

Swinburne Student Residences

Code of Conduct 2019

Objective of this Code of Conduct

The Swinburne Student Residences Code of Conduct, in conjunction with the Residential Handbook, General Licence Agreement, and applicable Swinburne University policies, is intended to regulate the conduct of students who reside in the Swinburne Student Residences, use Residences facilities and services or participation in Residences activities, and facilitate the proper functioning of the Residences.

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1. Residents' Rights and Responsibilities

1.1. Residents' Rights

As a member of the residential community, you have the right to expect the following:

- 1.1.1 The ability to sleep and study free from undue interference, unreasonable noise, and other unreasonable distractions.
- 1.1.2 Personal privacy within the limits of the Residences.
- 1.1.3 A clean and safe living environment.
- 1.1.4 Freedom from bullying, violence, sexual harassment, discrimination and other forms of harassment.
- 1.1.5 Assistance and support from the Swinburne Student Residences staff, Residential Advisors and the wider University.

1.2 Residents' Responsibilities

As a member of the residential community, you have the responsibility to:

- 1.2.1 Help maintain an environment conducive to academic study.
- 1.2.2 Treat fellow residents and staff with respect, consideration, and cooperation.
- 1.2.3 Accord every resident personal dignity and report incidents of bullying, violence, sexual harassment, discrimination and other forms of harassment to Residences staff.
- 1.2.4 Understand and comply with all University and Residences policies and regulations; including those that apply to all formally organised events both on- and off-campus.
- 1.2.5 Resolve personal and community issues in a calm and respectful manner.
- 1.2.6 Make informed decisions regarding the consumption of alcohol. If you choose to consume alcohol you are expected to do so in a responsible manner.
- 1.2.7 Exercise an individual commitment to personal and community safety and security, by not intentionally or recklessly placing oneself or other persons at risk.
- 1.2.8 Comply with reasonable requests from University and security staff, and contractors.

2 Resident Conduct & Unacceptable Behaviour

All residents are expected to not engage in “Unacceptable Behaviour” or “General Misconduct”, as defined in the Swinburne University People, Culture and Integrity Policy addressing Unacceptable Behaviour, which can be found at the following web address:

<http://www.swinburne.edu.au/policies-regulations/policies/people-culture-integrity/unacceptable-behaviour/>; and

The Swinburne Student General Misconduct Regulations (2012), which can be found at the following web address: <http://www.swinburne.edu.au/policies-regulations/statutes-regulations/student-general-misconduct/>

Unacceptable Behaviour and General Misconduct include the following:

2.1 Bullying

Bullying is characterised by repeated, unreasonable behaviour directed at a student or staff member, or group of students or staff members, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. The behaviour can include actions of an individual or a group, and may involve the bully using a system of work or inappropriately asserting power.

2.2 Violence

Violence is a physical assault or attack by direct or indirect application of force that creates a risk to health and safety. The attacker’s intent is not determinative.

2.3 Sexual Harassment

Sexual Harassment is defined by legislation in the state of Victoria. It is when a person:

- makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person
- engages in any other unwelcome conduct of a sexual nature in relation to another person

where a reasonable person in the circumstances would anticipate the other person would be offended, humiliated or intimidated.

Conduct of a sexual nature can include physical intimacy, remarks with sexual connotations and sexual gestures, actions or comments. The intention of the offender is irrelevant.

Offences such as stalking, sexual assault and rape are serious criminal offences which should be reported to the police.

2.4 Discrimination

Discrimination is defined by legislation in Victoria. It includes both direct and indirect discrimination. Direct discrimination occurs if a person treats, or proposes to treat, a person with an “attribute” unfavourably because of that attribute. Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with an attribute and is not reasonable.

For the purposes of determining discrimination, the offender’s awareness and motive are irrelevant.

