

## STUDENT MEDIA POLICY AND PROCEDURE

### 1. PURPOSE

UMSU is committed to the production and dissemination of independent student media.

UMSU believes that effectively operated student media provides a vital means of reflecting the student voice. Media groups also provide challenging and rewarding opportunities for students, enhancing the student experience and providing an opportunity for skill development.

Student media encompasses, but is not limited to, printed newspapers or magazines, online content, television output or radio productions created or otherwise developed by students.

The purposes of student media are:

- To produce publications/programming made by and for the student body.
- To act as a forum for student debate, reflecting as accurately as possible campus life and the views of students at the University of Melbourne.
- To act as a platform for students to gain skills and experience in the organisation and distribution of media publications and outlets.
- To produce, as accurately as possible, content which informs and entertains its audiences with truth and fairness at its forefront.

The purpose of this policy is to guide Student Representatives and staff employed to work with and for UMSU, in relation to the activities of the UMSU Media Department and all other Departments that publish editorial material, and to provide a complaints and disputes mechanism to resolve matters arising from the operation of this policy, and/or the UMSU Publishing Regulations (the Regulations).

The objectives of this Policy are:

- To ensure successful, vibrant and diverse student media at the University of Melbourne;
- To ensure student media is editorially independent from UMSU but operates within the current legal and policy frameworks relevant to the production, publication and dissemination of all forms of media and content, and;
- To provide a framework to ensure the protection of UMSU's interests as an Incorporated Association, and to resolve disputes and complaints that may arise as a result of the production of student media.

### 2. GENERAL PRINCIPLES

Successful student media:

- Includes varied and pluralistic reporting that appeals to a variety of audiences;
- Offers a robust alternative to commercial media sources available physically and online;
- Reflects and advocates for students' interests;
- Provides a platform for the expression of independent student opinion and the reporting of news relevant to students;
- Stands at the forefront of media campaigns for students. This may include, but is not limited to, supporting UMSU campaigns, or campaigning for UMSU action where none is forthcoming;
- Promotes participation in, and engagement with, the programs, services and affairs of UMSU; and
- Promotes active reporting of, and student involvement in, UMSU elections.

### 3. SCOPE

This Policy applies to UMSU staff, elected student Office Bearers and other elected Student Representatives.

This Policy regulates the roles and functions of:

- The Media Officers.
- Media Department Volunteers, when performing functions consistent with their Volunteer role.
- Student Representative Department volunteers and contributors when engaged in the production of student media.
- Contributors to the Media Department and other Departments involved in student media when engaged in activities relevant to this Policy and in relation to content they have generated.
- The General Secretary.
- UMSU Staff.

The term Media Department is used hereafter to describe the Media Officers, Media Department Volunteers and Contributors to the Media Department.

Determinations made by the General Secretary in relation to publishing the of Student Media are governed by the Regulations and this policy is to be read in conjunction with those Regulations.

The conduct of the Media Department and Student Office Bearers is additionally regulated by the UMSU Constitution and other relevant UMSU Regulations and Policy.

This Policy does not govern the role of the President or other Student Office Bearers when acting as spokespeople, or making comment, on behalf of UMSU. Student media cannot make or be perceived as making representations on behalf of UMSU in a manner inconsistent with the authority vested under the UMSU Constitution.

Where there is conflict between this policy and the Regulations, the Regulations prevail.

### 4. EDITORIAL STATEMENT

Student Media content is determined under the independent editorial control of the UMSU Media Department, or by the Student Officer Bearers of the Student Representative Department producing Student Media.

Editorial control notwithstanding, the Media Department and other Student Representative Departments remain accountable to UMSU in respect of the organisation's legal and compliance obligations relevant to production, publication and dissemination of all forms of Student Media content.

