University Resident Conduct Policy

Section 1 - Preamble

(1) Charles Darwin University ('CDU', 'the University') endeavours to provide a safe and secure residential community environment which is conducive to academic achievement and intellectual enquiry. Each residential complex houses a diverse mix of students from various socio-cultural backgrounds and encourages living in harmony and being academically and socially successful.

(2) The University residences promote high standards of personal conduct and behaviour of its residents and guests at all times. Residents and guests who are visiting or using the facilities of a University residence are expected to display mature, courteous, and considerate behaviours towards 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.

Section 2 - Purpose

(3) This policy outlines the positive standards of behaviour expected within the University's residential community, and the process for managing unacceptable behaviour and resolving incidents and allegations of resident misconduct at University residence.

Section 3 - Scope

(4) This policy applies to students, staff and other persons who may from time to time reside in any hall of residence or accommodation facility established or provided by the University.

a. Residents who are students or staff of the University will also be required to comply with the Code of Conduct - Students and Code of Conduct - Employees as relevant.

Section 4 - Policy

(5) The safety and wellbeing of staff, students and residents are of the upmost importance to the University, and all members of the University community share the responsibility for appropriate conduct and reputation of the University.

(6) The University Residences are a living, study and work environment and all staff, residents and guests have the right to:

a. be treated respectfully, courteously, and fairly;
b. the peaceful use of living spaces and shared common areas;
c. privacy and to have their personal property respected;
d. a safe and respectful environment, that is free from acts of harassment, intimidation, discrimination, bullying or harmful behaviour; and
e. have any concerns or complaints considered fairly, transparently, and in a timely manner.

(7) Each resident living in a University residence is obliged to act responsibly, with honesty, respect, and integrity during their interactions with others as not to affect the living and study environment of others, or cause injury or harm, nuisance, or annoyance to any other person. In doing so, the University expects individuals who may be using University residences, facilities, and services or who are participating in other University activities within accommodation facilities at all times to:

a. be responsible for their actions and behave in a manner that complies with this document, the Charles Darwin University (Student Residence) By-laws, and Code of Conduct - Employees and Code of Conduct - Students where applicable;
b. comply with all Territory and Commonwealth laws and adhere to all University Governance documents including the Sexual Exploitation, Abuse and Harassment Prevention Policy, Alcohol, Drugs and Other Substances Policy, the Information and Communication Technologies Acceptable Use Policy, and the Social Media Policy;
c. comply with all reasonable directions of University and residence staff and security;
d. 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, including behaviour that could be perceived as harassment, intimidation, discrimination on any basis, bullying or threatening in any other way;
e. avoid any willful damage, theft, improper or unauthorised 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;
f. resolve community living issues in a mature way, which enhances the university residences experience; and
g. support the physical safety and emotional well-being of all residents, guests, and visitors by discouraging and/or reporting any behaviour contrary to this.

(8) Compliance with this policy is a condition of residing at any University residence and visitors and guests are also expected to comply with this document.

a. Residents must accompany any invited guests who are visiting a University residence at all times and will be responsible for the actions of their guests.

(9) Any breaches to this policy may result in disciplinary action and/or constitute misconduct and will be managed under this policy. Residents who are students or staff of the CDU may also have penalties applied under related policies, such as the Code of Conduct - Students which may include exclusion from the University.

a. International students who are found guilty of misconduct may have their enrolment cancelled under the Enrolment Policy.

Managing unacceptable behaviour

(10) Unacceptable behaviour such as displays or involvement in disorderly or undesirable conduct that impedes the normal functioning of the University's residential services, facilities or activities will not be tolerated.

a. Matters of a serious nature will be dealt with by calling Security and/or by CDU staff calling the Police or Emergency Services.

(11) Staff members, including resident leaders are entitled to respect at all times, and have the right to refuse further interaction with a resident (e.g., leave the counter, or terminate the phone call or meeting) until more courteous and respectful behaviour is displayed.

