University Residences Code of Conduct

Section 1 - Introduction

(1) The University is committed to providing a residential environment conducive to study at all times, including a place for people to live while studying. The University Residences Code of Conduct applies specifically to students and/or other persons who may from time to time reside in any hall of residence or accommodation facility established or provided by the University.

(2) Residents and guests who are visiting or using the facilities of a University residence are expected at all times to display mature, tolerant, courteous behaviour and consideration for others, and should act in such a way as to cause no offence, inconvenience, harm or disturbance to any other resident, staff member or any neighbour of the residence. Furthermore, no resident should act in a manner, which would bring the residential facility or the University into disrepute.

(3) In order to fulfil its functions of imparting and gaining knowledge, the University has the authority and responsibility to maintain order within the University and to penalise those who are disruptive.

Section 2 - Statement of Authority

(4) The authority behind this policy is the Charles Darwin University Act 2003 part 9, section 47.

Section 3 - Compliance

(5) This is a compliance requirement under the Charles Darwin University (Student Residences) By-laws.

Section 4 - Intent

(6) This Code outlines the positive standards of behaviour expected within the University's residential community, which are specific to residential living.

Section 5 - Relevant Definitions

(7) In the context of this document

a. Authorised Officer means any member of University staff, who may, acting within the authority of their position, give a reasonable direction to a resident and/or their visitor or guest with regard to their conduct;
b. Bullying means an ongoing misuse of power in relationships through repeated verbal, physical and/or social behaviour that causes physical and/or psychological harm. It can involve an individual or a group misusing their power over one or more persons. Bullying can happen in person or online, and it can be obvious (overt) or hidden (covert). Bullying of any form (in person or online) or for any reason can have long-term effects on those involved, including bystanders. Single incidents and conflict or fights between equals, are not defined as

bullying

c. Exclusion means a resident is denied participation in an activity, event or the access to or use of the University's residential services or facilities for a specified period of time;
d. Eviction or Expulsion means an immediate and permanent termination of a person's entitlement to reside at, visit or use the University's residential services or facilities on disciplinary grounds where, because of the serious or repeated nature of the offence, a penalty greater than suspension or exclusion is appropriate. It may be applied in the case of a breach of disciplinary probation. Expulsion is the strongest penalty that can be applied by the Residence Manager;
e. General conduct means the expected standards of behaviour and conduct from person/s residing at or visiting or using the facilities of a University Residence, as contained in the Charles Darwin University (Student Residences) By-laws;
f. Harassment means behaviour that is unwelcome, for example, making a person feel intimidated, insulted or humiliated. Harassment is often unsolicited and repeated, and usually unreciprocated. Sexual harassment is included in this definition and is a particularly serious form of harassment. It involves conduct (including the use of words and remarks) of a sexual nature;
g. Misconduct means behaviour and conduct contrary to that, which is acceptable by the University, defined in the Charles Darwin University (Student Residences) By-laws;
h. Residence Manager means the Residence Manager as defined in the Charles Darwin University (Student Residences) By-laws;
i. Resident means a student of the University or other person who is residing in a University residence from time to time as defined in the Charles Darwin University (Student Residences) By-laws;
j. Suspension means preclusion from taking further part in any or all University residence activities for a specific period as a result of disciplinary action taken under the University's governing legislation;
k. University activity means resident involvement, engagement or representation of a University residence in any physical or virtual activity, game, competition, event, including a club or entity affiliated or associated with the University or residence;
l. University facilities mean any premises, physical or virtual, for the time being used for the purposes, or under the auspices, of the University;
m. University residence means any hall or residence or accommodation facility established or provided by the University from time to time; and
n. University community means officials and individuals carrying out University business. This includes, but is not limited to, all staff members, researchers, peer reviewers, students, volunteers, consultants, agents and contractors.

Section 6 - The Code

Principles

(8) The University Residences Code of Conduct is based on the following principles:

a. That every individual is equal in dignity and worth and should be provided with equal rights and opportunities without discrimination or harassment; and
b. That each individual living in a University residence should be guaranteed the right to the peaceful use of his or her living space and shared common areas.

Objectives

(9) The University Residences Code of Conduct objectives are:

a. To encourage individuals to act responsibly and refrain from conduct that may be detrimental to the reputation of the University or the orderly and safe functioning of the University and its activities;
b. To encourage individuals to treat other students, staff members and members of the community with respect, courtesy and without discrimination;
c. To foster personal growth through self-discipline and accountability by helping individuals to realise the consequences of their actions and behaviour, and to better understand how to make better choices in the future;
d. To encourage individuals to resolve community living issues in a mature way, which enhances their University Residences experience;
e. To promote behaviour amongst residents and guests or visitors that creates a conducive study and learning environment; and
f. To support the physical safety and emotional well-being of all residents.

General Conduct

(10) Residents must accompany any invited guests who are visiting or using the facilities of a University residence at all times.

