

STUDENT RESIDENCES CONDUCT POLICY AND PROCEDURE



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1 PURPOSE

- 1.1 This policy and procedure outlines CQUniversity's expectations for [residents, guests](#) and their [visitors](#) (collectively known as [individuals](#)) staying at a University [Student Residences](#), and how the University will manage any [misconduct](#).

2 SCOPE

- 2.1 This policy and procedure applies to any unacceptable behaviours, actions and activities (including inaction or inactivity) by [individuals](#) at the University's [Student Residences](#).
- 2.2 This policy and procedure does not apply to unacceptable behaviours, actions and activities (including inaction or inactivity) by students in their role as a CQUniversity student. Refer to the [Student Conduct Policy and Procedure](#).

3 POLICY STATEMENT

- 3.1 The University does not tolerate behaviour that diminishes the reputation of the University, including its [Student Residences](#), impairs others' ability to participate in University activities, or disrupts the peace or good order at the University or its Student Residences. It is committed to creating and maintaining an environment in which students, employees, visitors and clients work together free of violence, [harassment](#), and intimidation.

3.2 Student Residences aim to provide an environment where:

- an [individual's](#) academic goals, professional development needs, and employment opportunities are encouraged and supported
- individuals learn real-life skills, develop a sense of community, and are respected and treated fairly, and
- [academic freedom](#) and freedom of speech is protected and encouraged – refer to the [Freedom of Speech and Academic Freedom Policy](#) for further information.

Student Residences conduct expectations

3.3 [Residents](#) and [guests](#) must ensure they, and any of their [visitors](#), adhere to this policy and procedure, the [Accommodation Handbook](#), and the [Residential Agreement](#) or Booking Terms and Conditions.

3.4 [Individuals](#) must behave in a way that:

- (a) allows reasonable freedom for others to participate in all areas within [Student Residences](#)
- (b) promotes a safe and inclusive living environment, by treating all people with respect and courtesy and refrains from any actions which disrupts others in residential living
- (c) refrains from any actions which might reasonably be perceived as unsafe, intimidating, [discriminating](#), [harassing](#), [bullying](#) or [sexual violence](#) in face-to-face and online situations
- (d) complies with directions given by the [Student Residences Team](#) to promote the good order and management of the Student Residences
- (e) ensures the proper use of Student Residences facilities, information, and property, and the property of other persons on its sites
- (f) demonstrates a professional manner while an individual of the University Student Residences
- (g) complies with health and safety requirements and instructions given by the Student Residences Team, and attend any relevant training required by the University
- (h) does not divulge confidential or personal information relating to any Student Residences, individual or University matter or employee, unless there is a reasonable or lawful excuse for doing so
- (i) provides only truthful statements regarding their representation and entitlement as an individual at Student Residences, and
- (j) complies with the policy documents of the University.

3.5 Actions or behaviours may be deemed inappropriate by a recipient even if that is not the intention of the individual.

3.6 The Student Residences Team may find that actions or behaviours are inappropriate, regardless of the intention of the individual.

Misconduct

3.7 Where an [individual](#) breaches the expectations outlined in sections [3.3-3.4](#) above, it will be treated as [misconduct](#). Misconduct is categorised into three levels. Refer to the [Appendix](#) for the misconduct categories.

4 PROCEDURE

4.1 Early intervention allows [individuals](#) to be aware of their actions directly and immediately. Where an individual's behaviour, action or activity is considered [misconduct](#), the [Student Residences Team](#) will make it clear to the individual that the behaviour, action or activity is unacceptable and will not be tolerated, and take reasonable steps to manage the situation.

Informal warning

- 4.2 Where an [individual's](#) behaviour, action or activity is considered [level 1 minor misconduct](#) the individual may be given a verbal informal warning or formal written notice, and appropriate [penalty](#), from the Residential After-Hours Coordinator or [Student Residences Management](#).
- 4.3 The Residential After-Hours Coordinator or Student Residences Management will decide if a minor level 1 misconduct warning will be provided as either a verbal informal warning or formal written notice.
- 4.4 Detailed records of any warnings and penalties issued must be kept on the individual's file.

