

Student Misconduct Policy

Policy number	RTOPO30	Version	1.1
Drafted by	Sally Wynd	Approved by M/C on	28/03/2018
Responsible person	Service Manager	Scheduled review date	28/03/2019

Introduction

Eagles RAPS Inc. will uphold its reputation of high standards and conduct and will immediately address any misconduct from students.

Purpose

The purpose of this document is to define the actions that constitute misconduct, outlines the organisation's processes for investigating allegations of misconduct and describes possible consequences for acts of misconduct.

Policy

This policy refers to all students at the RTO, and to conduct occurring at any premises occupied by the RTO or any events conducted under the name of the RTO, such as excursions, work placements, or events at other services, businesses, venues or agencies. The policy should be read in conjunction with the Student Code of Behaviour. Any breach of the Code may result in an allegation of misconduct. All allegations of misconduct will be conducted in a fair, consistent and transparent manner.

AUTHORISATION

SIGNED: Marten Wynd, President/Public Officer 
DATE: 27 March 2018

Procedure

Document Number	RTOPR30	Version	1.1
Date of Issue	28/03/2018	Contact:	Service Manager 0418 417124

Student Misconduct

Student misconduct can be either academic or non-academic.

Academic misconduct

Academic misconduct can be:

- Cheating, plagiarism, fraud, collusion and any other dishonest act which gives a student a distinct advantage academically or in general.

- Actions which contravene the Student Code of Behaviour, rules of the RTO or policies and procedures.

Non-academic misconduct

Non-academic misconduct includes:

- Actions which contravene the Student Code of Behaviour which do not give the student an unfair advantage academically.
- Actions which negatively impact on the reputation of the RTO and its staff.
- Actions which are criminal or unlawful while under the auspice of the RTO.
- Actions which damage property or premises.
- Actions which prevent staff or students from performing their duties.
- Any action such as bullying, harassing, threatening, assaulting, or any other action which causes staff, community members or students to fear for their personal safety.
- Any action which attempts to improperly influence staff, community members or other students in the performance of their duties.
- Any action which directly disobeys an instruction from any staff member of the RTO.
- Any action which in any way impairs the freedom of another person, including the freedom to study.
- Any action which interferes with the training or assessing of students or the work processes of administration staff.
- Giving false identity.
- Falsifying RTO records or files.
- Breaching confidentiality or privacy policies or legislation, or communicating inappropriately, including through social media.
- Encouraging or persuading others to engage in actions which constitute misconduct.

Responsibility

It is the responsibility of all students, staff and community members to report alleged acts of misconduct. All reports should be made to either the Coordinator or the Service Manager.

Investigation procedure

All investigative processes will be carried out fairly and will be based on the principles of:

- Presumption of innocence until proven guilty

- The right to be heard
- The right to be treated with respect and without bias.
- The right to be provided with all information in regard to the allegations
- The right to respond to the allegations;
- The right to an explanation of what decision is made and on what basis it was made.

The student will be given an opportunity to explain their conduct, correct information if necessary, and make a submission in regard to any penalties imposed.

Staff will not make a determination on misconduct if they are involved in the allegation. The student is entitled to due notice in regard to any allegation against them and the allegations may be amended before the determination, provided the student has been given notice. Any previous breach of the code of conduct will be taken very seriously in the determination.

The matter will be dealt with as quickly as is practical, and all efforts will be made to ensure that the student does not suffer unnecessary delay in the resolution of the matter.

Handling the Alleged Misconduct

For academic student misconduct see the Detecting and Managing Plagiarism, Cheating and Collusion Policy and Procedures.

Non-academic student misconduct allegations will follow the process below:

The Service Manager or the Coordinator will deal with the allegation by making a decision to either accept or reject the allegation and imposing reasonable penalties if the allegation is accepted.

Step 1: If a staff member or a student observes what they believe to be misconduct they should advise either the Coordinator or the Service Manager and provide sufficient details of the misconduct and any supporting evidence.

Step 2: The Coordinator or the Service Manager will review the details of the allegation and the supporting evidence along with any previous incidents of misconduct on the student's record and within 5 days will either:

1. Dismiss the allegation, or
2. Contact the student, advise them of the allegation and give them the opportunity to comment.
3. The student will be given the right to reply (either in writing, or in meeting) within 5 days.

Step 3: If the student replies, the reply will be recorded along with any additional supporting evidence on the student's record. All evidence will then be taken into account and the Service Manager or Coordinator, will make a decision and inform the student of the outcome and the associated penalties, if applied. The matter should then be referred to ASQA and the National Training Complaints Hotline, at <https://www.dese.gov.au/national-training-complaints-hotline>.

If the student does not reply within the stated timeframe, the Coordinator or the Service Manager will, within 5 working days choose either action, will make a decision and inform the student of the outcome and the associated penalties, if applied. If the student is not

satisfied then the matter should be referred to ASQA and the National Training Complaints Hotline at <https://www.dese.gov.au/national-training-complaints-hotline>

The Coordinator or Service Manager can at any time during the investigation, request information or advice from others who may be able to assist in the investigation.

If the allegations are serious e.g. assault, criminal activity, the student may be suspended and temporarily excluded from all RTO activities. If it is found that the student is innocent, all rights will be returned. If a student is suspended, they must be advised of the details of the suspension in writing.

Outcomes and Penalties

Possible outcomes determined by the Coordinator or Service Manager may include, but are not limited to:

- Allegations are dismissed
- Request an apology from the student to those involved
- A formal warning is placed on the student's file
- Student to resubmit work.
- Probationary enrolment for a specific period
- Suspension
- Cancel the enrolment
- Withhold results
- Permanent exclusion from the RTO
- A combination of any of the above.

If criminal activity has occurred, or where legislation deems it necessary the relevant authorities will/may be contacted to report the incident

Appeals

If the student is not satisfied with the determination they can appeal the decision by presenting their response in writing within 10 working days of the decision and may request a full investigation. In this case they must be assisted in making a formal complaint, in accordance with the Complaints Policy.

Related Documents

- Student code of behaviour.
- Detecting and managing plagiarism, cheating and collusion policy and procedure.

AUTHORISATION

SIGNED: Marten Wynd, President/Public Officer



Revision History

Revision	Date	Description of Modifications
1	19/6/22	Change Education Programs Manager to Coordinator. Change Grievance to Complaints
2		
3		
4		
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