(12) Where safe to do so, staff members will address the unacceptable behaviour of a resident or guest in the following steps:

a. directing the individual to stop the behaviour and/or leave the location of the activity or facility where the unacceptable behaviour is occurring;
b. warn the resident that they may be charged with misconduct if they do not change their behaviour; and
c. call a supervisor, another staff member or Security for assistance in managing the situation.

(13) An individual who disregards the request of a staff member and continues to exhibit unacceptable behaviour, or where the unacceptable behaviour is considered to require a higher level of response, the matter will be referred to the Residence Manager and may be managed as Misconduct.

a. The referral may be in person, by telephone, in writing or by e-mail.

(14) In volatile, dangerous, or unstable situations, it may be necessary to seek an interim suspension of a resident to avert:

a. threat of/or injury to the resident and/or others;
b. threat or risk of self-harm;
c. damage to property;
d. serious disruption of a University activity; and
e. serious disruption to the comfortable, quiet living of others.

Misconduct

(15) The Residence Manager or nominee is responsible for managing incidents and allegations of misconduct at a University residence.

a. All incidences and allegations will be managed to ensure procedural fairness, ensuring that all parties have the right to be heard, and that decisions will be based on evidence and made in an objective and unbiased manner.
b. Regardless of whether or not a person makes a complaint about an individual's (and/or visitor's) conduct, the Residence Manager has the discretion and authority to determine a penalty fine, conditional residency, suspension, non-admission, conditional admission, or eviction from the University Residence.

(16) Residents who are involved in an allegation of misconduct can involve a support person at any stage of the process (who can attend meetings).

a. University staff and students will have access to University support or advocacy services.

Allegations of misconduct

(17) A staff member or resident can make an allegation of misconduct to the Residence Manager.

(18) Based on the information provided, the Residence Manager will immediately conduct preliminary investigations in order to decide whether to proceed with a misconduct allegation.

a. The Residence Manager may seek information from other persons who may have been involved in the situation or witnessed the incident and meet with the resident to give them an opportunity to respond.

(19) After a preliminary investigation, the Residence Manager will decide whether a breach occurred, taking into account all of the evidence received and on the balance of probabilities, and subsequently determine how to proceed which may include:

a. Where there is not sufficient evidence that misconduct occurred, the allegation will be dismissed, and no further

action will be taken.

b. Counselling the student on their behaviour:
    i. issuing a formal written notice that the conduct was unacceptable and that a recurrence may result in a financial penalty or possibly eviction.
    ii. imposing a monetary penalty up to four (4) penalty units.
    iii. proceeding with an allegation of misconduct, in which instance the Coordinator Residence Services will conduct a review of the incident and prepare a report including any evidence pertinent to the matter.

Review by the Coordinator Residence Services

(20) A resident who is the subject of an allegation of misconduct, will be notified in writing:

a. of the allegation of misconduct determined under this Policy and Charles Darwin University (Student Residences) By-Laws by the Coordinator Residence Services; and
b. the place, date, and time of the review meeting.

(21) The resident is required to complete and submit a written incident report prior to this meeting and must be present at the review meeting, either in person or via electronic means.

a. The resident may be assisted by a support person.

(22) If the resident or support person becomes unavailable to attend at the agreed date and time, the Coordinator Residence Services may decide to reschedule, or if the resident cannot be present, proceed in their absence.

a. A review meeting can only be rescheduled once.
b. If the student or support person is unavailable for a second agreed date and time, the review meeting will proceed, in their absence.

(23) The staff member or resident who referred the allegation of misconduct may be present at the meeting to outline the reasons for the allegation of misconduct and to provide any further information that may be required.

a. Documentation may be tabled in the absence of the staff member or resident to preserve their anonymity where it is possible to do so.

(24) The Coordinator Residence Services will make a thorough inquiry into the allegation of misconduct based on oral evidence, signed incident reports and other documentary evidence from the resident and any other persons who may have been involved in the situation or witnessed the incident about the allegation.