Formal notice

- 4.5 Behaviour, action or activity that may be considered [misconduct](#) by an [individual](#) that cannot be addressed through an informal verbal warning, will be investigated and determined by the relevant [authority](#).
- 4.6 Where an individual's behaviour, action or activity may be considered misconduct, the individual will be issued a formal written notice, via their registered email address listed in the Student Residences System, within 14 business days of the alleged misconduct being reported. The notice will include:
- sufficient detail of the allegation/s and why the behaviour, action or activity may be considered misconduct
 - a list of the range of possible penalties, including any immediate restrictions or conditions
 - a list of support services available at the University to support adherence to the [Student Residences conduct expectations](#) in the future
 - an opportunity for the individual to answer the allegations, and
 - specify the required timeframe for the individual's response (as outlined in section [4.11](#)).
- 4.7 If the alleged misconduct demonstrates a safety concern or serious impact to individuals, the Director Commercial Services may impose conditions or restrictions on the individual. Any conditions or restrictions will remain in place until they are withdrawn or the misconduct investigation is concluded. Decisions to impose conditions or restrictions will take effect upon written notification to the individual.
- 4.8 The University's information privacy obligations prevent the details and outcomes of misconduct investigations being released to third parties.

Investigation

- 4.9 Investigations will be conducted in a manner affording [procedural fairness](#) and applying penalties which are appropriate, fair, and just. Investigations will be scheduled as soon as possible after the alleged [misconduct](#) is identified.
- 4.10 The relevant [authority](#) will determine whether a behaviour, action or activity is considered misconduct, and what penalty will be issued. Factors that may be considered during an investigation include, but are not limited to:
- the nature and seriousness of the misconduct
 - whether the misconduct was intentional or accidental
 - any damages or harm resulting from the misconduct
 - the [individual's](#) explanation for the conduct
 - any advice, guidance or consultation with relevant stakeholders
 - the individual's history of compliance with this policy and procedure, [Accommodation Handbook](#), and [Residential Agreement](#) or Booking Terms and Conditions
 - any corrective action or promises by the individual, and
 - whether it is a first or repeat breach.

Individual's response

- 4.11 [Individuals](#) who have been provided a formal notice of an alleged misconduct will have 14 business days to provide their written response. If the individual requires more than 14 business days to prepare their response, they may apply to the relevant [authority](#) for an extension of time. Individual responses and extension of time requests can be emailed to resconduct@cqu.edu.au.
- 4.12 Individuals may also request a meeting with the relevant [authority](#) to discuss the alleged breach. In these situations, individuals may have one of the following to provide support and to assist them to state their case:
- enrolled student at the University
 - another [resident](#)
 - University employee, or
 - any other person with prior permission from the relevant [authority](#).
- 4.13 Individuals who fail to respond to a written allegation of misconduct within the time permitted to respond, may be deemed to have accepted the allegations (i.e. that what is alleged did in fact occur) and the investigation may proceed without their response.
- 4.14 Where an investigation proceeds without an individual's response, the individual may request to have the proceedings reopened if they can demonstrate they did not receive the notice because of [compassionate and compelling circumstances](#) beyond their control. Requests can be emailed to resconduct@cqu.edu.au.

Penalties and outcome

- 4.15 The relevant [authority](#) will issue the outcome notification to the [individual](#), via their registered email address listed in the Student Residences System, within 44 business days of the formal allegation notice being issued.
- 4.16 If the investigation cannot be completed within the above timeframe, the relevant [authority](#) will advise the individual that additional time is required and provide a new estimated timeframe. This will be done prior to the timeframes outlined above being exceeded.
- 4.17 If [misconduct](#) is substantiated, penalties may be applied in accordance with the level of misconduct (refer to the [Appendix](#) for misconduct levels and possible penalties) and the following principles:
- to penalise the behaviour in a manner which is fair and just
 - to protect and maintain standards of conduct and behaviour in the Student Residences, and
 - to ensure the health, safety, and wellbeing of others.
- 4.18 Detailed records of any investigations and penalties issued must be kept on the resident's file.
- 4.19 Penalties that impact the enrolment of international students under 18 years of age may result in a review of the student's enrolment by the University.