Accordingly, UMSU maintains oversight of all Student Media content, but may only intervene with regard to the following matters of alleged:

- i. defamation;
- ii. breaches of the Regulations;
- iii. serious breaches of the Student Media Code of Conduct and/or the Press Council Principles (Schedule 2);
- iv. specific contraventions of the UMSU Constitution or UMSU policy; and/or
- v. breaches of UMSU's legal obligations;

Complaints or disputes made subject to this policy and/or the Regulations must be framed with respect to one or more of the above elements. Complaints or disputes which fail to address at least one of these elements will be declined.

## 5. STUDENT MEDIA CODE OF CONDUCT

Students engaged in student media, including Student Representative Departments and the Media Department must adhere to the Code of Conduct for Journalists as devised and amended by the Media Entertainment & Arts Alliance, and act in conformity with the Press Council Principles scheduled to this policy. They will:

- At all times uphold and defend the principle of media freedom, the right of freedom of expression and the right of students to be informed;
- Strive to ensure that information disseminated is honestly conveyed, accurate and fair;
- Do their utmost to correct harmful inaccuracies;
- Differentiate between fact and opinion;
- Obtain material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly in the public interest and which involve evidence that cannot be obtained by straightforward means;
- Do nothing to intrude into anybody's private life, grief or distress unless justified by overriding consideration of the public interest;
- Protect the identity of sources who supply information in confidence and material gathered in the course of their work;
- Resist threats or any other inducements to influence, distort or suppress information and takes no unfair personal advantage of information gained in the course of their duties before the information is public knowledge;
- Produce no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation;
- Not by way of statement, voice or appearance endorse by advertisement any commercial product or service save for the promotion of their own work or of the medium by which they are employed;
- Always seek the consent of an appropriate adult when interviewing or photographing a child for a story about their welfare; and
- Avoid plagiarism.

Student journalists should also be aware of their legal and ethical responsibilities including specific regulations for broadcasters, print and online, or across different media platforms where appropriate. They should also be made aware that in their capacity as a contributor to Student Media, that compliance with this Policy is critical to UMSU's vision for student media and in protecting UMSU's interests as a publisher of student media.

The Media Officers, Student Office Bearers and UMSU Staff are responsible for ensuring that training is provided to Volunteers and Contributors to ensure compliance with this Code of Conduct.

## 6. RESOLUTION OF COMPLAINTS OR DISPUTES

UMSU has an obligation to hear and resolve complaints or disputes in relation to UMSU Student Media made pursuant to this policy and/or decisions taken in relation to Student Media pursuant to the Regulations.

Complaints or disputes will be treated confidentially, to the greatest extent possible, by all parties.

- 6.1. Complaints or disputes about or regarding the operation of the Media Department, or another Student Representative Department, or that relate to a matter set out in this policy should first be addressed directly with the Media Officers, and/or the relevant Student Office Bearer. The respondent to the complaint or dispute may request support from a Divisional Manager with relevant experience in the matters in dispute.
- 6.2. Complaints or disputes regarding the application of the Regulations should first be addressed directly with the General Secretary as publisher of Student Media (the Publisher).

Where a complaint or dispute subject to 6.1 is not resolved, the complainant may address a written notice of complaint or dispute (the Notice) to the Publisher.

Where a complaint or dispute subject to 6.2 remains unresolved, the complainant may address the Notice to the President UMSU.

The Notice must:

- i. clearly set out the basis of the dispute by reference to one of the five elements under part **4. Editorial Statement**;
- ii. include any evidence supporting the alleged breach; and
- iii. specify the remedy sought subject to **Part (f) of Schedule 1**.

The Notice will be reviewed by the recipient, who may seek support and advice from a relevant Divisional Manager in determining next steps.

Notwithstanding 6.2, in any situation where the General Secretary is the subject of a complaint or a dispute then all responsibilities under this Policy must be delegated to the President, who must act in accordance with this policy in place of the General Secretary.

