

# THE AUSTRALASIAN SOCIETY FOR CLASSICAL STUDIES

## CODE OF CONDUCT: IMPLEMENTATION PROCEDURES

### **Procedures**

As is indicated by the Code of Conduct (**Code**) adopted at the Annual General Meeting of 2017, the Australasian Society for Classical Studies (hereafter ASCS or the Society) takes a serious view of unlawful discrimination, harassment or bullying of any kind by or against its members. All members are consequently expected to be fully familiar with and abide by the terms of the Code.

This document sets out clearly the procedures to enable the implementation of the Code of Conduct. However, ASCS reserves the right to vary any of the procedures set out in this document, if it considers it is reasonably necessary to do so in a particular circumstance. The policies and procedures contained in this document are not a term of any contract, including any contract of employment, appointment or enrolment, and do not impose any contractual duties, implied or otherwise, on ASCS and may be varied from time to time.

### **1. Application of Code**

- (a) These Procedures apply to alleged violations of the Code at ASCS-organised events.
- (b) A statement that the Code and Procedures apply to all activities listed in the program for an ASCS-organised event will usually be included in the registration process and official program for ASCS-organised events.
- (c) Registration for an ASCS-organised event should, wherever reasonably practicable, require a signature from each registrant acknowledging recognition that the event is an ASCS-organised event in relation to which the Code and Procedures are applicable.

### **2. Types of Misconduct**

Specific acts of misconduct include, but are not limited to, the following:

- (a) Violations of Australian or New Zealand law relevant to the Code, as applicable to the ASCS-organised event.
- (b) Behaviour in violation of the Code.
- (c) A malicious, frivolous or vexatious complaint.
- (d) Failure to protect privacy in accordance with cl. 8 of the Procedures.

### **3. Penalties**

- (a) Should the Committee conducting an investigation in accordance with cl. 7 determine that an allegation of contravention of the Code has been substantiated, one or more of the following penalties may be applied:
  - a. A formal warning, of which a record shall be made.
  - b. A request for the offender to apologise to the complainant.
  - c. Referral of the matter to the alleged offender's institution of employment, appointment or enrolment for investigation under that institution's disciplinary procedures.

- d. Banning of the offender from registering for subsequent ASCS-organised events, either for a period or permanently.
  - e. Request for resignation from the Society.
  - f. Expulsion from the Society.
  - g. Referral of the matter to the local police for investigation under the local criminal law where appropriate.
- (b) In determining the penalty to apply, the Committee of Investigation may have regard to the following, among other things:
- a. The acknowledgement by the offender of any wrong done and any voluntary apology offered.
  - b. The nature and seriousness of the contravention of the Code.
  - c. Whether the behaviour was wilfully intended to cause distress or persisted after a request by the complainant to desist.
  - d. Whether the offender has committed any prior contraventions of the Code.
  - e. Whether the contravention of the Code has led to a determination of guilt or liability for the offender under the criminal or civil law of Australia or New Zealand.
- (c) It is expected that penalties (a)c.-f. will usually only be applied to conduct that the Committee considers is wilful, that represents a contravention of the Code by someone with a prior record of contravention or involves conduct in contravention of the civil or criminal law, as determined by a court of law in Australia or New Zealand.
- (d) The penalty applied may, in ASCS's sole discretion, be reassessed by the Committee of Investigation following investigation subsequently by the applicable institution or legal system under (a)c. or (a)g.
- (e) If a referral to an institution or other authority is deemed appropriate under this cl., the committee will endeavour to provide reasonable support in reporting the matter including information in accordance with cl. 8.

#### **4. Conflicts of Interest**

- (a) Any person involved in the investigation or making of any decisions under these Procedures must declare a potential conflict of interest arising from personal or working relationships with either the complainant or alleged offender as soon as possible.
- (b) Where the conflict of interest is significant in the eyes of the senior office-holders, other than any office-holder reporting a conflict of interest, the person will stand aside and an independent member of the Society will be appointed as a replacement, subject to cl. 6 below.