Attributes protected under Federal and Victorian laws include, but are not limited to: age, disability or impairment (including disease or illness), gender identity, lawful sexual activity, marital status, physical features, political belief or activity, pregnancy or potential pregnancy, race, colour, nationality, ethnic or national origin, religious belief or activity, same sex relationships, sexual orientation and social origin.

2.5 Harassment

Harassment is any form of behaviour that is not wanted, is not asked for and that a reasonable person would consider likely to create a hostile or uncomfortable environment by humiliating, intimidating or offending another person or group of people because of an attribute protected by the law (See Discrimination for an explanation of “attributes” protected by discrimination laws.)

Racial and religious vilification is behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person or group of people, because of their race or religion. Acts of racial and religious vilification are unlawful in any public place.

2.6 General Misconduct

For the purposes of this Code of Conduct, it is general misconduct if a resident—

- 2.6.1 while on Swinburne Student Residence premises, using Residences facilities and services or engaging in Residences activities—
 - I. commits an offence
 - II. engages in conduct which causes the University to be guilty of a crime; or
 - III. intentionally or recklessly causes injury to another person;

- 2.6.2 intentionally or recklessly causes damage to, or commits theft of—
 - I. Residences property; or
 - II. property on Residences premises;
- 2.6.3 interferes with or improperly or unsafely uses Residences property, facilities or services;
- 2.6.4 while on Residences premises, using Residences facilities or services or engaging in Residences activities engages in improper behaviour, including—
 - I. harassment;
 - II. threatening or intimidating behaviour;
 - III. use of abusive or offensive language;
 - IV. disorderly behaviour;
 - V. breach of the peace;
 - VI. access, display, download, upload or broadcast of offensive material;
 - VII. acting in breach of laws or rules of conduct relating to smoking, alcohol consumption, use of drugs, gambling, occupational health and safety or discrimination;
- 2.6.5 engages in conduct which is detrimental to the reputation of the Residences;
- 2.6.6 engages in a pattern or sequence of conduct which places substantial demand on Residences resources, vexatiously or without proper justification;
- 2.6.7 offers a bribe or other improper inducement in relation to the provision of Residences services or the discharge of the functions or duties of Residences staff;
- 2.6.8 falsely claims an identity, qualification, prior learning or experience;
- 2.6.9 acts in breach of a provision of a University statute or regulation relating to conduct;
- 2.6.10 promotes or sells products or services within the Residences, either as an individual, or on behalf of another individual or organisation;
- 2.6.11 undertakes or organises any fundraising, sponsorship or advertising activities within the Residences without the prior written approval by the Associate Director Student Housing and Finance;
- 2.6.12 enters into any formal or implied agreement with another organisation, business or divisions of the University on behalf of the Residences;
- 2.6.13 represents the Residences or the University without the written permission of the Associate Director Student Housing and Finance;
- 2.6.14 uses the University and/or Residences logo and names without authorisation, or;

2.6.15 incites another person to commit general misconduct

3 Smoking, Drug and Alcohol Use, and Prohibited Materials

3.1 Alcohol

3.1.1 Irresponsible, reckless or anti-social behaviour relating to excessive consumption of alcohol are not permitted in the Residences. This includes but is not limited to:

- I. Encouraging underage residents to consume alcohol or supplying them with alcohol;
- II. Public intoxication;
- III. The purchase or use of kegs;
- IV. Organising and participating in drinking games (e.g. beer pong, flip cup) and pub crawls;
- V. Use of drinking devices such as hoses, funnels, punchbowls to consume and mix alcohol;
- VI. Manufacturing and distributing alcohol;
- VII. Pressuring residents to consume alcohol

3.1.2 Residents under the legal drinking age (18) are not permitted to consume or possess alcohol in the Residences or at any Residences sponsored events.

3.1.3 Any behaviour in relation to the consumption of drugs and/or alcohol which infringes on the safety and rights of residents and could be considered as General Misconduct (Section 2.6) is not permitted.

