


PROCEDURE		
<p>Ref. to Legislative Frameworks:</p> <p>HESF2015: Standard 2.2 – 2.4</p> <p>SRTO2015: Standard 6.1 – 6.3 / 6.5 / 6.6 / 8.5</p> <p>National Code 2018 Standard 8.4 / 8.8</p>	Student Non-Academic Misconduct	
Version: 3.3	<p>Procedure Owner: Academic Quality and Student Discipline Portfolio</p>	<p>Issued on: 06/04/2018 Review by: 06/04/2020</p>

Revision History

Current Version	Description of Change	Procedure Developer(s)	Effective Date
3.3	Updated to reflect organisational accountabilities and Student Discipline Committee's terms of reference	Quality Assurance Support Officer	06/04/2018

PURPOSE

This procedure clarifies the steps to be taken in response to and the consequences of non-academic misconduct by current students of Academies Australasia Polytechnic (AAPoly). It should be read in conjunction with the policy document and AAPoly Complaints and Appeals Policy and Procedure.

POLICY STATEMENT

AAPoly students are expected to respect other students, the staff and learning facilities so that teaching and learning at AAPoly can take place safely, without disruptive problems caused by others' misconduct. Any non-academic misconduct at AAPoly is not tolerated and will be subject to disciplinary actions. While students who commit non-academic misconduct should be appropriately dealt with; the identification, investigation and disciplinary actions should always be procedurally fair.

SCOPE

This procedure applies to all students with current enrolment in accredited Vocational Education and Training (VET), Higher Education (HE) courses and non-accredited or short course programs within the premises of AAPoly or when carrying out activities that are distinctly associated with AAPoly.

DEFINITIONS

Senior Lecturer, Academic Quality and Student Discipline	Designated person to receive reports on Student Misconduct (academic and non-academic)
DHA	Australian Department of Home Affairs
Non-Academic Misconduct	Student non-academic misconduct is the unacceptable or improper behaviour on the part of a student. It can occur as a single instance, a number of instances or in a pattern of behaviour and is not limited to campus or an online class space but includes physical and virtual private and public spaces such as the internet and social media.
List of Non-Academic Misconduct (not exhaustive)	<ol style="list-style-type: none">1. Intentional disruption of learning and teaching activities<ol style="list-style-type: none">a. Hindering or disrupting study or work of students and staff either directly, or indirectlyb. Being disorderly or creating a disturbance to exam-writing, tutoring, teaching, studying, research, administration, and meetings.2. Physical and verbal abuse and dangerous activity<ol style="list-style-type: none">a. Assaulting, causing or attempting to cause physical or psychological harm to another student, AAPoly staff or any other person in AAPoly premisesb. Knowingly, and without just cause, cause another person to fear physical abuse or fear damage to his/her property

List of Non-Academic Misconduct (not exhaustive)

- c. Abusing, using abusive language or acting aggressively towards other students, staff or members of the AAPoly community directly, in class, on campus, in other locations and online in any forum or media, including but not limited to print, internet, social media, email, SMS digital or electronic communications and broadcasting forums
- d. Acting in a way that jeopardises the safety of other students, staff, visitors, and other members of the Institute's community including clients and staff at work placement organisations.
- e. Discriminating against other students or staff including but not limited to discrimination in relation to race, ethnic or national origin, gender, marital status, sexual preference, disability, age, political conviction or religious belief

3. Written and/or verbal harassment

- a. Written and/or verbal harassment includes the use of threatening, bullying, intimidating, or encouraging any such behaviour, either directly, in class, on campus or in a workplace
- b. Obscene, or racist language, or language that is otherwise abusive in the circumstances, by a student, directed to another student, an instructor, a staff member, or other employee of the AAPoly, or any other person in AAPoly's vicinity
- c. Harassing or vilifying online, in any forum or media, including but not limited to print, internet, social media, email, digital or electronic communications and broadcasting forums