## 7. TRIAGE OF COMPLAINTS AND DISPUTES

The preliminary review of the Notice must take place within **five working days** of receipt of the Notice. The preliminary review will result in one of the following outcomes:

1. Where the Notice is in conformity with Part 6. of this policy, the matter will be referred for determination by the Complaints and Disputes Panel in accordance with Schedule 1.
2. If the complaint or dispute concerns matters which do not identify a breach of this policy or Regulations, the complainant may be invited to a mediation facilitated by an appropriately qualified professional mediator.
3. If the complaint or dispute concerns the operation of a different UMSU policy or regulation, or another jurisdiction (including the University), the matter will be referred to that process to be resolved in accordance with its respective procedures.

4. Where the complaint is determined to be without merit, querulous or vexatious, the complainant will be notified with full reasons, and invited to submit a new complaint or dispute notice in conformity with the requirements of Part 5 of this policy. Notices previously considered under this part, which remain defective on subsequent submission may be dismissed without further consideration.

Without limiting the above, if at any point in the process of resolving the dispute, it becomes apparent that another process would be more appropriate to handle the complaint or dispute, the matter may be referred by UMSU to that process. In making this determination, the General Secretary must have regard to the appropriate source of the authority to act required to resolve the complaint or dispute.

## SCHEDULES

### 1. Schedule 1 –Complaints & Disputes Panel

#### a. Framework and Principles

**UMSU has an obligation to hear and resolve complaints and disputes in relation to the application of this Policy.**

Upon receipt of a request to determine a complaint or dispute in accordance with Part 6 of this Policy, UMSU will convene a Complaints and Dispute Panel (Panel) in accordance with parts **(b) & (c)** of this schedule. The Panel may be convened to hear and make determinations on complaints or disputes at any time which they may arise. A Panel will be convened in response to each separate complaint or dispute and should be convened as soon as possible upon receipt of the General Secretary's request.

Notice of any meetings must align with established protocol in the Constitution.

The Panel should be convened as soon as possible on receipt of the request for determination. The indicative timeline for a determination is **10 Academic Days**.<sup>1</sup> Where a determination cannot be made within the indicative timeline, all parties must be notified along with the reasons for delay and advised of an adjusted timeline.

In order to ensure the Panel is appropriately resourced and supported in its considerations and decision making, the Chief Executive Officer is responsible for ensuring that independent advice and support, including expert legal advice, relevant to the resolution of the complaint or dispute is made available to all members of the Panel as required.

The Panel's decisions and full reasons must be provided to Students' Council for noting.

#### b. Pool of Potential Members of the Panel

The General Secretary must identify a pool of potential Panel members (the Pool of Members) at the beginning of each term of office through a written expression of interest. Membership of the Pool of Members may only comprise voting members of Students' Council who have expressed interest in being co-opted.

In choosing the Pool of Members, the General Secretary must have regard to balanced representation and diversity of political affiliations to ensure any Panel convened from the Pool of Members will have adequate capacity for unbiased decision making.

#### c. Convening a Panel

Panels will be convened as required for the purpose of determining a specific complaint or dispute. Upon making its determination, the panel will be disbanded.

The Panel must comprise three voting members of Students' Council and should be representative of different political affiliations. There should not be more than one member from any single ticket or affiliation wherever possible to ensure the panel is non-partisan.

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<sup>1</sup> "Academic Days" has the same meaning as it has in the Regulations.

Where the dispute or complaint is referred under **part 6.1** of the policy, the General Secretary will convene a Panel from the Pool of Members.

Where a dispute or complaint is referred subject to **part 6.2** of the policy, the President will convene a Panel from the Pool of Members.

A Panel must not be convened with members who have had prior involvement with the complaint or dispute, and prospective panel members must declare any conflicts of interest and exclude themselves from the pool for that dispute or complaint.

#### **d. Panel procedures**

The Panel process is inquisitorial, not adversarial. Subject to the rules of procedural fairness set out below, and except where otherwise provided by this policy, the Panel may inform itself as it sees fit, and is not subject to the rules of evidence.

