

Student Disciplinary Policy and Procedures

Purpose of the policy

The purpose of this policy is to ensure:

- All stakeholders of Australian Pacific International College act honestly, conscientiously, professionally, and reasonably at all times, and are mindful of their responsibilities, the interests of APIC and the welfare of all other stakeholders.
- The orderly conduct of affairs and operations of the APIC at all times
- The ongoing preservation and maintenance of the professional and business reputation of APIC and its services at all times
- APIC complies with all aspects of Commonwealth and/or State legislation, regulations, standards, and codes of practice (including the standards and requirements of the VET quality framework).

Scope

This policy applies to all staff providing support services to students and clients while they are participating in APIC's education and training services. It also includes students and clients enrolled in APIC's education and training services and covers student misconduct as defined in the APIC student code of conduct.

Policy statements

Approach

APIC is committed to nurturing and maintaining an educational and learning environment in all senses that supports and allows all stakeholders to engage in and benefit from (the use of) opportunities, services, resources, equipment and facilities.

With personal freedom in the maintained context of an orderly and non-disruptive environment. APIC will therefore ensure that any inappropriate behaviour or actions putting at risk the enjoyment of such an environment are promptly identified and managed.

As such, acts of misconduct will be subjected to disciplinary measures as deemed appropriate in the circumstances. The following principles underline and are embedded into this policy:

- Matters of misconduct will be treated in a conciliatory manner. Individual circumstances, including extenuating circumstances or factors, that may affect or influence an individual's behaviour will be afforded due consideration.
- When dealing with misconduct, the emphasis is on timely and prompt resolution of matters.
- The Manager of APIC will take all reasonable attempts to assist individuals in difficulties.

- Confidentiality will be guaranteed at all stages of disciplinary counselling discussion and communication in respect of the misconduct. The mandates of the privacy policy will be strictly adhered to at all times; individuals' rights in this regards will be protected at all times
- APIC recognise that individuals have the right to access and instigate complaint or grievance claims in response to disciplinary actions in accordance with the provision of the complaints and appeals policy.

Definitions

Item 1 – Misconduct

Misconduct is defined as a behaviour that impairs the reasonable freedom of other person to pursue their learning, assessment or other activities that breaches the rules of the RTO; or that otherwise damages the resources, equipment, facilities and/or professional and business reputation of APIC.

Misconduct is a disciplinary offence and includes, but is not limited to, such behaviours, conduct or actions as:

- Wilfully obstructing or disrupting any APIC meeting, activity, learning opportunity or assessment
- Failing to comply with the reasonable instruction of a APIC staff member.
- Wilfully behaving in any manner that may be detrimental to the health, safety and well-being of the students, clients, staff of other RTO stakeholders and interested parties of APIC.
- Wilfully damaging or wrongfully dealing with any APIC property, resources or equipment or the property resources or equipment of any persons within premises under the control of APIC
- Cheating and plagiarism
- Making a false, fraudulent or misleading representation as to a matter affecting student or client status
- Breaching any rules relating to the conduct of assessment
- Any indictable offence which impinges on the operations of APIC
- Using APIC technology or communication facilities or resources in a manner which is illegal, or which will be detrimental to the rights or property of others (including APIC)

Item 2 – Gross or serious misconduct in the workplace

Gross or serious misconduct in the workplace is characterised as an objectionable action that is wilful and cannot be described as a mistake or an act of negligence. Examples of gross misconduct include:

- Malicious disregard for the safety of others
- Deliberate acts of violence or hostility
- Attempts to financially defraud a company
- Significant levels of insubordination
- Dishonesty through falsification of documents

- Plagiarism
- Physical or sexual assault
- Embezzlement

Procedures

1 Consequences of misconduct

Where behaviour, conduct or action is deemed misconduct (not being serious or gross misconduct as determined by the RTO Manager the following steps will be taken:

- 1.1 In the first instance (a first offence) a verbal warning will be issued by the RTO manager at a witnessed meeting or communication session. A written record of this verbal warning will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the RTO manager, student and witness. A copy of the disciplinary notification form will be placed on the relevant individual's file
- 1.2 In the second instance (second offence) a written warning will be issued by the RTO manager at a witnessed meeting or communication session. The written warning will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the RTO manager, student and witness). A copy of the disciplinary notification form will be placed on the relevant individual's file
- 1.3 In the third instance (third offence) a final written warning will be issued by the RTO manager at a witnesses meeting or communication session. The final written warning will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the RTO manager, student and witness). A copy of the disciplinary notification form will be placed on the relevant individual's file.
- 1.4 In the fourth instance (fourth offence), a dismissal notice will be issued by the RTO manager at a witnessed meeting or communication session. The dismissal notice will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the RTO manager, student and witness) A copy of the disciplinary notification form will be placed on the relevant individual's file.

2 Consequences of gross or serious misconduct

Where behaviour, conduct or actions are deemed gross or serious as determined by the CEO of the RTO or RTO manager the following steps will be taken:

- 2.1 The individual will be immediately suspended by the RTO Manager pending investigation into the behaviour, conduct or action as documented on a file note (as signed and dated or otherwise acknowledged by the RTO Manager, student and witness)
- 2.2 The individual will be notified in writing of a meeting time with the RTO Manager and such other independent person or persons arranged by the RTO Manager
- 2.3 The individual will be provided with a disciplinary notification form detailing the reasons for the disciplinary action and being given reasonable time and opportunity to respond to the allegation(s)
- 2.4 The individual will attend the witnessed meeting at the appointed time (The individual will be advised of their rights in terms of complaints and appeals processes in respect of the

matter)

- 2.5 The RTO Manager with the support of the CEO will make a final decision in respect of the matter, which will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the RTO Manager, student and witness and subsequently placed on the individual's file).

3 Final Action after the determination

- 3.1 RTO Manager will ensure confidentiality throughout the disciplinary procedure in respect to the misconduct. The student's rights will be protected at all times throughout the process by adhering to the mandates of the privacy policy throughout the process at all times.
- 3.2 Where behaviour, conduct or actions are deemed gross or serious as determined by the CEO of the RTO or RTO manager Australian Pacific International College will report the student to the Secretary of the Department of Education and the student's Confirmation of Enrolment (CoE) will be cancelled. This may also result in the cancellation of the student visa. The Office Manager is responsible for all transactions on PRISMS as directed by the CEO
- 3.3 RTO Manager will audit the student's file to determine if any competencies have been achieved up to point of dismissal and issue a qualification /statement of attainment
- 3.4 Administration staff will update student management system for:
- Any competencies satisfactorily achieved
 - Change status to "withdrawn"
 - Enter withdrawal date in student profile
 - Print out record of student's competencies and place on student's file
- 3.5 If the student instigates a complaint or grievance in regards to the disciplinary action taken investigate the complaint as per the complaints and appeals policy and procedures.

Responsibilities

The CEO is responsible for:

- make decision as to whether the behaviour, conduct or actions are deemed gross or serious.
- investigating complaints and appeals


The RTO Manager is responsible for:

- make decision as to whether the behaviour, conduct or actions are deemed gross or serious.
- Documenting verbal warning on disciplinary notification form signed and dated.
- Issuing verbal warnings at a witnessed meeting or communication session, issue a written warning to the student.

The Administration and Student Support Officer is responsible for:

- Updating student records in the student management system and filing all documentation.
- processing complaints and appeals forms, if required.

Approvals and document control

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