3.1.4 Residents are permitted to consume alcohol in the Residential College Dining Hall, rear College courtyard, and Swinburne Place 3rd Floor Common Rooms/outdoor balconies until 11pm.

3.1.5 Residents are not permitted to consume alcohol in College Rooms 217, 317, 417 and 517, and Swinburne Place 3rd floor study and "chill out" rooms.

3.1.6 Alcohol free zone during the Exam and Swot VAC periods include the Residential College public spaces, Swinburne Place 3rd Floor Common Rooms and Swinburne Place 3rd Floor outdoor balconies.

3.1.7 Glass bottles and drinking glasses (for alcoholic and non-alcoholic beverages) are prohibited from all outdoor areas on the Residences premises, including apartment balconies and adjacent outdoor areas, the Swinburne Place 3rd floor outdoor balconies and the Residential College rear courtyard.

3.2 Smoking

Swinburne University is a smoke-free campus, as part of the commitment to ensuring a safe and healthy environment for staff, students and visitors.

Smoking is not permitted on University premises, including Residences bedrooms, apartments, common areas, balconies and outdoor spaces in and around the campus.

3.3 Drugs

Use, possession, cultivation and manufacture, or trafficking of any illegal drug is not permitted in the Residences. Marijuana (or cannabis) is considered as an illegal drug in the state of Victoria.

3.4 Prohibited Materials

Possession or storage of any combustible materials or liquids, explosive devices, firearms or knives or any other dangerous, or controlled weapon as defined under the Victorian Control of Weapons Act 1990, or any other illegal substances or items is not permitted in the Residences or anywhere on Swinburne property.

4 Social Gatherings and Parties

4.1 Gatherings, parties and private functions are not permitted within the residences.

4.2 Residents must hold private parties off campus to avoid disruptions in the Residences.

4.3 Social events are not permitted to be advertised via social media or the use of posters.

4.4 No more than twice the amount of tenants should be present in your apartment at any one time (e.g. In a three-bedroom apartment, this would equal 6 people), in accordance with OH&S regulations.

5 Noise and Quiet Times

5.1 General Noise Levels

5.1.1 Swinburne Student Residences are intended primarily for study, sleep and quiet relaxation. Residents are expected to keep noise in and around the Residences to a level which is consistent with those purposes at all times.

5.1.2 While Resident Advisors have direct responsibility for addressing noise violations, all Residents are expected to assume a degree of responsibility for addressing those residents who infringe upon their right to sleep and study.

- 5.1.3 The following activities are not permitted (unless permission has been granted by the Associate Director): use of amplified sound sources such as electronic devices, amplified musical instruments, drum equipment, live music/bands, DJ equipment, etc., at a level which is likely to interfere with the ability of other persons to study or sleep.

5.2 Quiet Times, Swot Vac & Exams

The Residences utilises a system of “Quiet Times” in order to encourage consideration of all residents and the need for quiet to study and to rest.

- 5.2.1 The following restrictions on noise apply:

Quiet Times outside Swot Vac and examination periods are:

Sunday – Thursday 11pm to 9am

Friday and Saturday 12am to 9am

Quiet Times during Swot Vac (pre-exam period) and examination periods are:

Monday – Sunday 8pm to 9am

- 5.2.2 All noise outside the Quiet Times listed above is to be kept to a minimum.

- 5.2.3 All residents wishing to celebrate the end of their examination or assignments are asked to do so off campus and minimise noise on their return to the Residences.

6 Residences Facilities and Room Usage

6.1 Furniture & Appliances

Information on approved personal furniture (including measurements) and equipment for your room and apartment is in the Handbook. Please refer to the information provided or you may incur costs for removing these items (clause 6.1.3 below)

- 6.1.1 Residents are not permitted to place personal furniture in the courtyard or on the balcony of their apartments.
- 6.1.2 Personal beds and mattresses are not permitted in the Residences, except for medical reasons (must provide supporting letter from a doctor).
- 6.1.3 Non-approved personal furniture may be removed and the cost passed on to the residents.