#### **5. Laying of Complaint**

- (a) Complaints may be made orally or in writing to a senior office-holder (see 9. Definitions below) or to the organiser of the event.
- (b) If made orally, the senior office-holder or organiser of the event will usually make a record of the allegation in writing that should, where reasonably practicable, be acknowledged by signature by the complainant.

- (c) Complaints should normally be made at the ASCS-organised event at which the alleged contravention has occurred, if practicable.
- (d) The President, in consultation with the senior office-holders and at ASCS's sole discretion, may accept a complaint in writing after the conclusion of the ASCS-organised event, but complaints should usually be submitted within six months of the completion of the ASCS-organised event to be considered.
- (e) The President, in consultation with the senior office-holders and at the ASCS's sole discretion, may accept a complaint in writing more than six months after the event in exceptional circumstances.
- (f) A written record of a complaint should include the following:
  - a. The time and date of the alleged contravention.
  - b. The name of the alleged offender.
  - c. The nature of the alleged contravention.
  - d. The names of any persons who may have witnessed the alleged contravention.

## **6. Committee of Investigation**

A Committee of Investigation will usually, where reasonably practicable, comprise the following:

- (a) The President of the Society or nominee, who will chair the Committee.
- (b) One senior officer-holder, or two senior office-holders if the chair is not a senior office-holder.
- (c) The organiser of the event, or nominee.
- (d) Any additional members co-opted by decision of the Committee.
- (e) Should a conflict of interest mean that no senior office-holders are available to fill positions (a)-(b), these positions may be filled by members of the Society who are not senior office-holders, but who have been members of the Society for at least 5 years prior to the alleged contravention.

## **7. Investigations**

- (a) Investigations are intended to be non-adversarial and will endeavour to be supportive of each of the parties involved.
- (b) Actions under these procedures may proceed, unless prevented by Court order, irrespective of any action involving the alleged offender in any court, commission or tribunal.
- (c) Any written communications required by these Procedures are to be sent to the email address associated with the relevant person's registration for the ASCS-organised event.
- (d) The senior office-holder or conference organiser who receives the complaint is to determine in consultation with at least two others from among the senior office-holders whether the complaint is within the ambit of the Code and Procedures and should be considered by ASCS.
- (e) If it is determined that ASCS should consider the complaint and the complaint occurs during an ASCS-organised event, and if it is determined that time permits an

investigation under these Procedures, the alleged offender and complainant will be informed both by email and in person, if possible, and:

- a. The complainant and alleged offender are to be provided with a copy of the Code and Procedures and a document indicating the matters outlined in cl. 5(f).
  - b. The complainant and alleged offender are to be told the time and date of his or her interview. This should be at least 12 hours after the sending of the notice.
  - c. The complainant and alleged offender are to be told of the right to be accompanied by a support person.
  - d. The complainant and alleged offender are to be told of their right to choose not to attend the interview but to participate instead by telephone or teleconferencing or provide written submissions. If such an option is exercised, each party is to be allowed ten working days to prepare for the interview or to provide a response in writing.
  - e. The complainant and alleged offender will be interviewed separately, with the complainant usually interviewed first. Each may be re-interviewed if the Committee considers it necessary.
  - f. Cross-examination of the complainant by the alleged offender and vice-versa will not be permitted.
  - g. The Committee may also, at its sole discretion and where it considers it appropriate to do so, interview people identified by the complainant or alleged offender as witnesses of events or seek written statements from them. Written statements are to be provided within ten working days of notice having been sent requesting them.
  - h. If the complainant or the alleged offender does not appear for the interview without justifiable excuse, the Committee may reach a determination in his or her absence.
- (f) If it is not practicable to hold an interview during the ASCS-organised event or the complaint was received after the event, the investigation will usually proceed by telephone or teleconferencing, the complainant and alleged offender will be informed by notice by email and:
- a. The complainant and alleged offender are to be provided with a copy of the Code and Procedures and a document indicating the matters outlined in cl. 5(f).
  - b. The complainant and alleged offender are to be given notice of their option to have either a telephone or teleconferencing interview or to provide a written statement via email. Each party will have ten working days to indicate his or her election.
  - c. If the complainant or alleged offender is to be interviewed by telephone or teleconferencing:
    - i. The alleged offender and complainant are to be told the date and time for their interview, which is to be no less than ten working days after the notice, and informed that they may have a support person present.
    - ii. The complainant will usually be interviewed before the alleged offender is either interviewed or provides a written statement. If both parties are to be interviewed, they will be interviewed separately.