4. Sexual harassment and assault

- a. Unwelcome remarks, jokes, innuendos, or taunting
- b. Displaying pornographic or other offensive or derogatory pictures
- c. Practical jokes which cause awkwardness or embarrassment
- d. Unwelcome invitations or requests, whether direct, explicit or intimidating
- e. Leering or other gestures
- f. Unnecessary physical contact such as touching, patting, pinching
- g. Physical assault

5. Unauthorised entry, misuse or damage of AAPoly facilities

- a. Unauthorised entry and/or use of computer laboratory, Library, facility, room, or office
- b. Removal of books or other library and audio visual material without proper authorisation
- c. Mutilation or defacing of books or other library materials
- d. Damaging AAPoly facilities or property, or unlawfully impeding access to AAPoly facilities either deliberately or through negligence
- e. Using AAPoly library, computer laboratories or other learning support resources and facilities in a manner which is inconsistent with any condition for use of the facility or resource which has been notified to students
- f. Knowingly, and without just cause, cause another person to fear physical abuse or fear damage to him/herself and/or his/her property
- g. Creating a condition that unnecessarily endangers or threatens the health, safety, or well-being of other persons, or could cause damage to property
- h. Deliberately, negligently or unlawfully accessing, using or disclosing information of or about other students, lecturers or staff, including while on work placement
- i. Breach confidentiality or privacy requirements or obligations in respect of the institute or its staff, students or other relevant parties
- j. Impersonating another student, or arranging for anyone to

<p>List of Non-Academic Misconduct (not exhaustive)</p>	<p>impersonate a student, in an examination, assessment task, an assessment requirement or in any other College related activity;</p> <p>6. False or Fraudulent Representation</p> <ol style="list-style-type: none"> Making a false or fraudulent representation, or submit falsified or fraudulent information or documentation to the Institute, Impersonating another student, or arranging for anyone to impersonate a student, in an examination, assessment task, an assessment requirement or in any other AAPoly related activity Using the AAPoly's name, logo, trade mark, seal or other symbol without permission of the CEO or her nominee Using any other name, logo, trade mark, seal or symbol which so closely resembles AAPoly's as to be likely to deceive <p>7. Criminal Behaviour</p> <ol style="list-style-type: none"> Engaging in offensive behaviour, consuming illicit drugs and/or alcohol or engaging in any unlawful activity on AAPoly campuses or areas related to AAPoly such as placement organisations or internships Attending an academic activity including placement, adversely affected by alcohol or other drugs impacting on the safety or performance of other students and/or other members of AAPoly community Carrying weapons to school or work placement, or using weapons in school or work placement against students, lecturers, staff, visitors or other people authorised on the premises Engaging in terrorism activities inside or outside AAPoly which could endanger public Breaching any laws in undertaking any AAPoly activity, including criminal law and laws relating to copyright, discrimination, harassment and defamation
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PROCEDURE

1. Allegations and Investigations of Non- academic Misconduct

All allegations of non-academic misconduct will be investigated by the Senior Lecturer, Academic Quality and Student Discipline. If circumstances permit, the Senior Lecturer, Academic Quality and Student Discipline may delegate responsibility for the investigation either to the Academic Head/Deputy Head, or a nominated member of AAPoly's Senior Management team.

- If alleged misconduct is reported and the person/s involved is known, the Senior Lecturer, Academic Quality and Student Discipline will interview the said parties (for example student/s, witnesses, staff), formally document all relevant information and compile any medical or photographic evidence that is provided.
- If alleged misconduct is reported but the person who committed the misconduct is not known, the Senior Lecturer, Academic Quality and Student Discipline will investigate the case. The investigation may include one or a combination of the following:
 - Checking the surveillance camera evidence
 - Interviewing involved parties (including students, AAPoly staff, building management staff, members of the emergency services dealing with the incident)
 - Contacting witnesses

1.1 Student Misconduct

If a student is identified as responsible for misconduct, the Senior Lecturer, Academic Quality and Student Discipline will examine AAPoly's *Non-Academic Misconduct Register* for any previous incidents. The seriousness of the offence and suitable actions will then be determined - depending on the significance of the reported incident and/or if there is a previous record of offences.

