Code of Conduct - Students

Section 1 - Preamble

(1) Charles Darwin University is committed to ensuring students can achieve their full academic potential and recognises that students come to the University from diverse cultural and educational backgrounds. We expect that all students behave in line with the values and shared goals of respect, inclusion, ethics and integrity, excellence and accountability.

(2) The University has a duty of care to students and staff and is responsible for providing a safe study, work and research environment. The principles underpinning this policy recognise the mutual relationship between individual and community rights and responsibilities.

Section 2 - Purpose

(3) The Student Code of Conduct defines the expected standard of student behaviour at the University.

(4) The Code provides the framework for dealing with instances of alleged student misconduct.

Section 3 - Scope

(5) The Student Code of Conduct applies to all students enrolled at the University whether in a qualification or short course and includes those studying with partner organisations.

(6) The Code applies to all University activities including those on campus, online, in workplaces or in the field.

(7) The University may deal with misconduct under this policy if the individual was a student at the time of the alleged misconduct, even if they are no longer a student when proceedings are started or finalised.

Section 4 - Code of Conduct

Principles

(8) This Policy is based on the principle that every member of the University community benefits from:

a. respect: courteous communication, mutual respect and the right to be heard;
b. inclusion: practices that are inclusive and accessible, the development of cultural competence;
c. ethics and integrity: acting honestly and with integrity, free from bias or unfair treatment;
d. excellence: engaging with learning, applying effort, acting diligently, and striving for success; and
e. accountability: taking responsibility for actions and consequences, complying with policies.

The Code

(9) The Code of Conduct provides guidance on the standards of conduct expected of students with a framework of

appropriate behaviour. If a circumstance or situation arises which is not expressly covered by the Code, students must comply with the underlying principles of the Code.

Respect

(10) The University is enriched by diverse contributions from students and staff and encourages the respectful sharing of different perspectives and experiences. Students will demonstrate respect by:

a. treating others with courtesy, having due regard for other people's feelings, and acknowledging the skills, experiences and strengths of others;
b. communicating in ways that demonstrate courtesy, in person, in writing or through social media;
c. upholding the values of academic freedom by listening to opposing points of view with an inquiring mind and engaging constructively with others who express differing views or beliefs;
d. following the reasonable direction of University staff or staff from partner organisations (e.g. placement providers), including directions concerning the use of electronic devices or online activity; and
e. refraining from threatening, harassing, bullying, discriminatory, victimising, vilifying or intimidating behaviour that may adversely affect the safety, health, well-being and reputation of others;
f. not engaging in sexual misconduct, including sexual harassment, sexual assault or exploitation, or any other gender-based violence that causes any person to fear for their personal safety or well-being;
g. not disrupting any teaching, learning or research activity; and
h. committing to creating a respectful University environment, online, on campus, in the field and in the workplace.

Inclusion

(11) The University is committed to creating a culturally safe and inclusive environment, welcoming people of diverse cultural, national and ethnic backgrounds, genders and sexualities, ages, abilities, religious and spiritual beliefs and family structures and responsibilities. Students will demonstrate inclusion by:

a. recognising Indigenous Australians as owners of the lands and waters the University operates on;
b. proactively pursuing their own knowledge about cultural diversity, developing cultural competence;
c. improving their understanding of accessibility and reducing barriers to participation for students with differing abilities;
d. collaborating with students from diverse backgrounds in group work, projects and other activities;
e. speaking up against racism, sexism, homophobia, transphobia, ableism and other forms of discrimination where it is safe to do so; and
f. committing to creating a safe and welcoming University environment, online, on campus, in the field and in the workplace.

Ethics and Integrity

(12) The University values integrity in all activities, expecting that students and staff will act honestly and do the right thing for themselves, each other and the University. Students will demonstrate integrity by:

a. completing University assignments or tasks in a responsible and conscientious manner, pursuing intellectual freedom through the honest search for knowledge;
b. understanding and avoiding plagiarism by acknowledging the ideas, work and contribution of others and never misrepresenting someone else's work as their own;
c. understanding and avoiding collusion or any other forms of cheating by not providing their work to others, not purchasing work or promoting the purchasing of work to others, and not falsifying results;

d. following relevant ethics or professional guidelines, including when accessing confidential or sensitive data, when interacting with clients or patients and when on lands managed by Indigenous communities;
e. declaring any conflicts of interest, including but not limited to close personal relationships with staff;
f. avoiding coercive or threatening behaviour, or any attempts to gain an unfair advantage;
g. speaking up against breaches in academic or research integrity, where it is safe to do so; and
h. committing to creating an ethical and professional University environment, online, on campus, in the field and in the workplace.