(25) Following the enquiry, the Coordinator Residence Services will make a finding to:

a. Dismiss the allegation, where it is concluded that there are insufficient grounds to support the allegation of misconduct; or
b. For minor allegations of misconduct (i.e., incurring a maximum penalty of up to two (2) penalty points), uphold the allegation and action the penalty; or
c. For serious allegations of misconduct, uphold the allegation of misconduct and present/forward a report to the Residence Manager with a recommendation of a penalty proportionate to the misconduct, having regard for what is just in the circumstances in accordance with the Charles Darwin University (Student Residences) By-Laws.

Notification

(26) The Coordinator Residence Services will advise the resident in writing or by e-mail within ten (10) working days where:

a. an allegation has been dismissed, or
b. a minor allegation of misconduct is upheld, notifying the resident of the reasons for the decision, the penalty imposed, and the ability to request a review of the decision by the Residence Manager. A request for review must be submitted within 7 days of the date of the Coordinator Resident Services decision.

(27) For serious allegations of misconduct, the Residence Manager, will advise the resident in writing or by e-mail of the determination within ten (10) working days, outlining:

a. The allegation;
b. How the matter has been determined under the Charles Darwin University (Student Residences) By-Laws and whether the matter has been referred to the Code of Conduct - Students;
c. An assessment of the seriousness of the misconduct in the circumstances;
d. A summary of the resident's response to the allegation;
e. A clear description of the facts and any oral or documentary evidence on which those findings were based (including any mitigating or exacerbating factors or reasons for evidence that was disregarded or not acknowledged);
f. The reasons for the decision, and the penalty imposed (if applicable); and
g. Their ability to seek an appeal of the decision by the Vice-Chancellor at no cost. Some or all disciplinary penalties imposed by the Residence Manager may not be immediately implemented until an outcome is determined, dependent on the nature of the misconduct

Penalties

(28) 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.

Level 1 Breach	Level 2 Breach	Level 3 Breach
A Level 1 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.	A Level 2 Breach will not exceed four (4) penalty units and may be applied for repetitions of the same or similar instances as in a Level 1 Breach. Once a resident has received a penalty for a Level 2 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 3 Breach.	A Level 3 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 themself, 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.

(29) Examples of misconduct and the applicable penalty level the Residence Manager may impose includes, but is not limited to:

Example 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)
The level to be determined by the Residence Manager			
Excessive noise	X	X	Eviction from Residence

Example 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 lockouts	X	X	X
Littering	X	X	Eviction from Residence
Graffiti	X	X	Eviction from Residence
Abusive or offensive behaviour	Possible Eviction	X	X
Harassment	Possible Eviction	X	X
Bullying	Possible Eviction	X	X
Possession or use of illicit drugs	Possible Eviction	X	X
Possession or use of weaponry	Possible Eviction	X	X
Vandalism	X	X	X
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 is unoccupied	X	X	Eviction from Residence
Unauthorised use of personal images	X	X	Eviction from Residence
Failure to follow a reasonable direction given by the Residence Manager or University Staff Member	X	Eviction from Residence	X
Vandalism of, damage to, safety equipment	Possible Eviction	Eviction from Residence	X
Theft (when police action is not pursued)	Possible Eviction	Eviction from Residence	X
Physical violence	Possible Eviction	Eviction from Residence	X

Appeal

(30) A resident may lodge an appeal to the Vice-Chancellor in writing within 7 days of receiving notification of the Residence Manager's determination, outlining the reasons for the appeal

a. Relevant documentary evidence to support the appeal should be included.
b. The resident may withdraw the request for appeal at any time, by writing to the Vice-Chancellor.

(31) An appeal will only be accepted where one or more of the following conditions have been met:

a. the decision made was not in accordance with the principles of procedural fairness and natural justice;
b. that relevant information relating to the conduct of the person was not available to the Residence Manager at the time the decision was made; and/or
c. the penalty imposed was unreasonably harsh.

(32) Residents who proceed with an appeal, may have the outcome of the appeal replace the original penalty, which

may be more lenient or harsher than the original penalty.