6.2 Unoccupied Bedrooms and Apartments

Residents must not enter and/or make use of uninhabited bedrooms, or use the items contained in uninhabited bedrooms. Residents found to be in breach of this rule may be charged the cost of cleaning and the nightly rate for occupying the room.

6.3 Occupied Bedrooms and Apartments

- 6.3.1 Residents are not permitted to change rooms without approval from Residences staff. Residents involved in an unauthorised room change will be required to return to their originally allocated room, and will be charged for the cost of the room clean by the Residences.
- 6.3.2 Residents must keep their key cards with them at all times. Residents who are locked out will be charged a lockout fee as detailed in the Handbook.
- 6.3.3 Residents are not permitted to enter another resident's room unless by the express invitation of that room's resident.
- 6.3.4 Residents are not permitted to sub-let their room to another person.
- 6.3.5 Bicycles and other personal items must not be left in apartment entryways, balconies, any corridor in the Residences or outdoor courtyards. Bicycles must be stored in a bike shed by contacting Facilities and Services.
- 6.3.6 Residents are not permitted to display laundry, clothing, or hang any kind of banner or other item from, or on the balcony or courtyard outside of an apartment. Fines imposed by Council will be passed on to residents.

6.4 Common Spaces

- 6.4.1 Residences furniture must not be removed and/or relocated from any common areas.
- 6.4.2 Residents are not permitted to play ball, or any other disruptive games in the corridors and common spaces in the Residences.
- 6.4.3 Residents are not permitted to skate on residences properties including balconies, outdoor areas and buildings.
- 6.4.4 Residents are not permitted to mount posters in common areas without the prior consent from the Associate Director or other Residences staff.

6.5 Property Damage

- 6.5.1 Residents will be liable for monetary fines for missing or damaged University property in their allocated bedroom. Residents living in group share arrangements (apartments) will be jointly fined for losses of, or damages to, University property including furniture and other items provided in the common areas within their apartment or building.
- 6.5.2 Only 'Blu-Tac' or similar non-damaging adhesives may be used to mount posters, decorations etc. onto walls, doors or other surfaces in the room or common area. When such items are removed, all traces of adhesive must be removed. The use of tape or glue of any kind, or of any fixing which penetrates the mounting surface is not permitted. If any damage occurs as a result of mounting such items, the damage caused will be charged to the resident.
- 6.5.3 Residents are not permitted to make any mechanical, electrical or physical changes to a room or building.
- 6.5.4 Residents are not permitted to remove, alter or damage any signs in the Residential premises.
- 6.5.5 Any damages charges applied will be in accordance with the Damage & Cleaning Charges Costings sheet available from Residences administration.

6.6 Wi-Fi Network and Other Infrastructure

- 6.6.1 Residents are not permitted to establish local area networks, or erect or cause to be erected outdoor television, satellite or radio aerials.
- 6.6.2 Residents are not permitted to tamper with any of the wireless access points in the Residences, or connect personal routers to the Residences network.

7 Guests and Visitors

For the purposes of this Code of Conduct:

A "Guest" is classified as any non-resident staying overnight at the Residences at the expressed or implied invitation of a resident.

A "Visitor" is classified as any non-resident visiting the Residences at the expressed or implied invitation of a resident, but does not stay overnight.

- 7.1 All guests must be at least 18 years of age.