Excellence

(13) A commitment to excellence is central to the University's mission and valued in all endeavours: teaching and learning, research and the provision of professional services. Students will demonstrate a commitment to excellence by:

a. using current and accurate information, ideas, and evidence alongside industry and professional standards and best practice to support debate;
b. engaging with and being responsible for their own learning, making best use of the resources available;
c. seeking timely advice regarding unit and course requirements and academic progression, accepting assistance and using University services as required to maximise academic success;
d. applying effort, acting diligently and striving for success, making genuine attempts to satisfy unit and course requirements in a reasonable timeframe; and
e. committing to creating a University environment, online, on campus, in the field and in the workplace, where excellence is acknowledged, valued and rewarded.

Accountability

(14) The University values accountability and expects students to take responsibility for their actions in line with University policy. Students will demonstrate accountability by:

a. acting to maintain the reputation and high standards of the University, including only using the University’s name, reputation or brand/logo responsibly and with prior written permission;
b. complying with all conditions of enrolment, including following relevant policies and meeting their financial commitments to the University;
c. providing accurate personal and contact details to the University and keeping those details up to date;
d. reading official communication from the University, responding to requests in a timely way, and meeting University deadlines;
e. carrying their Student ID card while on campus and producing it when required as proof of identity;
f. not using mobile phones or other similar devices in class except with the consent of the lecturer, as part of the teaching content of the unit, or in emergency situations;
g. complying with the rules, policies and procedures of external organisations and the laws of other jurisdictions as applicable whilst on any University placement, field trip or student mobility experience;
h. using University resources and services as they are intended, taking due care and consideration for the correct operation and rights of other users, and not using resources for private gain or the gain of a third party, or private business or commercial purposes, without prior written permission;
i. following health, wellbeing, safety and environmental regulations and guidelines, including reporting risks or hazards to ensure the University is a safe place to study and work;
j. not participating in any unlawful behaviour including but not limited to possessing, using or supplying prohibited weapons or substances, engaging in fraud, sexual misconduct or illegally downloading copyrighted material; and

k. committing to creating a professional University environment, online, on campus, in the field and in the workplace, where every member of the community takes accountability for their actions.

Section 5 - Misconduct Resolution

(15) Charles Darwin University acknowledges the right of all members of the University community to make a complaint about conduct and aims to resolve such complaints fairly and promptly.

(16) The University will:

a. investigate allegations of misconduct in a consistent, transparent and timely manner;
b. act in accordance with the principles of procedural fairness and confidentiality, including advising students of allegations of misconduct against them in a timely manner and ensuring that students have an opportunity to respond to any allegation against them and to appeal any penalties imposed;
c. make decisions on whether an act of misconduct has occurred after the facts have been established to the satisfaction of the decision-maker, ensuring that staff with direct interest in an allegation against a student are not involved in making a determination of misconduct in relation to that student;
d. not take into account previous misconduct outcomes when determining guilt relating to a current allegation, but may take into account previous outcomes when deciding on penalties to be imposed; and
e. protect all parties involved in a misconduct case from victimisation.

(17) Academic misconduct occurs where a student fails to comply with the University's Academic Integrity Policy, and/or the principles relating to integrity in this Policy, seeking an unfair advantage for themselves or others by cheating in any form. Breaches of academic integrity will usually be dealt with under that Policy in the first instance, acknowledging that repeated or severe cases may be referred to this Policy for action.

(18) General misconduct occurs where a student fails to comply with the other provisions in this Policy, behaving in a way that does not uphold the expectations articulated in the Code of Conduct. Breaches will be dealt with under this Policy.

Allegations of Misconduct

(19) Any member of the University community can make an allegation of misconduct against of a student in writing to their Course Coordinator, the relevant Service Manager or to the University Complaints team. Those unable to put a complaint in writing can make a verbal statement which will be recorded by a staff member.

(20) Written allegations from external people or organisations will also be considered when the allegations relate to the conduct of a student while participating in activities associated with their study, including activities online, on campus, in workplaces or in the field.

(21) The University may also initiate action against a student without a written report if the alleged breach is sufficiently serious and may refer such allegations directly to the Pro Vice-Chancellor Student Engagement and Success (PVC SES) for determination.

First Offence or Minor Breaches

(22) Where the nature of the allegation is a first offence and/or a minor breach, it may be investigated and dealt with by the relevant local area of the University.

(23) Any student facing allegations of misconduct will be provided with specific information about the allegations (although not necessarily be shown a complaint verbatim) and be provided with an opportunity to respond and/or

provide evidence on the matter.

(24) After investigating, the Course Coordinator or relevant Service Manager will decide whether a breach occurred, taking into account all of the evidence received and on the balance of probabilities, and subsequently determine the outcome, which may be one or more of the following:

a. no further action is required;
b. the student is directed to cease actions which led to the allegation;
c. the student is directed to provide a formal apology to the aggrieved party;
d. the student provides an undertaking in writing not to repeat the misconduct;
e. the student be given a written warning.

(25) The student will be advised in writing of the determination and the reasons for reaching the determination.

