

AUSTRALIAN LAW STUDENTS' ASSOCIATION



Bylaw 00/2: ALSA Behaviour Policy

Introduction

[The object of this By-Law is to govern the behaviour of participants at all ALSA events. It is intended to resolve problems and disputes justly and efficiently when and if they arise.]

- 00/2.1 A copy of this By-Law is to be made available to all participants at ALSA events.
- 00/2.2 A copy of this By-Law is to be placed on the ALSA Website.
- 00/2.3 ALSA Representatives must do all they can to encourage their delegation to comply with this policy.
- 00/2.4 It is the responsibility of ALSA Representatives to ensure their participants understand the provisions of this By-Law.
- 00/2.5 The term 'ALSA Event' encompasses the ALSA Conference, ALSA Council Meetings and any other event organised by or on behalf of ALSA.

The Review Process

- 00/2.6 There shall be an ALSA Behaviour Review Board (the Behaviour Review Board) comprised of:
 - a) the ALSA President (or his or her nominee);
 - b) the Event Organiser; and
 - c) a qualified counsellor or a nominee of the ALSA Council.
- 00/2.7 The Behaviour Review Board will deliberate on:
 - a) any matters concerning the behaviour of participants at an ALSA Event;
 - b) those duties as determined by this By-Law; and
 - c) any other matter conferred on the Review Board by motion of the ALSA Council.
- 00/2.8 Except where otherwise provided for in the ALSA Constitution or ALSA By-Laws, decisions of the Behaviour Review Board shall be final.
- 00/2.9 The Review Board may refer matters to the ALSA Council if it so determines.
- 00/2.10 The Review Board shall convene, as soon as possible;
 - a) at its own discretion;
 - b) by motion of the ALSA Council; or

- c) upon receipt of a complaint, in writing, by an ALSA Event participant.

Standard of Behaviour

- 00/2.11 All participants shall conduct themselves in an appropriate manner at all times.
- 00/2.12 All participants are entitled to enjoy all the activities of the Event without the undue interference of others.
- 00/2.13 All participants will ensure the name of ALSA is not brought into disrepute by their actions.

Sexual Harassment

- 00/2.14 ALSA aims to create an environment free from sexual harassment where all members are treated with courtesy and respect.
- 00/2.15 Nothing in this policy is intended to vary rights and responsibilities at law.
- 00/2.16 Nothing in this policy is intended to unreasonably restrict participation in, and enjoyment of, the activities of any ALSA Events which encourage the development of friendships, personal enjoyment and good humour.
- 00/2.17 Sexual harassment includes, but is not limited to;
 - a) any unwelcomed or unconsensual physical contact of a sexual nature;
 - b) making promises or threats in relation to sexual activity;
 - c) displaying sexually graphic material;
 - d) unwelcomed sexual gestures;
 - e) persistent requests for sex or intimate physical contact;
 - f) stalking; and
 - g) sexually based insults or threats.
- 00/2.18 Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect.
- 00/2.19 The Event Organiser shall appoint an appropriately qualified Sexual Harassment Officer prior to, or at the commencement of, the ALSA Event.
- 00/2.20 The Event Organiser shall ensure the contact details of the Sexual Harassment Officer are available to all participants before, or immediately upon, arrival at the ALSA Event.
- 00/2.21 All complaints and reports of sexual harassment may be directed to the Sexual Harassment Officer.
- 00/2.22 On receipt of a complaint, the Sexual Harassment Officer may determine the procedure for investigating and handling complaints of sexual harassment subject to 00/2.23.
- 00/2.23 The Sexual Harassment Officer shall;
 - a) treat all complaints as strictly confidential;
 - b) conduct themselves in a fair and sensitive manner;
 - c) handle all complaints in a timely fashion; and
 - d) give reasons for their decision to the parties, and in the event of an appeal, to the Behaviour Review Board.
- 00/2.24 Upon receipt of a sexual harassment complaint the Sexual Harassment Officer may, with the consent of the complainant;

- a) refer the matter to the police;
 - b) request an apology be given to the complainant;
 - c) direct any offending material be removed;
 - d) deny the respondent entry to the ALSA Event activities;
 - e) expel the respondent from the ALSA Event; or
 - f) pursue any other action they deem appropriate.
- 00/2.25 A respondent, who is penalised in accordance with 00/2.24, shall have the right to appeal to the Behaviour Review Board.
- 00/2.26 The Behaviour Review Board may determine its own procedure for hearing any appeal subject to 00/2.27.
- 00/2.27 The Behaviour Review Board shall;
- a) treat all complaints as strictly confidential;
 - b) conduct its proceedings in a fair and sensitive manner;
 - c) handle all complaints in a timely fashion; and
 - d) give reasons for their decision to the parties.
- 00/2.28 The decision of the Behaviour Review Board is final.