Before any conclusion is reached in an inquiry, the Senior Lecturer, Academic Quality and Student Discipline will forward a letter to the student informing him/her of the misconduct allegation and provide the identified party/ies with access to:

- a) The precise terms of and any reasons for the allegation.
- b) A summary of all the details intended to be given to the inquiry body.
- c) Documentation of the case intended to be provided to the investigation committee.
- d) The opportunity to address all of the allegations.

The student is entitled to appeal this allegation of misconduct and must inform the Senior Lecturer, Academic Quality and Student Discipline - in writing within ten (10) working days of the date of the letter. There are two (2) options available to the students:

- i) If the student accepts the charge then no further action is required by the student.
- ii) If the student wishes to appeal - the '*Application to Appeal form*' enclosed in the letter should be completed. The student should also indicate, on this form, if they wish to attend a formal hearing of the appeal.

If the Senior Lecturer, Academic Quality and Student Discipline have not received the application to appeal within ten (10) working days, the case will be referred to the Student Discipline Committee for deliberation and decision.

2. Admission of Non-Academic Misconduct

A student may admit to the act of misconduct at any time. If a student admits both the occurrence and the substance of the non-academic misconduct, the Senior Lecturer, Academic Quality and Student Discipline will make recommendations to the Student Discipline Committee on the penalty/ies, in accordance with AAPoly policies.

The Senior Lecturer, Academic Quality and Student Discipline will document and inform the student of the outcome and commensurate penalty/ies.

3. The Hearing Process

If the student has formally applied to appeal within the ten (10) working days, the CSDC will set a date for the formal hearing and the student will be notified by Student Services detailing the date/time/venue for the hearing. Subsequently, if the student has indicated that he/she wishes to attend the hearing, but cannot attend due to a valid reason, then the hearing will be rescheduled. The student will be notified of a new time/date in writing. If the student does not provide the Senior Lecturer, Academic Quality and Student Discipline with a valid reason for not attending, the Senior Lecturer, Academic Quality and Student Discipline will make recommendations on the penalty in accordance with AAPoly policies.

3.1 Student Discipline Committee and Process

The Student Discipline Committee has its own terms of reference. For a hearing session, the following members will attend:

- Chair of Student Discipline Committee
- Department Heads
- Head of Student Services
- Student Advocate (Student Counsellor or a senior teaching staff)
- Senior Lecturer, Academic Quality and Student Discipline

At the hearing, the Senior Lecturer, Academic Quality and Student Discipline will explain the details of the non-academic misconduct to the student, who will be invited to comment. The student has the right to defend him/herself, correct or add extra information, and provide further evidence to the Student Discipline Committee. The student can be accompanied by a support person who is silent in these proceedings.

The Student Discipline Committee will review all evidence provided and additional information submitted by the student. At the end of the hearing, the Chair will ask the student to leave the room (for 30 minutes) to enable the Committee to discuss the case. The Committee will then determine appropriate outcomes and penalty/ies. The student will be invited to return to the hearing and the Chair will communicate to the student the decision and reasoning for the decision.

If the Committee requires further deliberations on the case, the Chair may close the meeting and consult with appropriate staff or professionals to determine an outcome.

3.2 Levels of Penalty

The misconduct penalty imposed on the student depends on:

- The nature and seriousness of the non-academic misconduct.
- Student's previous record of misconduct.
- Student admission of misconduct.
- Student cooperation and initiative to come forward and admit the misconduct.

Each case is dealt with on its own merit and according to its own circumstances. If a student has a previous record of non-academic misconduct, the second offence will result in a more severe penalty and the third offence will normally result in exclusion.

The outcome of the disciplinary action will be imposed by the Student Discipline Committee and **may include more than one penalty action** depending upon the severity of the incident. The non-academic misconduct penalty can be classified into three levels:

3.2.1 Local disciplinary actions

- A formal warning letter.
- A requirement to pay for any damages or cleaning charges incurred.
- A requirement to submit a formal apology to those affected by the misconduct.
- A ban from using AAPoly services, facilities or buildings.