(26) The Course Coordinator or relevant Service Manager may refer an allegation to the PVC SES at any time during an investigation if it becomes clear that the allegation is too serious or complex to be dealt with at the local level.

Repeated or Significant Breaches

(27) In cases of repeated or serious misconduct, including but not limited to suspected criminal offences such as assault and theft, or alleged misconduct that poses a significant risk to the safety and wellbeing of the University and its staff and students, the allegation will be referred to the PVC SES to oversee the investigation. The PVC SES may then delegate responsibility for resolving the complaint to the relevant Dean or Director, depending on the nature of the complaint.

(28) In cases of criminal offences, the PVC SES (or delegate) will immediately refer the matter to the relevant external authorities, except in cases of sexual assault and sexual harassment. In line with the provisions of the Sexual Exploitation, Abuse and Harassment Prevention Policy, the University will not make a report to the police on a person's behalf but can provide support for a student or staff member if they choose to do so.

(29) Any student facing allegations of misconduct will be provided with specific information about the allegations (although not necessarily be shown a complaint verbatim) and be provided with an opportunity to respond and/or provide evidence on the matter.

(30) After investigating, the PVC SES (or delegate) will determine whether a breach occurred, taking into account all of the evidence received and on the balance of probabilities.

(31) In consider penalties, the PVC SES (or delegate) will take into account:

a. the nature and seriousness of the misconduct;
b. the student's previous record of misconduct and the penalties imposed;
c. whether there are any mitigating circumstances;
d. whether the student admits the misconduct and has expressed remorse;
e. the potential impact on the student, including their capacity to complete their course;
f. the potential impact on any other students or staff members involved.

(32) The PVC SES (or delegate) will determine the most appropriate outcome for the repeated or significant breach, which may one or more of the following:

a. no further action is required;

b. the student is directed to cease actions which led to the allegation;
c. the student is directed to provide a formal apology to the aggrieved party;
d. the student provides an undertaking in writing not to repeat the misconduct;
e. the student be given a written warning;
f. requirement to participate in mediation or conciliation;
g. exclusion from contact with a specified person or persons;
h. the student pay restitution to the value of repair / replacement costs for property damaged or stolen;
i. a prize, scholarship or bursary awarded by the University be cancelled;
j. the student's grade or outcome be adjusted to a Fail or Not Yet Competent (where the misconduct involved a form of academic misconduct relating to the unit). Note: this may result in non-conferral of an academic award or the revocation of a conferred award.
k. exclusion from all, or a specified portion of, University premises for a defined period, and/or from use of any University facility or service for a defined period;
l. the student's enrolment be suspended for a defined period;
m. the student be excluded from the University for a defined period; or
n. the student be expelled from the University.

(33) The student will be advised in writing of the determination and the reasons for reaching the determination, and, where relevant for international students, that the University will also notify the Secretary of the Department (via PRISMS) of any suspension or exclusion, and that the notification may affect their student visa.

(34) The University will make every attempt to ensure that any person making a complaint is protected from adverse action resulting from making the complaint. Attempting to unduly influence a complaint outcome or adversely affect a person making a complaint will be deemed serious misconduct in and of itself.

(35) Complaints determined to be unreasonable or vexatious may be considered misconduct and may result in penalties for the person making the complaint.

(36) The availability of internal misconduct resolution processes does not preclude the University from referring a student to external authorities. Pursuing a complaint externally does not preclude the University from taking internal action under this or any other Policy.

Urgent suspension or restriction, pending investigation

(37) The PVC SES (or delegate) has the authority to temporarily suspend or restrict a student from all or part of the University's premises or classes or from access to its facilities in urgent circumstances. This includes where there is a threat to the safety of persons or property and if a student is disrupting the use of facilities or participation in activities.

Records of misconduct

(38) A full record will be kept of all stages of misconduct proceedings including all actions, evidence, correspondence, meetings and minutes, on a confidential file. When misconduct is determined to have taken place, a summary of the investigation and determination will be recorded on the student's file.

Appeal

(39) A student may lodge an appeal with the Student Appeals Committee against a determination made under this Policy within 20 working days of the date of notification of the determination. Appeals can be made on the grounds that:

a. there was a lack of procedural fairness in the investigation; and/or
b. the determination was manifestly unreasonable or cannot be supported by the evidence; and/or
c. there is new evidence not available at the time of the original investigation.

(40) The outcome of such an appeal will be final.

Section 6 - Non-compliance

(41) Non-compliance with Governance Documents is considered a breach of the Staff Code of Conduct and the Student Code of Conduct and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures.

(42) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Governance Framework, Fraud and Corruption Control Policy and Whistleblower reporting (Improper Conduct) Procedures.

Status and Details

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Responsible Executive	Louise King Provost
Implementation Officer	Drew Harper Manager Student Policy and Complaints
Enquiries Contact	Drew Harper Manager Student Policy and Complaints

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