents are expected to keep noise in and around the Residences to a level which is consistent with those purposes at all times.

- 5.1.2 While Resident Advisors have direct responsibility for addressing noise violations, all Residents are expected to assume a degree of responsibility for addressing those residents who infringe upon their right to sleep and study.
- 5.1.3 The following activities are not permitted (unless permission has been granted by the Associate Director): use of amplified sound sources such as electronic devices, amplified musical instruments, drum equipment, live music/bands, DJ equipment, etc., at a level which is likely to interfere with the ability of other persons to study or sleep.

5.2 Quiet Times, Swot Vac & Exams

The Residences utilises a system of "Quiet Times" in order to encourage consideration of all residents and the need for quiet to study and to rest.

- 5.2.1 The following restrictions on noise apply:

Quiet Times outside Swot Vac and examination periods are:

Sunday – Thursday 11pm to 9am
Friday and Saturday 12am to 9am

Quiet Times during Swot Vac (pre-exam period) and examination periods are:

Monday – Sunday 8pm to 9am

- 5.2.2 All noise outside the Quiet Times listed above is to be kept to a minimum.
- 5.2.3 All residents wishing to celebrate the end of their examination or assignments are asked to do so off campus and minimise noise on their return to the Residences.

6 Residences Facilities and Room Usage

6.1 Furniture & Appliances

Information on approved personal furniture (including measurements) and equipment for your room and apartment is in the Handbook. Please refer to the information provided or you may incur costs for removing these items (clause 6.1.3 below)

- 6.1.1 Residents are not permitted to place personal furniture in the courtyard or on the balcony of their apartments.
- 6.1.2 Personal beds and mattresses are not permitted in the Residences, except for medical reasons (must provide supporting letter from a doctor).
- 6.1.3 Non-approved personal furniture may be removed and the cost passed on to the residents.

6.2 Unoccupied Bedrooms and Apartments

Residents must not enter and/or make use of uninhabited bedrooms, or use the items contained in uninhabited bedrooms. Residents found to be in breach of this rule may be charged the cost of cleaning and the nightly rate for occupying the room.

6.3 Occupied Bedrooms and Apartments

- 6.3.1 Residents are not permitted to change rooms without approval from Residences staff. Residents involved in an unauthorised room change will be required to return to their originally allocated room, and will be charged for the cost of the room clean by the Residences.
- 6.3.2 Residents must keep their key cards with them at all times. Residents who are locked out will be charged a lockout fee as detailed in the Handbook.
- 6.3.3 Residents are not permitted to enter another resident's room unless by the express invitation of that room's resident.
- 6.3.4 Residents are not permitted to sub-let their room to another person.
- 6.3.5 Bicycles and other personal items must not be left in apartment entryways, balconies, any corridor in the Residences or outdoor courtyards. Bicycles must be stored in a bike shed by contacting Facilities and Services.
- 6.3.6 Residents are not permitted to display laundry, clothing, or hang any kind of banner or other item from, or on the balcony or courtyard outside of an apartment. Fines imposed by Council will be passed on to residents.

6.4 Common Spaces

- 6.4.1 Residences furniture must not be removed and/or relocated from any common areas.
- 6.4.2 Residents are not permitted to play ball, or any other disruptive games in the corridors and common spaces in the Residences.
- 6.4.3 Residents are not permitted to skate on residences properties including balconies, outdoor areas and buildings.
- 6.4.4 Residents are not permitted to mount posters in common areas without the prior consent from the Associate Director or other Residences staff.

6.5 Property Damage

- 6.5.1 Residents will be liable for monetary fines for missing or damaged University property in their allocated bedroom. Residents living in group share arrangements (apartments) will be jointly fined for losses of, or damages to, University property including furniture and other items provided in the common areas within their apartment or building.
- 6.5.2 Only 'Blu-Tac' or similar non-damaging adhesives may be used to mount posters, decorations etc. onto walls, doors or other surfaces in the room or common area. When such items are removed, all traces of adhesive must be removed. The use of tape or glue of any kind, or of any fixing which penetrates the mounting surface is not permitted. If any damage occurs as a result of mounting such items, the damage caused will be charged to the resident.
- 6.5.3 Residents are not permitted to make any mechanical, electrical or physical changes to a room or building.
- 6.5.4 Residents are not permitted to remove, alter or damage any signs in the Residential premises.
- 6.5.5 Any damages charges applied will be in accordance with the Damage & Cleaning Charges Costings sheet available from Residences administration.

