

# Student Misconduct

## Policy

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Code and version control:	LIS021/13-02-2025
Policy owner:	Manager Learning and Information Services
Date approved by CEO:	13 February 2025
Scheduled review date:	13 February 2028
Related policies and documents:	Student Code of Conduct Student Misconduct Procedure Academic Integrity Policy Higher Education Academic Integrity Procedure Bullying in the Workplace Prevention Policy Health and Safety at Work Policy Diversity, Access and Equity for Students Policy Student Complaints, Grievances and Appeals Policy and Procedure Student Duty of Care Policy

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## Purpose

To ensure that William Angliss Institute's (WAI) provides guidelines to students and employees to address student misconduct.

WAI is committed to providing a safe and inclusive learning environment for students, employees, and visitors, but acknowledges that misconduct can occur and pose risks. The policy ensures that clear procedures are in place to handle incidents of student misconduct, while also guaranteeing fair and just resolution processes for allegations.

## Coverage

This policy applies to all students enrolled in a course of study delivered by WAI including on campus, off campus and online delivery. WAI has a responsibility to facilitate student engagement with the police to investigate student misconduct off campus constituting or suspected of constituting illegal activity, for example, student misconduct outside the physical bounds of the campus and online.

The policy does not address employee, academic or research misconduct.

At WAI, student academic misconduct is dealt with by the Student Code of Conduct, the Academic Integrity Policy and the Higher Education Academic Integrity Procedure.

## Policy

This policy refers to the Student Code of Conduct and outlines the procedures for dealing with a student who is in breach of the Code. The purpose of the Student Code of Conduct is to explain to students their obligations and responsibilities and convey WAI's principles, which are aimed at enhancing the students' learning experience. Students are informed of the policies and procedures concerning their enrolment, student experience, behaviour and use of WAI facilities. It is the student's responsibility to follow WAI's policies and procedures and act in accordance with the Student Code of Conduct.

WAI complies with all relevant legislative requirements, including occupational health and safety standards. Any grievances that may arise will be dealt with through the Student Complaints, Grievances

and Appeals Procedure.

This policy aims to ensure an appropriate standard of behaviour is maintained by students while they are in attendance at WAI and that:

- All employees are informed of the Student Code of Conduct and their Duty of Care responsibilities as part of the new employee induction process.
- All students are informed of their responsibilities regarding the Student Code of Conduct through the enrolment and orientation processes.
- All student related policies and procedures are made available for download via the corporate website.
- Parents/guardians of full time students under the age of 18 are informed of the procedures for dealing with alleged student misconduct when a student is in breach of the Student Code of Conduct.
- Home Schools of part time Youth Learning students under the age of 18 are informed of the procedures for dealing with alleged student misconduct when a student is in breach of the Student Code of Conduct.
- Employers of apprentice students under the age of 18 are informed of the procedures for dealing with alleged student misconduct when a student is in breach of the Student Code of Conduct.
- WAI operates a three-tier system of informal review, formal review, and appeal (except in emergencies or for serious incidents).

### Expectations of students

Students are required to comply with the obligations set out in this policy while undertaking any activity in their capacity as a student or while engaged in any activity which impacts on WAI or members of the WAI community.

Obligations include (but are not limited to):

- Treating fellow students and employees courteously, free from harassment of all kinds, including that based on sex, pregnancy, breastfeeding, relationship status, sexual orientation, gender identity and expression, intersex status, age, disability, race, country of origin, immigrant status, religious beliefs and customs.
- Taking responsibility and being committed to their own learning and wellbeing.
- Taking responsibility for the student's own sense of safety and personal boundaries.
- Promoting a safe and inclusive learning environment, by treating other members of the WAI community with respect and courtesy and refraining from any actions which might reasonably be perceived as unsafe, intimidating, discriminating, harassing or bullying, or purposefully impacting upon other student's opportunity to learn and achieve.
- Demonstrating honest, responsible and ethical behaviour and not engaging in unlawful behaviour.
- Demonstrating a professional manner while undertaking placements, practicums, field trips, study tours, or other forms of work integrated learning or student mobility programs.
- Not making or publishing false statements relating to WAI.
- Allowing only appropriate materials to be displayed, through appropriate avenues.
- Complying with all occupational health and safety (OHS) requirements.