- 7.2 Apartment residents may have guests in their apartment one night a week only.
- 7.3 All guests must be registered. Residents can register their guests via Student Reception (Monday-Friday, 9am-5pm) or with the Duty RA (outside office hours).
- 7.4 The Associate Director or University staff may refuse entry to any guest or visitor into the Residences, or evict any such a person from the Residences premises.
- 7.5 Guests are not permitted to stay in the Residences during Orientation week or the Swot Vac and examination periods without the written permission of the Associate Director.
- 7.6 Residents will be held accountable for the actions and behaviour of their guests and visitors. This includes being financially responsible for any costs related to damages caused by their guests and visitors. It is the responsibility of the resident to explain the code of conduct to their guests and visitors and to accompany the non-resident at all times.
- 7.7 Residents are not permitted to give their access cards to non-residents.
- 7.8 A guest must be accommodated in the host resident's bedroom only.
- 7.9 Guests are not permitted to make use of any room, common space, equipment and facilities within the Residences, except in the company of and at the express invitation of a resident and only if no other resident is inconvenienced by such use.
- 7.10 Facilities and equipment such as washers and dryers, etc. may not be used by visitors or guests
- 7.11 Guests and visitors are not permitted to participate in events organised for residents without invitation from Residences staff.

8 Safety

8.1 Fire Safety

- 8.1.1 Fire alarms, hoses, smoke alarms, automatic door closers, fire blankets, extinguishers and other fire safety equipment are to be used only for their intended purpose. Misuse of, or tampering with fire safety equipment is a criminal offence. Any resident found to have misused or tampered with fire safety equipment may have their license agreement terminated.
- 8.1.2 Fines may be passed onto residents responsible for misuse of fire safety equipment, including intentionally or unintentionally triggering a fire alarm.

- 8.1.3 Use of the following items is not permitted within the Residences:
- i. Room heating appliances or any appliance with any exposed heating element, other than those provided by the Residences,
 - ii. Candles, incense burners or any appliance or other item which produces flame or smoke,
 - iii. BBQs (gas or electric), with the exception of residences provided
- 8.1.4 Residents are not permitted to light any fires within the Residential premises.
- 8.1.5 In the event of a fire alarm, residents are required to evacuate the building when instructed to do so by Swinburne Security or authorised University staff members.

8.2 Emergency Situations

- 8.2.1 Residences staff reserve the right to enter residents' rooms and apartments in the event of an emergency, or if there is cause for concern over the safety or well-being of any resident, or the integrity of the Residence. It is preferred that entry be made by two staff on any occasion.
- 8.2.2 Residents are not permitted to knowingly cause, make or circulate false reports or warnings of a catastrophe or emergency situation.
- 8.2.3 To ensure safety, and to facilitate emergency exit from the buildings, all corridors, exit areas, foyers and stairwells must be kept clear of all personal items (including bikes) and furniture.
- 8.2.4 Residents should to the best of their ability follow the advice of Swinburne Security and authorised University staff members in any emergency situation.

8.3 Falling or Thrown Objects

Throwing objects or allowing them to fall from any building is dangerous, potentially lethal, and is not permitted. Any resident found to have intentionally or unintentionally caused such action will be sanctioned accordingly, and in the event of causing injury, Swinburne Residences will report the matter to Victoria Police and any other parties as required.

9 Cleanliness & Hygiene

9.1 Cleaning and Food Preparation

- 9.1.1 Residents share responsibility for the cleanliness of the shared areas of their apartments.

- 9.1.2 In Residential College rooms where contract cleaning is provided, residents may not request their rooms to miss more than one cleaning cycle. Additional requests to miss the cleaning cycle will be passed on to the Associate Director or delegated representative by the cleaning staff.
- 9.1.3 Residents who prepare food and drink in kitchens are responsible for cleaning up afterwards and for maintaining their kitchens in a hygienic condition at all times.
- 9.1.4 All food must be stored in sealed containers. Any food may be disposed of if it constitutes a health hazard in the opinion of Residences staff, with no compensation payable to the resident concerned.

9.2 Waste Management

- 9.2.1 All waste and unwanted items must be disposed of appropriately. Residents may be charged if cleaning contractors are required to dispose of food, personal items or furniture.
- 9.2.2 Residents are not permitted to collect and store empty bottles or cans in their apartments or on their balconies or courtyards.