- iii. Cross-examination of the complainant by the alleged offender and vice-versa will not be permitted.
  - iv. If one party is to provide a written statement, the other party will usually be provided with a copy of this statement on request.
  - v. Each party may be re-interviewed if the Committee considers it necessary or a follow-up written statement may be sought. Written statements are usually to be provided within ten working days of notice having been sent requesting them.
  - vi. The Committee may also interview people identified by the complainant or alleged offenders as witnesses of events or seek written statements from them. Written statements are to be provided within ten working days of notice having been sent requesting them.
- d. If each party is to provide a written statement via email correspondence:
- i. The complainant and alleged offender are to be told of the date they are to provide written statements. This date is to be not less than ten working days after the notice.
  - ii. Follow-up statements may be sought from the complainant and / or the alleged offender by the Committee if it considers them necessary. If this occurs, each party may request a copy of the other's written statement. Written statements are to be provided within ten working days of notice having been sent requesting them.
  - iii. The Committee may also seek written statements from people identified by the complainant or alleged offender as potential witnesses. Written statements are to be provided within ten working days of notice having been sent requesting them.
- e. If either party fails to attend a telephone or teleconferencing interview or to provide a written statement within the required time-frame without justifiable excuse, the Committee may proceed to determine the matter in that party's absence.
- (g) Whether an excuse for non-attendance of an interview or the provision of a written statement is justifiable is at the discretion of the Committee.
- (h) The determination of the Committee on any matter is final.
- (i) A written record is to be made of the Committee's determination and of any penalty to be applied and kept in accordance with cl. 8.

## **8. Protection of Privacy**

- (a) The privacy of the complainant and alleged offender will be respected as far as reasonably practicable by those involved in an interview process, whether that person attends an interview or provides written submissions. This includes the parties, support persons, witnesses, senior office-holders and the members of the Committee. In addition, senior office-holders with access to written records of matters determined under these procedures are to respect the privacy of those involved, even after the expiration of their term of office. However, ASCS may

need to provide details of the complaint to others in order to deal appropriately with the complaint.

- (b) A record will be kept of proceedings and determinations for, among other things, the following purposes:
  - a. Determining whether an offender is a repeat offender.
  - b. Referral of matters under cl. 5 to institutions for investigation or to law enforcement authorities or other authorities as required by law.
- (c) Records are to be kept in a password-protected electronic database, access to which is restricted to senior office-holders. The password is to be changed with each change of Secretary.
- (d) Records will usually be kept for six years.

## **9. Definitions**

**ASCS-Organised Event:** Any event organised by the Australasian Society for Classical Studies (ASCS). It includes subsidiary events advertised in the program for an ASCS-organised event.

**Code:** Australasian Society for Classical Studies Code of Conduct, available at [<http://www.ascs.org.au/ascs/ASCS%20Code%20of%20Conduct.pdf>] as applicable at the time of the alleged contravention.

**Committee:** The Committee of Investigation formed under cl. 6.

**Member of the Society:** A financial member of the Society.

**Organiser of the event:** The named organiser of the ASCS-organised event, as identified in the event's program.

**Procedures:** These Procedures: The Australasian Society for Classical Studies Code of Conduct: Implementation Procedures available at [<http://www.ascs.org.au/ascs/ASCS%20Code%20of%20Conduct%20Implementation%20Procedures.pdf>]

**Senior Office-Holder:** One of the President, two Vice-Presidents, Secretary or Treasurer of the Society at the time of the alleged contravention, whose names are listed in the program as well as on the website of the Society at the time.

**Society:** The Australasian Society for Classical Studies.