6.6 Wi-Fi Network and Other Infrastructure

- 6.6.1 Residents are not permitted to establish local area networks, or erect or cause to be erected outdoor television, satellite or radio aerials.
- 6.6.2 Residents are not permitted to tamper with any of the wireless access points in the Residences, or connect personal routers to the Residences network.

7 Guests and Visitors

For the purposes of this Code of Conduct:

A "Guest" is classified as any non-resident staying overnight at the Residences at the expressed or implied invitation of a resident.

A "Visitor" is classified as any non-resident visiting the Residences at the expressed or implied invitation of a resident, but does not stay overnight.

- 7.1 All guests must be at least 18 years of age.

- 7.2 Apartment residents may have guests in their apartment one night a week only. Residents who have guests staying more than one night per week, may be charged for the additional nights occupied by their guests. The charge will be at the discretion of the Associate Director.
- 7.3 All guests must be registered. Residents can register their guests via Student Reception (Monday-Friday, 9am-5pm) or with the Duty RA (outside office hours).
- 7.4 The Associate Director or University staff may refuse entry to any guest or visitor into the Residences, or evict any such a person from the Residences premises.
- 7.5 Guests are not permitted to stay in the Residences during Orientation week or the Swot Vac and examination periods without the written permission of the Associate Director.
- 7.6 Residents will be held accountable for the actions and behaviour of their guests and visitors. This includes being financially responsible for any costs related to damages caused by their guests and visitors. It is the responsibility of the resident to explain the code of conduct to their guests and visitors and to accompany the non-resident at all times.
- 7.7 Residents are not permitted to give their access cards to non-residents.
- 7.8 A guest must be accommodated in the host resident's bedroom only.
- 7.9 Guests are not permitted to make use of any room, common space, equipment and facilities within the Residences, except in the company of and at the express invitation of a resident and only if no other resident is inconvenienced by such use.
- 7.10 Facilities and equipment such as washers and dryers, etc. may not be used by visitors or guests
- 7.11 Guests and visitors are not permitted to participate in events organised for residents without invitation from Residences staff.

8 Safety

8.1 Fire Safety

- 8.1.1 Fire alarms, hoses, smoke alarms, automatic door closers, fire blankets, extinguishers and other fire safety equipment are to be used only for their intended purpose. Misuse of, or tampering with fire safety equipment is a criminal offence. Any resident found to have misused or tampered with fire safety equipment may have their license agreement terminated.

- 8.1.2 Fines may be passed onto residents responsible for misuse of fire safety equipment, including intentionally or unintentionally triggering a fire alarm.
- 8.1.3 Use of the following items is not permitted within the Residences:
- i. Room heating appliances or any appliance with any exposed heating element, other than those provided by the Residences,
 - ii. Candles, incense burners or any appliance or other item which produces flame or smoke,
 - iii. BBQs (gas or electric), with the exception of residences provided
- 8.1.4 Residents are not permitted to light any fires within the Residential premises.
- 8.1.5 In the event of a fire alarm, residents are required to evacuate the building when instructed to do so by Swinburne Security or authorised University staff members.

8.2 Emergency Situations

- 8.2.1 Residences staff reserve the right to enter residents' rooms and apartments in the event of an emergency, or if there is cause for concern over the safety or well-being of any resident, or the integrity of the Residence. It is preferred that entry be made by two staff on any occasion.
- 8.2.2 Residents are not permitted to knowingly cause, make or circulate false reports or warnings of a catastrophe or emergency situation.
- 8.2.3 To ensure safety, and to facilitate emergency exit from the buildings, all corridors, exit areas, foyers and stairwells must be kept clear of all personal items (including bikes) and furniture.
- 8.2.4 Residents should to the best of their ability follow the advice of Swinburne Security and authorised University staff members in any emergency situation.

8.3 Falling or Thrown Objects

Throwing objects or allowing them to fall from any building is dangerous, potentially lethal, and is not permitted. Any resident found to have intentionally or unintentionally caused such action will be sanctioned accordingly, and in the event of causing injury, Swinburne Residences will report the matter to Victoria Police and any other parties as required.

9 Cleanliness & Hygiene

9.1 Cleaning and Food Preparation

- 9.1.1 Residents share responsibility for the cleanliness of the shared areas of their apartments.
- 9.1.2 In Residential College rooms where contract cleaning is provided, residents may not request their rooms to miss more than one cleaning cycle. Additional requests to miss the cleaning cycle will be passed on to the Associate Director or delegated representative by the cleaning staff.
- 9.1.3 Residents who prepare food and drink in kitchens are responsible for cleaning up afterwards and for maintaining their kitchens in a hygienic condition at all times.
- 9.1.4 All food must be stored in sealed containers. Any food may be disposed of if it constitutes a health hazard in the opinion of Residences staff, with no compensation payable to the resident concerned.