(11) Residents and any invited guests or visitors are expected at all times, to:

a. Be responsible for their actions and comply with this document and Charles Darwin University (Student Residence) By-laws ;
b. Comply with all Territory and Commonwealth laws, the University's Code of Conduct and any other relevant Governance documents;
c. Comply with all directions from authorised officers of the University Residence or the University;
d. Maintain the highest standards of honesty, integrity and behaviour in all dealings with other residents, staff members and members of the University community;
e. Respect the privacy of other residents, staff members and members of the University community and act, at all times, is in a manner that is courteous and respects the rights of others;
f. Pay all residence fees fortnightly in advance and all other payments within the time specified by the Residence Manager;
g. Avoid behaviour that could be perceived under the Anti-Discrimination Act as harassment, intimidation, discrimination on any basis, bullying or threatening in any other way;
h. Refrain from engaging in any scandalous behaviour; Perform academic studies conscientiously and with honesty and diligence and maintain satisfactory academic progress;
i. Avoid any form of physical violence or any act which may cause serious personal injury to oneself or another person;
j. Refrain from possessing, using or distributing any form of illegal substance;
k. Act, at all times in a safe, orderly and proper manner so as not to affect the living and study environment of others or cause injury or harm, nuisance or annoyance to any other person;
l. Avoid any wilful damage, theft or improper use of the University's facilities, premises, resources or information, or the property of any other person who is residing at, visiting or using the University Residence; and
m. Discourage any other resident, guest or visitor who might act in a manner contrary to this document or the Charles Darwin University (Student Residence) By-laws.

Misconduct

(12) Compliance with this Code of Conduct is a condition of residing at any University residence and any breaches may constitute a breach of the Charles Darwin University (Student Residence) By-laws, which may result in disciplinary

action, in accordance with the Student Residences Misconduct Procedures.

(13) Regardless of whether or not a person makes a complaint about an individual's (and/or visitor's) conduct or not, the Residence Manager has the discretion and authority to determine a penalty fine, expulsion, non-admission, conditional admission, or eviction from the University Residence.

Penalties

(14) The penalty amount imposed for misconduct will not exceed ten (10) penalty units. The Penalty Units Act 2009 sets the value of a penalty unit.

(15) A Level One Breach will not exceed two (2) penalty units and may be applied for a first offence (other than in an instance of serious misconduct), after or in addition to, a resident being issued with a formal warning.

(16) A Level Two Breach will not exceed four (4) penalty units and may be applied for repetitions of the same or similar instances as in a Level One Breach. Once a resident has received a penalty for a Level Two Breach for the same or similar offence, any subsequent misconduct however minor may result in removal from the residence, or, at the discretion of the Residence Manager, a penalty consistent with a Level Three Breach.

(17) A Level Three Breach will not exceed ten (10) penalty units and may be applied in circumstances where, in the opinion of the Residence Manager, the misconduct is such that the offending resident should be given a chance to redeem him or herself, rather than face immediate eviction. This may include instances that are of an extremely serious nature such as physical violence or behaviour that places the safety and wellbeing of other residents and/or staff members at risk.

(18) The following are examples, not limited to, of misconduct and the applicable penalty level the Residence Manager may impose. The Level is to be determined by the Residence Manager

Examples of Misconduct	Level 1 Breach Up to 2 penalty Points	Level 2 Breach Up to 4 penalty points	Level 3 Breach Up to 10 penalty points
Excessive noise	X	X	Eviction from Residence
Excessive lockouts	X	X	X
Littering	X	X	Eviction from Residence
Graffiti	X	X	Eviction from Residence
Abuse or offensive behaviour	Possible Eviction	Eviction from Residence	
Harassment	Possible Eviction	Eviction from Residence	
Bullying	Possible Eviction	Eviction from Residence	
Possession or use of illicit substances	Possible Eviction	Eviction from Residence	
Vandalism	X	Eviction from Residence	
Glass in pool area	X	X	Eviction from Residence
Smoking inside buildings or within 2m of a doorway	X	X	Eviction from Residence
Poor Kitchen Hygiene	X	X	Eviction from Residence
Leaving key in air conditioner switch when room unoccupied	X	X	Eviction from Residence

Examples of Misconduct	Level 1 Breach Up to 2 penalty Points	Level 2 Breach Up to 4 penalty points	Level 3 Breach Up to 10 penalty points
Failure to follow a reasonable direction given by the Residence Manger or University staff Member	X	Eviction from Residence	
Vandalism of, damage to, safety equip,emt	Possible Eviction	Eviction from Residence	
Theft	Possible Eviction	Eviction from Residence	
Physical violence	Possible Eviction	Eviction from Residence	

(19)

Section 7 - Non-Compliance

(20) Non-compliance with Governance Documents is considered a breach of the Staff Code of Conduct or 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.

(21) 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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Effective Date	15th January 2022
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Approval Date	11th January 2022
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Responsible Executive	Louise King Provost
Implementation Officer	Nurul Kamaruzaman Manager Student Accommodation
Enquiries Contact	Nurul Kamaruzaman Manager Student Accommodation Student and Academic Services