(33) The Vice-Chancellor or delegate will make a thorough review of the allegation and the determination of the Residence Manager. The Vice-Chancellor or delegate may review documentation, seek clarification, or request further information in support of its deliberations.

(34) The Vice-Chancellor or delegate will then decide on the appeal outcome based on the evidence to hand. Where there is conflicting evidence, they may make a determination based on the balance of probabilities.

a. Where the Vice-Chancellor or delegate determines that there are not sufficient grounds for an appeal, the original decision of the Residence Manager will stand; or
b. Where the Vice-Chancellor or delegate determines that there are sufficient grounds for an appeal, the Vice Chancellor or delegate will meet with the Residence Manager to consider the evidence and make a determination as soon as practicable and normally within seven (7) working days of the lodgement of the appeal:
    i. If the Vice-Chancellor finds that misconduct has not occurred, the allegation will be dismissed; or
    ii. If the Vice-Chancellor finds that misconduct has occurred but that the penalty was not appropriate, the allegation will be upheld, and the Vice-Chancellor will impose a new penalty.

(35) The Vice-Chancellor's decision must be formally conveyed to the resident, via written notification within seven (7) working days of having received the appeal, outlining the outcome of the review, a rationale for the decision.

(36) All decisions of the Vice-Chancellor are final.

(37) A copy of the decision and any associated recommendations will be sent to the Residence Manager. This information will be kept on file and may be referred to in assessing future applications for residency.

External avenues

(38) If a student is dissatisfied with the outcome of the appeal to the Vice-Chancellor, the student may refer the matter to an an appropriate external organisation, which depending upon the nature of the complaint could include the Ombudsman NT.

Reporting

(39) The University Residence Manager will aggregate data to monitor, review and report on allegations of misconduct periodically to the Student Conduct & Complaints Management Unit team for referral to relevant management and governance committees to identify common themes, trends, and drive improvements.

a. Reports will be tabled at the Vice-Chancellor's Advisory Committee, the University Learning and Teaching Committee, the Academic Board and the University Audit, Risk and Compliance Committee.
b. Reporting will occur on a regular cycle, and every effort will be made not to disclose any details that could identify individuals.

Retention of documentation

(40) All Records relating to investigations of misconduct and/or requests for review will be kept separately from Academic Records.

(41) Files will be disposed of according to the relevant University Retention and Disposal Schedules.

Section 5 - Non-Compliance

(42) Non-compliance with Governance Documents is considered a breach of the Code of Conduct – Staff or the Code of Conduct – Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin University and Union Enterprise Agreement 2025 and the Code of Conduct – Students.

(43) Complaints may be raised in accordance with the Code of Conduct – Staff and Code of Conduct - Students.

(44) 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 Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Status and Details

Status	Historic
Effective Date	1st July 2022
Review Date	1st July 2025
Approval Authority	Vice-Chancellor
Approval Date	24th June 2022
Expiry Date	17th December 2025
Responsible Executive	Louise King Provost
Implementation Officer	Nurul Kamaruzaman Manager Student Accommodation
Enquiries Contact	Nurul Kamaruzaman Manager Student Accommodation Student and Academic Services

Glossary Terms and Definitions

"Resident" - In the context of the University Resident Conduct Policy, a resident means a student of the University or other person who is residing in a University residence from time to time.

"University activity" - In the context of the University Resident Conduct Policy, 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.

"University residence" - University residence means any hall, residence, or accommodation facility established or managed by the University from time to time.

"Eviction" - In the context of the University Resident Conduct Policy, eviction means an immediate and permanent termination of a person's entitlement to reside at or 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 called for. Eviction is the strongest penalty that can be applied by the Residence Manager and may be applied in the case of a breach of disciplinary probation.

"Exclusion" - In the context of the University Resident Conduct Policy, exclusion means a person is denied access to or use of the University's residential services or facilities for a specified period of time, and/or participation in a specified residential activity or event.

"Resident leader" - In the context of the University Resident Conduct Policy, Resident Leader means a person who is a current resident and also employed by the university residence in a leadership capacity.