9.2 Waste Management

- 9.2.1 All waste and unwanted items must be disposed of appropriately. Residents may be charged if cleaning contractors are required to dispose of food, personal items or furniture.
- 9.2.2 Residents are not permitted to collect and store empty bottles or cans in their apartments or on their balconies or courtyards.

9.3 Inspections

- 9.3.1 Monthly inspections will be conducted in the common areas in the apartments and in the courtyard or balcony.
- 9.3.2 All bedrooms will be inspected once per semester.
- 9.3.3 Failure to maintain a clean and hygienic bedroom, apartment or courtyard/balcony may result in disciplinary action. In addition, professional cleaning services will be arranged where apartments fail 2 cleaning re-inspections in a month (or are excessively dirty, as determined by the Residences management). The cost of any such services in apartment shared spaces will be attributed to all residents of that apartment, unless individual responsibility can be determined. A cleaning & administrative charge will apply per student, in accordance with the schedule of fees.

10 Pets & Animals

Residents and their guest and visitors are not permitted to keep pets or allow any animals to enter the Residences, or feed or otherwise encourage any animal to approach themselves or the Residences.

Personal service animals such as guide dogs are exempt from this rule.

11 Sanctions

There are three levels of misconduct when residents are found to have breached the Residences Licence Agreement, Code of Conduct and Swinburne University's policies and procedures. Each act of misconduct will be considered under the appropriate level of misconduct, depending on the severity of the actions/behaviour by the resident.

A resident who has allegedly breached the Licence Agreement, Code of Conduct and Swinburne University's policies and procedures will be required to attend a misconduct meeting, and may choose to bring an advocate or support person. At the misconduct meeting, the resident will be given the opportunity to respond to the allegations. Management of the Residences will issue appropriate sanctions or penalties if it is found that there has been a breach of policies. The resident will have the right to appeal the decision.

The following information provides a broad outline on the three levels of misconduct and the **possible** sanctions. It is important to note that each case is different and sanctions may vary depending on, for example (and not limited to), circumstances, the nature of the incident, impact, response to the allegations, previous incidents etc.

Level One Misconduct (broad examples but not limited to)

- Noise
- Smoking
- Damage property accidentally as a result of intoxication
- Re-occurring failed cleaning inspections
- Speaking to staff or Resident Advisors in rude manner

Level One Sanctions

- Level One Written Warning and could include one or more other sanctions if appropriate (see schedule of possible sanctions)

Level Two Misconduct (broad examples but not limited to)

- Repeat misconduct after being sanctioned a Level One written warning
- Breach of several clauses of the code of conduct in one incident (noise, party in the apartment, more than double the number of persons in the apartment etc)

- Use of offensive language or jokes
- Noisy during SWOTVac and exam period
- Bullying behaviour
- Harassment

Level Two Sanctions

- Level Two Written Warning and could include one or more other sanctions if appropriate (see schedule of possible sanctions)

Level Three Misconduct (broad examples but not limited to)

- Repeat misconduct after being sanctioned at level one or level two (depending on the severity of the misconduct incident)
- Physical assault
- Sexual harassment (serious level)
- Threat to harm others

Level Three Sanctions

- Level Three Final Written Warning (Probation)
- Other sanctions could include:
 - Refer the matter to the University
 - Academic sanctions e.g. suspension
 - Suspension and expulsion from the University
 - Refer to Schedule of possible sanctions

When a resident is issued with a Final Written Warning (Probation), the University will terminate the resident's Licence Agreement if there is further breach of the University's policies or the Residences Code of Conduct.