The Panel will elect a Chair who will be responsible for communicating with the parties and convening meetings.

In all its processes and deliberations, the Panel must conform with the accepted rules of procedural fairness. For the avoidance of doubt, this means:

- i. provision of notice to the respondent which includes all of the particulars of the complaint or dispute to be presented to the Panel, and any evidence relied upon;
- ii. an opportunity for the respondent to obtain their own advice in respect of the complaint or dispute;
- iii. a fair and timely hearing, and the opportunity for both parties to make representations and adduce evidence in support of their position to the Panel; and
- iv. an unbiased decision based on material facts and the application of this policy.

#### **e. Powers of the Panel**

The Panel must make a determination in accordance with the following provisions:

- i. uphold the complaint or dispute in whole or part and give effect to the remedies sought in whole or part;
- ii. uphold the complaint or dispute in whole or part and determine additional or different remedies pursuant to **part f. Remedies**; or
- iii. dismiss the complaint or dispute in whole; or
- iv. remit the complaint or dispute to the General Secretary to refer to a more appropriate process subject to **part 7** of the Policy.

Full reasons for the Panel's determination must be provided to all parties to the complaint or dispute, and to Students' Council for noting.

## f. Remedies

Where the Panel determines a remedy is appropriate, it must choose from the following:

- i. For complaints or disputes determined under **part 6.1** of the policy:
  - a. Acknowledge and correct or clarify, in an appropriate manner as soon as reasonably practicable;
  - b. Provide an explanation of why the material was published;
  - c. The publication of balancing material (e.g, a reply by or on behalf of the complainant);
  - d. publication of a correction, clarification or apology in an agreed form;
  - e. the amendment or removal of online material;
  - f. make commitments to standards training and education; and/or
  - g. take other actions as deemed necessary to resolve the complaint or dispute.
- ii. For complaints or disputes determined under **part 6.2** of the policy:
  - a. Approve the material in dispute to be published without amendment;
  - b. Approve the material to be published with specific amendment;
  - c. Dismiss the dispute and confirm the decision of the publisher; and/or
  - d. take other actions as deemed necessary to resolve the complaint or dispute.



## Schedule 2 – Press Council Principles

In a democratic society, all people have the right to freedom of expression and to be informed. These rights cannot be secured unless the press is free to publish facts and opinions without fear or favour.

Freedom of the press, however, carries responsibilities to the public. Liberty does not mean license, and due regard must be given to other important freedoms, rights and values which are in the public interest.

Accordingly, the Press Council has laid down the following General Principles to which all publisher members are committed by the Council's Constitution.

The General Principles Publications are free to publish as they wish by reporting facts and expressing opinions, provided they take reasonable steps to comply with the following Principles and the Council's other Standards of Practice.

### a. Accuracy and clarity

- i. Ensure that factual material in news reports and elsewhere is accurate and not misleading and is distinguishable from other material such as opinion.
- ii. Provide a correction or other adequate remedial action if published material is significantly inaccurate or misleading.

### b. Fairness and balance

- iii. Ensure that factual material is presented with reasonable fairness and balance, and that writers' expressions of opinion are not based on significantly inaccurate factual material or omission of key facts.
- iv. Ensure that where material refers adversely to a person, a fair opportunity is given for subsequent publication of a reply if that is reasonably necessary to address a possible breach of General Principle 3.

### c. Privacy and avoidance of harm

- v. Avoid intruding on a person's reasonable expectations of privacy, unless doing so is sufficiently in the public interest.
- vi. Avoid causing or contributing materially to substantial offence, distress or prejudice, or a substantial risk to health or safety, unless doing so is sufficiently in the public interest.

### d. Integrity and transparency

- vii. Avoid publishing material which has been gathered by deceptive or unfair means, unless doing so is sufficiently in the public interest.
- viii. Ensure that conflicts of interests are avoided or adequately disclosed, and that they do not influence published material.