Appeals

- 4.20 [Individuals](#) who have received a determination of [misconduct](#), and can demonstrate that the process in this policy and procedure was not followed or that new evidence is available, may lodge an appeal to the Director Commercial Services. If the Director Commercial Services has previously been involved in the matter to be reviewed, the Chief Operating Officer (or nominee) will conduct the internal review. All appeals can be emailed to director-commserv@cqu.edu.au.
- 4.21 Appeals must be submitted within 14 business days of receipt of the official written outcome notification.
- 4.22 Appeal submissions must include:
- the individual's full name, contact details and student number (if applicable)
 - the nature of the decision or matter being appealed

- the basis for the appeal
 - why the individual believes the investigation and/or decision was incorrect, unreasonable or wrong, or
 - that there is new information or evidence now available and how it is relevant to the appeal
- any new information or evidence that should be considered
- the outcome sought by the individual, and
- copies of all relevant documentation and evidence.

4.23 Appeals may not proceed if:

- no reasonable grounds are stated for the appeal
- the individual has not set out why they believe the investigation and/or decision was incorrect, unreasonable or wrong, or the individual has not provided any new information or evidence that was not already considered during the investigation
- the individual has not ensured they can receive notifications from [Student Residences Team](#), or
- the appeal is lodged outside of timeframe.

4.24 Individuals will receive the outcome of their appeal, via their registered email address listed in the Student Residences System, within 14 business days from the date the appeal application was submitted.

4.25 The Student Residences Team will ensure that individuals are advised of their options for external complaints at the time they are advised of the appeal outcome.

Further options

4.26 If all internal procedures have been followed, and the [individual](#) is not satisfied with the outcome of their internal appeal or does not feel they have been dealt with fairly, they may lodge a complaint to an external body. Time limits for the lodging an external complaint may apply.

4.27 Individuals have a right to access an external complaints process at minimal or no cost. A list of external bodies who provide these processes is provided on the University's [website](#).

Re-consideration after suspension

4.28 When an individual has been suspended or banned from the [Student Residences](#) due to substantiated misconduct, they may apply for readmission to the Director Commercial Services, after five years from the date of the suspension or ban. Requests can be emailed to director-commserv@cqu.edu.au.

4.29 Applications must include:

- details of the course the student intends to apply for (if applicable)
- reasons why the individual should be accepted to return to the Student Residences, and
- a written reflection outlining any learnings resulting from their previous misconduct.

4.30 Applicants will be advised of the outcome via their registered email address listed in the Student Residences System within 14 business days of the application being submitted. Successful applicants must agree to a probation agreement prior to returning to the Student Residences. This agreement will remain in effect for the duration of time at the Student Residences.

5 RESPONSIBILITIES

Compliance, monitoring and review

5.1 The Director Commercial Services is responsible for implementing, monitoring, reviewing, and ensuring compliance with this policy and procedure.

Reporting

- 5.2 No additional reporting is required.

Records management

- 5.3 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 5.4 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email records@cqu.edu.au).

6 DEFINITIONS

- 6.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Bullying: repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, that a reasonable person would regard as undermining the individual's right to dignity through victimising, harming, humiliating, intimidating or threatening a person or persons which therefore creates a risk to health and safety. A single incident of unreasonable behaviour is not considered to be bullying. Examples of behaviour that may be considered bullying if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding a resident from group activities
- withholding information that is vital for participation in group activities, or
- spreading misinformation or malicious rumours.

Community service: unpaid work performed by a person or group of people for the benefit and betterment of their community without any form of compensation.

Guest: students, employees or external person/s staying at the Student Residences for less than four weeks. Guests must adhere and comply with the Booking Terms and Conditions.

Harassment: any form of unwelcome and unreciprocated behaviour of a non-sexual nature, which can be expected to cause distress due to intimidation and humiliation. Harassment can be written, verbal or physical, and can happen in-person or online. Examples of harassment include:

- name-calling or jokes that are distressing and cause offence
- asking intrusive questions about someone's personal life
- suggestive body language that causes distress and offence
- displaying or making offensive posts on social media that cause distress and offense, or
- threats of violence, or actual violent acts.

Hazing: any activity that is a condition upon recruitment, admission, affiliation or continued participation in a group that humiliates, degrades, abuses, or endangers someone, regardless of consent or a person's willingness to participate. Hazing includes but is not limited to:

- any abuse of a mental or physical nature
- forced consumption of any food, drink, liquor, drugs, or substances
- any forced physical activity that could adversely affect the health or safety of an individual, and/or

- any activity that would subject the individual to embarrassment or humiliation.