9.3 Inspections

- 9.3.1 Monthly inspections will be conducted in the common areas in the apartments and in the courtyard or balcony.
- 9.3.2 All bedrooms will be inspected once per semester.
- 9.3.3 Failure to maintain a clean and hygienic bedroom, apartment or courtyard/balcony may result in disciplinary action. In addition, professional cleaning services will be arranged where apartments fail 2 cleaning re-inspections in a month (or are excessively dirty, as determined by the Residences management). The cost of any such services in apartment shared spaces will be attributed to all residents of that apartment, unless individual responsibility can be determined. A cleaning & administrative charge will apply per student, in accordance with the schedule of fees.

10 Pets & Animals

Residents and their guest and visitors are not permitted to keep pets or allow any animals to enter the Residences, or feed or otherwise encourage any animal to approach themselves or the Residences.

Personal service animals such as guide dogs are exempt from this rule.

11 Sanctions

There are three levels of misconduct when residents are found to have breached the Residences Licence Agreement, Code of Conduct and Swinburne University's policies and procedures. Each act of misconduct will be considered under the appropriate level of misconduct, depending on the severity of the actions/behaviour by the resident.

A resident who has allegedly breached the Licence Agreement, Code of Conduct and Swinburne University's policies and procedures will be required to attend a misconduct meeting, and may choose to bring an advocate or support person. At the misconduct meeting, the resident will be given the opportunity to respond to the allegations. Management of the Residences will issue appropriate sanctions or penalties if it is found that there has been a breach of policies. The resident will have the right to appeal the decision.

The following information provides a broad outline on the three levels of misconduct and the **possible** sanctions. It is important to note that each case is different and sanctions may vary depending on, for example (and not limited to), circumstances, the nature of the incident, impact, response to the allegations, previous incidents etc.

Level One Misconduct (broad examples but not limited to)

- Noise
- Smoking
- Damage property accidentally as a result of intoxication
- Re-occurring failed cleaning inspections
- Speaking to staff or Resident Advisors in rude manner

Level One Sanctions

- Level One Written Warning and could include one or more other sanctions if appropriate (see schedule of possible sanctions)

Level Two Misconduct (broad examples but not limited to)

- Repeat misconduct after being sanctioned a Level One written warning
- Breach of several clauses of the code of conduct in one incident (noise, party in the apartment, more than double the number of persons in the apartment etc)
- Use of offensive language or jokes
- Noisy during SWOTVac and exam period
- Bullying behaviour
- Harassment

Level Two Sanctions

- Level Two Written Warning and could include one or more other sanctions if appropriate (see schedule of possible sanctions)

Level Three Misconduct (broad examples but not limited to)

- Repeat misconduct after being sanctioned at level one or level two (depending on the severity of the misconduct incident)
- Physical assault
- Sexual harassment (serious level)
- Threat to harm others

Level Three Sanctions

- Level Three Final Written Warning (Probation)
- Other sanctions could include:
 - Refer the matter to the University
 - Academic sanctions e.g. suspension
 - Suspension and expulsion from the University
 - Refer to Schedule of possible sanctions

When a resident is issued with a Final Written Warning (Probation), the University will terminate the resident's Licence Agreement if there is further breach of the University's policies or the Residences Code of Conduct.

Schedule of Possible Sanctions

- Letter of apology
- Reflection letter
- Pay for damages or other costs
- Mandatory counselling
- Relocation to another room or apartment
- Encourage participation in mediation
- No contact with specific resident
- Regular meetings with the Residential Life Coordinator

Meeting with the Residential Life Coordinator for Academic Support

The Residential Life Coordinator reviews the academic results of all residents at the end of each semester. The purpose is to identify residents who may need support and referral to academic services in the University for academic assistance.

Residents are required to schedule a time to meet with the Residential Life Coordinator if invited to attend a session. The purpose of this session is to discuss your academic needs and how the Coordinator can assist you with seeking academic assistance.