- Confiscation of equipment or items that may cause unreasonable disturbance to people or damage to property.
- Reporting the incident to police if necessary (depending upon the severity of the misconduct) to investigate a criminal act.

3.2.2 Temporary exclusion

Exclusion from AAPoly for a period up to two years in which case:

- The student enrolment will be terminated for the specific period.
- The student will be recorded as excluded from AAPoly for the specific period.
- The student will not be entitled to any AAPoly benefits during the specified period of exclusion.
- The student will not be permitted to enrol in any course of study at AAPoly during the period of exclusion.
- Reporting the incident to police if necessary (depending upon the severity of the misconduct) to investigate a criminal act.
- The student may re-apply for admission to the course at the end of the exclusion period. Re-admission is not automatic and subject to AAPoly policies.

3.2.3 Permanent exclusion

Exclusion from AAPoly permanently in which case:

- The student's enrolment will be terminated.
- The student will be recorded as excluded from AAPoly.
- The student will not be entitled to any AAPoly benefits during the specified period of exclusion.
- The student will not be permitted to enrol in any course of study at AAPoly.
- Reporting the incident to police if necessary (depending upon the severity of the misconduct) to investigate a criminal act.
- The student will not be permitted to reapply to study at AAPoly in the future.

3.3 Student Notification

The Senior Lecturer, Academic Quality and Student Discipline is required to communicate the Student Discipline Committee's final decision in a formal letter to the student within five (5) working days after the hearing. This letter will also inform the student of their:

- right to appeal the decision
- timeframe (ten working days) in which to supply further evidence to the process
- Senior Lecturer, Academic Quality and Student Discipline contact details and appeal form

A record of the outcome will be uploaded by Student Services on the *Non-Academic Misconduct Register*. This database will be sourced in the event of further misconduct.

4. The Appeal Process

The student may appeal against the decision of the original inquiry and/or against the severity of the penalty imposed by the Student Discipline Committee.

If the student is dissatisfied with the *Student Discipline Committee's* decision or the hearing process, he/she must provide:

- a formal letter detailing any new information or evidence that was not discussed or provided during the first hearing.
- an appeal form

These two (2) items must be submitted to Student Services within the ten (10) working days of the date of the Student Discipline Committee's letter. Student Services will inform the Senior Lecturer, Academic Quality and Student Discipline of the student's decision to appeal. The AAPoly Complaints and Appeal Procedure will apply henceforth. If the student does not appeal within ten (10) working days of receiving the Student Discipline Committee's ruling, the decision will remain and the case will be closed.

RESPONSIBILITIES

- Senior Lecturer, Academic Quality and Student Discipline implements the procedure
- Chair, Student Discipline Committee (CSDC) implements the procedure
- Relevant Department Heads inform students and reinforce the procedure
- Designated Head of Student Services (DH-SS) informs the Student Services staff and ensures their understanding of the procedure
- Student Counsellors or senior teaching staff members conduct preventive activities to enhance students' understanding and minimise non-academic misconduct

FEEDBACK

Please email the Academic Dean through academicdean@aapoly.edu.au if you have any question or feedback about this Procedure. The Dean will respond to your written question or feedback within 2 (two) weeks after the receipt, unless extenuating circumstances require an urgent response. The query or feedback will be recorded in the Continuous Improvement or Corrective Action register for quality assurance purposes.

References

Source	Document Title	Version/Date
Internal	AAPoly Academic Board Charter	v3.0 05072017
	Student Code of Conduct and Social Media Use Policy	v1.3 06042018
	Student Complaints and Appeals Policy and Procedure	v4.3 05042018
	Student Non-Academic Misconduct Policy	v4.2 06042018
External	ASQA Standards for Registered Training Organisations	2015
	Higher Education Standards Framework	2015
	Australian Government's National Code of Practice for Providers of Education and Training to Overseas Students	2018