### Unacceptable behavior

- Unacceptable behaviour may include (but is not limited to): Bullying, cyberbullying or intimidation in any form, including in person or online and over the carrier service.
- Harassment, discrimination, victimisation or vilification against anyone on the grounds of sex, gender identity, sexual orientation, lawful sexual activity, marital status, parental or carer status, pregnancy, breastfeeding, age, physical features, disability, impairment, race, political or religious belief or activity, industrial activity.
- Engaging in any activities involving harm or planned harm to others.
- Failure to comply with directions from William Angliss Institute employees.
- Harassment of employees through repeated challenging of decision making by William Angliss Institute employees.
- Wilfully obstructing or disrupting any official meeting, ceremony, activity, class or examination.
- Sexual harassment, including communicating content of a sexual nature through social media or text messages.
- Abuse, threats, intimidation, harassment, coercion, deceit or other conduct (whether by physical, verbal or electronic means) in a context substantially connected to WAI.
- Attempted or actual endangerment of, or damage to, or wrongful dealing with any persons and/or property.
- Displaying aggressive, disruptive, disrespectful or ill-mannered behaviour or unwanted interaction towards others, including swearing, yelling or using offensive language.
- Inappropriately interfering with, causing wilful damage to, stealing or vandalism of WAI property, or the property of any student, employee, person, firm or company while within the precincts of WAI.
- Inappropriate use of Information Technology (IT) software, hardware, social media and the internet, including Cybercrime, viewing or distributing offensive material via the internet, email or other means.
- Divulging any confidential information relating to WAI intellectual property.
- Smoking and vaping on any WAI site or attending WAI under the influence, or in possession, of alcohol, drugs or any prohibited substance, including the trafficking thereof.

## Definitions

- **Appeal:** - Formal process which allows an individual to challenge the decision of a committee.
- **Behavioural misconduct:** - is any behaviour or action that is deemed inappropriate and can disrupt the learning of self and others, interfere with WAI's operations, inhibit or prevent employees from carrying out their duties, or endanger the health and safety of yourself, other students or employees.
- **Bullying:** - repeated and unreasonable behaviour, whether intentional or unintentional, directed towards an individual or a group that creates a risk to an individual's mental health or sense of safety.
- **Child:** - Any person under the age of eighteen.
- **Cyberbullying:** - any form of bullying behaviour that occurs online or via a mobile device. It can be verbal or written, and can include threats of violence as well as images, videos and/or audio.
- **Complaint:** - an expression of concern, dissatisfaction or frustration with the quality or delivery of service, a policy or procedure, or the conduct of another person.
- **Discrimination:** - defined in the Anti-Discrimination Act 1991 (Qld), means to treat or to propose to treat, a person with an attribute (listed in the Act) less favourably or to impose unreasonable terms or conditions for which individuals with a particular attribute are unable to comply.
- **Duty of Care:** - The obligation of a person to exercise reasonable care in the conduct of an activity.
- **Harassment:** - any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate.

- **Intimidation:** -The act of deliberately making someone feel frightened, especially so that they will do what you want, to frighten someone or make them feel nervous. (Source: Macmillan Dictionary)
- **Sexual harassment:** - sexual harassment is any unwelcome conduct of a sexual nature in relation to a person in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.
- **Student:** - Anyone enrolled in a course of study delivered by WAI either on campus, online or off campus.
- **Student Code of Conduct:** - Guidelines for the behaviour of students while enrolled in WAI courses.
- **Victimisation:** - Victimisation means subjecting or threatening to subject a person to some form of detriment because they have:
  - lodged, or is proposing to lodge, a complaint of discrimination or harassment
  - provided information or documents to an internal investigation or an external agency
  - attended a conciliation conference
  - reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws
  - alleged that a person has acted unlawfully under federal anti-discrimination laws.
 (Source: Australian Human Rights Commission)
- **Vilification:** - Conduct that 'incites hatred, serious contempt, revulsion or severe ridicule'.

## Legislative and/or Institute Management Context

This policy has been developed to reflect the requirements and obligations of WAI towards employees and students under State and Federal legislation including:

- Victorian Equal Opportunity Act 2010 (Vic)
- Freedom of information Act 1982 (Vic)
- Occupational Health and Safety Act 2004 (Vic)
- Human Rights and Equal Opportunity Commission Act 1986 (Clth)
- Racial Discrimination Act 1975 (Clth)
- Sex Discrimination Act 1984 (Cwlth)
- Ombudsman Act 1973 (Vic)
- Educational Services for Overseas Students (ESOS) Act (Clth) 2010
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code) 2018
- Migration Act 1958 (Clth)
- Migration Regulations 1994 (Clth)
- International Student Program (ISP) Policy (Vic) 2024
- Anti-Discrimination Act 1991 (Qld)

## Non-compliance with Policy

Established breaches of WAI's Student Misconduct Policy and any associated policies and procedures may involve suspension of the student's enrolment or permanent expulsion from William Angliss Institute.

Additional penalties, as outlined in the Student Misconduct Procedure, may be imposed depending upon the severity of misconduct and circumstances of the student's case.

In cases of suspected criminal activity, student misconduct may be referred to the relevant law enforcement authority.