Individual: a collective term for residents, guests and visitors.

Misconduct: conduct by an individual, that is contrary to the [Student Residences conduct expectations](#) outlined in this policy and procedure, [Accommodation Handbook](#), [Residential Agreement](#), Booking Terms and Conditions, or any other conduct outlined in the [Appendix](#).

Procedural fairness: also referred to as 'natural justice', procedural fairness requires:

- an impartial decision-maker free from actual or apparent bias
- the opportunity to respond to any adverse material that could influence the decision, before a decision is made, and
- findings are based on evidence that is relevant and logically capable of supporting the findings made.

Resident: students staying at the Student Residences for four weeks or longer. Residents must adhere and comply with a Residential Agreement to stay at the Student Residences for four weeks or longer.

Sexual violence: a broad term encompassing any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person's sexuality, using coercion, by any person, regardless of their relationship to the targeted individual, in any setting. It includes sexual assault, attempted sexual assault, unwanted sexual touching and other non-contact forms such as sexual harassment, in any setting.

- **Sexual harassment:** unwelcome comments, threats, behaviours or requests of a sexual nature that make the targeted individual feel uncomfortable, humiliated, intimidated or offended. This may include online and/or face-to-face encounters and the distribution of sexually explicit images, emails or text messages.
- **Sexual assault:** behaviours of a sexual nature directed at someone who has not given consent or is incapable of giving consent, regardless of their relationship. This may include using verbal coercion, threats, intent of contact, and/or physical force to the targeted individual in any setting.

Student Residences: refers to Capricornia College (Rockhampton) and Canefield College (Mackay).

Student Residences Management: a collective term including the Manager Student Residences, Coordinator Residential Life, and Coordinator Residential Operations.

Student Residences Team: a collective term including the Residential Life Team (the students who live on Student Residences and undertake a voluntary 'Residential Leader' role), Residential After-Hours Coordinator, Student Residences Management, and Director Commercial Services.

Unlawful discrimination:

- direct unlawful discrimination: when a person or group of people are treated less favourably than another person or group of people because of their background or personal attribute specified by anti-discrimination legislation, or
- indirect unlawful discrimination: where an unreasonable rule or policy applies to everyone, but disadvantages some people because of a personal attribute specified by anti-discrimination legislation.

Victimisation: subjecting a person to negative treatment because they:

- refused to do something that would contravene equal opportunity or anti-discrimination law
- complained, or intend to complain, about something that would contravene equal opportunity or anti-discrimination law
- is or has been involved in a proceeding under equal opportunity or anti-discrimination law, including as a witness, or supplying information, or
- are believed to have done or intend to do any of the above.

Vilification: a public act, or threat of harm to a person or their property, that incites hatred towards, severe ridicule of, or serious contempt for a person or group because of their race, religion, gender identity or sexuality.

Visitor: person/s visiting a resident or guest at the Student Residences. Residents and guests take full responsibility for any visitors, including any unacceptable behaviours, actions or activities they may engage in.

7 RELATED LEGISLATION AND DOCUMENTS

[Accommodation Handbook](#)

[Age Discrimination Act 2004](#) (Cwlth)

[Anti-Discrimination Act 1991](#) (Qld)

[Australian Human Rights Commission Act 1986](#) (Cwlth)

Booking Terms and Conditions

[Disability Discrimination Act 1992](#) (Cwlth)

[Disability Services Act 2006](#) (Qld)

[Disability Standards for Education 2005](#) (Cwlth)

[Electrical Equipment Use Procedure](#)

[Freedom of Speech and Academic Freedom Policy](#)

[Guide, Hearing and Assistance Dogs Act 2009](#) (Qld)

[Human Rights Act 2019](#) (Qld)

[Research Higher Degree Integrity Policy and Procedure](#)

[Residential Agreement](#)

[Smoking, Alcohol and Other Drugs in the Workplace Policy](#)

[Sex Discrimination Act 1984](#) (Cwlth)

[Student Academic Integrity Policy and Procedure](#)

[Student Conduct Policy and Procedure](#)

[Student Critical Incident Policy and Procedure](#)

[Support for Students Policy](#)