Schedule of Possible Sanctions

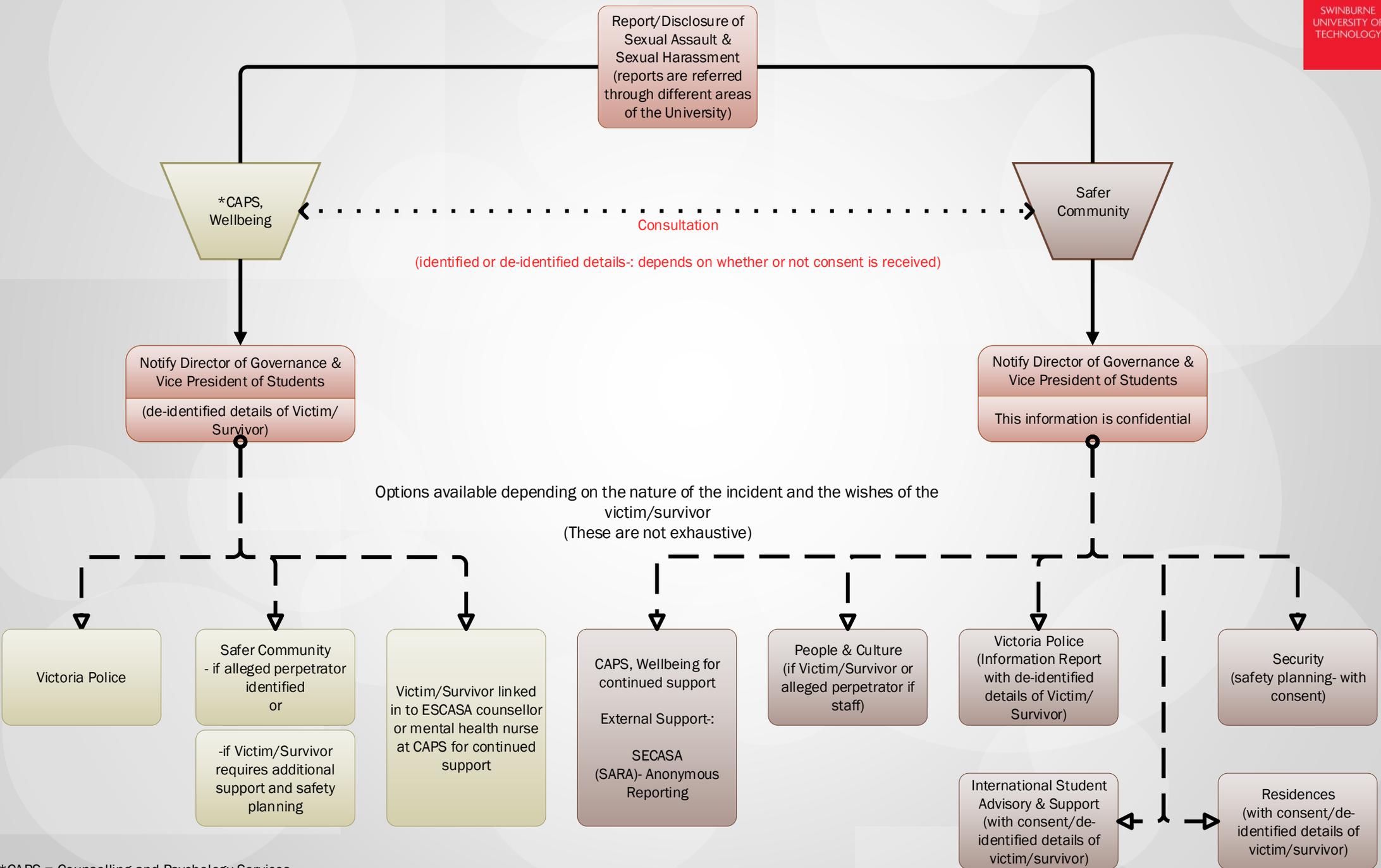
- Letter of apology
- Reflection letter
- Pay for damages or other costs
- Mandatory counselling
- Relocation to another room or apartment
- Encourage participation in mediation
- No contact with specific resident
- Regular meetings with the Residential Life Coordinator

Meeting with the Residential Life Coordinator for Academic Support

The Residential Life Coordinator reviews the academic results of all residents at the end of each semester. The purpose is to identify residents who may need support and referral to academic services in the University for academic assistance.

Residents are required to schedule a time to meet with the Residential Life Coordinator if invited to attend a session. The purpose of this session is to discuss your academic needs and how the Coordinator can assist you with seeking academic assistance.

Process Flow for Wellbeing & Safer Community



*CAPS = Counselling and Psychology Services

APPENDIX 6

Guidelines for Safer Community's & Wellbeing's Referral Pathway

Key roles and responsibilities-:

Safer Community- to triage, assess and case manage student behavioural concerns which may be reported by both staff and students. To provide referrals to appropriate internal and external services.

Wellbeing- to triage, assess, case manage and provide support for both medical and mental health needs. To provide referrals to appropriate internal and external services.

Guidance on when Safer Community and Wellbeing should be engaged-:

Safer Community- when there are concerns for any inappropriate, threatening or concerning student behaviours.

Wellbeing- when there are any medical or mental health related concerns.

- Safer Community and Wellbeing frequently consult on cases that are referred and/or that require joint case management.

Details of how Safer Community and Wellbeing may respond to reported incidents-:

Please refer to the attached flowchart for how both teams respond to disclosures and reports of sexual assault and sexual harassment.