Departures from the Standard of Behaviour

- 00/2.29 ALSA will not tolerate departures from the standard of behaviour as contained in 00/2.11-13.
- 00/2.30 ALSA reserves the right to expel from an ALSA Event any participant who behaves in a way which significantly departs from the expected standard of behaviour or brings the name of the Association into disrepute.
- 00/2.31 The Behaviour Review Board holds the power to expel a participant.
- 00/2.32 Significant departures from the expected standard of behaviour or bringing the name of the Association into disrepute, as described in 00/2.30, shall include, but not be limited to;
- a) deliberately or recklessly causing damage to property;
 - b) theft;
 - c) violent behaviour;
 - d) offensive behaviour;
 - e) unjustifiably interfering with the enjoyment of other participants;
 - f) disrupting any official ALSA function;
 - g) failing to give due respect to ALSA's guests and speakers;
 - h) the use, possession and distribution of or request for prohibited drugs; and
 - i) other behaviour as determined by the ALSA Council or Behaviour Review Board.
- 00/2.33 In interpreting the nature of participant's behaviour, the Behaviour Review Board and the ALSA Council may have regard to whether the offending action/s were committed;
- a) during a competition;
 - b) during a meeting of the ALSA Council;
 - c) during an official function;
 - d) during a seminar or guest presentation;

- e) at a social function;
 - f) while travelling to or from an ALSA function; or
 - g) while representing ALSA.
- 00/2.33A Further, the Behaviour Review Board and the ALSA Council will consider the position of the participant. Specifically whether the participant is:
- a) a member of the ALSA Council (excluding Committee and Executive);
 - b) a member of the ALSA Conference team;
 - c) a member of the ALSA Committee; or
 - d) a member of the ALSA Executive or ALSA Conference Convenor.
- 00/2.34 No reimbursement or compensation of any kind will be paid, by ALSA or any Law Students' Society, to any participant who is expelled.
- 00/2.35 The Behaviour Review Board shall commence, as soon as possible, an investigation of any incidents involving behaviour listed in 00/2.32;
- a) at its own discretion;
 - b) by motion of the ALSA Council; or
 - c) upon receipt of a complaint, in writing, by a participant.

Right of Appeal

- 00/2.36 A participant who is expelled pursuant to 00/2.30 shall have the right to appeal to the ALSA Council. Participants expelled pursuant to 00/2.24 may only appeal to the Behaviour Review Board pursuant to 00/2.25.
- 00/2.37 The expelled participant may address the ALSA Council for a period not exceeding ten minutes.
- 00/2.38 The ALSA Council may direct questions to the expelled participant at the discretion of the chair.
- 00/2.39 The ruling of the Behaviour Review Board may be overturned or affirmed by a motion (simple majority) of the ALSA Council.
- 00/2.40 The members of the Behaviour Review Board shall not be permitted to vote under 00/2.39.
- 00/2.41 The decision of the ALSA Council is final.
- 00/2.42 ALSA recognizes that ALSA events reflect on the organisation and are conscious that ALSA social events are held in a responsible fashion and in accordance with society standards.
- 00/2.43 Where appropriate, ALSA recommends the following to be adhered to when organizing events:
- a) alcoholic drinks are accompanied by a sufficient amount of food;
 - b) "free" alcoholic drinks are not distributed in such a manner as to encourage excessive drinking at events;
 - c) the distribution of alcohol should always be in accordance with the event provider's "Responsible service of Alcohol" obligations; and
 - d) in the absence of this, the service of alcohol should be in accordance with the State legislated requirements.
- 00/2.44 At each ALSA social event, a person of the ALSA Executive, the Conference Convenor or the host of the ALSA event will be responsible for liaising with the event provider and external parties to ensure compliance with the relevant legislation and ALSA policies.

00/2.45 This person is not allowed to drink alcoholic beverages while assuming responsibility of the event.

00/2.46 The default person will be the Conference Convenor or host of the event, however a member of the ALSA Executive can be substituted into this position, if requested.

Amended 25/09/2004