8 FEEDBACK

8.1 Feedback about this document can be emailed to policy@cqu.edu.au.

9 APPROVAL AND REVIEW DETAILS

| Approval and Review | Details |
|------------------------------|-------------------------------|
| Approval Authority | Vice-Chancellor and President |
| Delegated Approval Authority | Chief Operating Officer |
| Advisory Committee | N/A |
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| Original Approval Authority and Date | Chief Operating Officer 02/09/2024 |
| Amendment Authority and Date | |
| Notes | |

10 APPENDIX – MISCONDUCT LEVELS AND OUTCOMES

10.1 The below table outlines the three categories of [misconduct](#), what possible penalties may be issued with each level, and who can investigate, determine misconduct and apply appropriate penalties.

| Misconduct type | Examples of misconduct type (including but not limited to) | Possible penalties (including but not limited to) | Authority |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Level 1 (minor breach) | <ul style="list-style-type: none"> Poor hygiene standards (including personal hygiene, bedroom, kitchen and common area messes not cleaned up) Taking plates, cups, glasses and utensils from any building, including the Dining Hall Excessive noise Driving and/or parking inappropriately Not following dining hall etiquette Acting in a manner which is disrespectful, disorderly, unreasonable, inappropriate, or unprofessional Distributing/selling unauthorised material including physical and online content Overloading electrical circuits including use of double adaptors or non-compliant equipment Bringing a pet into Student Residences Having living plant/s in a room. | <ul style="list-style-type: none"> An official written warning outlining the misconduct and reminder of required expectations Written undertaking from the individual (e.g. confirmation they understand the breach and/or expectations, apology, behaviour agreement, community service) Temporary suspension from locations within Student Residences Temporary suspension from hosted activities within Student Residences Any combination of these penalties. | Residential After-Hours Coordinator Student Residences Management |
| Level 2 (intermediate breach) | <ul style="list-style-type: none"> Repeat of any Level 1 breach/es Failure to pay issued fees by the due date Accidental damage to property Failure to complete compulsory training by the due date, including online induction and Fire Evacuation Procedure Allowing a visitor to stay outside of visiting hours (7am – 10pm) without approval from Student Residences Management. Drinking games, punch parties, and binge drinking activities Alcohol related mess (e.g. vomit or bodily fluids requiring cleaning) Consumption of alcohol or smoking outside of permitted areas Breach of hygiene standards requiring professional cleaning to rectify | <ul style="list-style-type: none"> Any penalty that may be applied for instances of a Level 1 breach Temporary or permanent move to another room within Student Residences Community service Order for compensation or restitution on such terms that are deemed fit and proper Any combination of these penalties. <p>A Level 2 misconduct matter may have no decision made or penalty applied under this policy and procedure and instead be referred for investigation under the Student Conduct Policy and Procedure.</p> | Student Residences Management Director Commercial Services |

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|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| | <ul style="list-style-type: none"> Concerning behaviours, verbal abuse and/or acts of aggression Deliberately ignoring employee requests or instructions Accessing unauthorised spaces Conducting a business from a room or anywhere within the Student Residences precinct. | | |
| Level 3 (major breach) | <ul style="list-style-type: none"> Repeat, or combination, of any Level 1 or 2 breach/es Wilful damage to property Fire safety violations Theft from the Student Residences or individuals (including non-payment of dining hall meals) Any illegal activity, including supplying alcohol to a minor, possession, use, manufacture, distribution, consumption or selling of illegal or dangerous drugs (including prescription drug misuse), equipment associated with drug use or drug paraphernalia, and illegal weapons Sexual violence Any form of unlawful discrimination, victimisation, vilification, bullying, harassment or hazing Assaulting or causing physical harm or endangering the health and safety of a member of the Student Residences. | <ul style="list-style-type: none"> Any penalty that may be applied for instances of a Level 1 and/or 2 breach. Termination of the Residential Agreement Suspension or ban from re-admission to Student Residences Order for compensation or restitution on such terms that are deemed fit and proper Any combination of these penalties. <p>A Level 3 misconduct matter may be referred for action under another policy document such as the Student Critical Incident Policy and Procedure or Student Conduct Policy and Procedure.</p> <p>Suspected criminal matters will be referred to the appropriate law enforcement authorities for investigation or prosecution.</p> | Director Commercial Services |