

# Student Misconduct

## Procedure

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Code and version control:	LIS022/13-02-2025
Procedure 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 Policy Academic Integrity Policy Higher Education Academic Integrity Procedure Diversity, Access and Equity for Students Policy Student Complaints, Grievances and Appeals Policy and Procedure Student Duty of Care Policy and Procedure Bullying in the Workplace Prevention Health and Safety at Work Policy

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## Purpose

To ensure William Angliss Institute (WAI) employees follow a consistent and fair process when dealing with cases of student misconduct or breaches of the Student Code of Conduct. The Student Code of Conduct outlines students' obligations and responsibilities and provides directions for employees should a student breach the Student Code of Conduct.

The procedure does not cover employee, academic or research misconduct. Academic misconduct is dealt with by the Academic Integrity Policy and the Higher Education Academic Integrity Procedure.

## Procedure

The student enrolment and orientation processes provide the appropriate forums to outline WAI's Student Code of Conduct. The duty of care provided by employees will ensure that all students are cared for on campus as well as in off campus managed WAI learning activities. The procedure ensures that potential risks are identified and mitigated against. In an emergency situation employees should take reasonable action to ensure everyone's safety e.g. contacting security if a student is being abusive or threatening.

### Managing student misconduct

This procedure adopts a three-tier system of informal review, formal review, and appeal (except in emergencies or for serious incidents). The policy describes in detail the acts of misconduct and unacceptable student behaviour.

If an international student is involved in an act of misconduct, the International Office must be notified immediately if the student is to be suspended.

### Informal Review

Any allegation of misconduct must be reported to the relevant senior lecturer, Program Leader or Course Coordinator, who may deal with the matter informally, in line with the following options:

- a) Request the student to cease the actions which are the subject of the misconduct.
- b) Discuss the matter with the student, the complainant and witnesses (if any) to the actions which are the subject of the misconduct.
- c) In the case of misconduct occurring in the classroom, a student may be asked to leave the room in situations such as, but not limited to, the following:
  - the student's behaviour is disruptive to other students in the class.
  - the student's behaviour is disruptive to the learning environment.
  - the student is found to be under the influence of alcohol or prohibited substances.
  - the student is behaving in a manner that is a health or safety issue.

Note: WAI has a particular duty of care for students aged under 18 and in such instances the Senior Lecturer, Program Leader or Course Coordinator should be called to stay with the student until the student's parent or guardian arrives.

- d) Where the teacher or trainer considers the student's behaviour to be physically threatening, the teacher or trainer must contact the Security Officer immediately or call the police.
- e) Inform the student that support services, such as Wellbeing and Counselling Services (WACS), are available as a free, voluntary and confidential support service.
- f) If the student is under the age of 18 and full time, a letter will be sent informing the parent or guardian of the incident, the warning given and the potential consequences of continued unreasonable behaviour. Any correspondence is kept on file by the Program Leader.  
  
If the student is under the age of 18 and enrolled part time in a Youth Learning program, a letter will be sent informing the student's school of the incident, the warning given and the potential consequences of continued unreasonable behaviour. Any correspondence is kept on file by the relevant manager.  
  
If the student is under the age of 18 and an apprentice, a letter will be sent informing the employer of the incident, the warning given and the potential consequences of continued unreasonable behaviour. Any correspondence is kept on file by the relevant manager.
- g) After the submission of a documented history of the students' behaviour, the senior lecturer, Program Leader or Course Coordinator may implement up to five days cooling off period with a clear statement that if the matter occurs again it may proceed back to an informal review for a maximum of 3 occurrences or straight to a formal review.
- h) In the case of an alleged breach of WAI's Information Technology (IT) student network policies:
  - decide that there has been no such breach and restore network access if it has been removed.
  - counsel the student without proceeding further, in which case the student's network access (if removed) will be immediately restored.
  - decide that a serious breach of WAI's guidelines has occurred. In such a case, removal of the student's access to the network will either be confirmed or implemented.

### Formal Review

If, in the reasonable opinion of the senior lecturer, Program Leader or Course Coordinator the allegation should be reviewed formally rather than being dealt with informally, then the Program Leader or Course Coordinator may refer the matter to the Student Misconduct Committee.

The Student Misconduct Committee will be convened by the department manager (Chair) and will normally meet to hear a case within 10 working days of the date of receipt of such referral unless the Chair of the Student Misconduct Committee, acting reasonably, deems that more time is required.

A student can invite a friend or representative from student services to accompany them to any formal meeting held. If the student is under the age of 18, a parent or guardian will be invited to attend the meeting. If the student is under the age of 18 and an apprentice, the employer will be invited to attend the meeting.

## Committee Membership

- The Student Misconduct Committee will consist of:
  - the Program Leader from the student's course or nominee
  - relevant department manager (Chair) of the student's course or the manager's nominee.
  - two members of the teaching department, or (in the case of a breach of Student Network Discipline) the Manager Learning Information Services or nominee.
- an employee who has undertaken gender equality training.
- Where a member of the Student Misconduct Committee has a conflict of interest in the proceedings or has been directly involved in the proceedings instituted against the student, such member is disqualified from the Committee.

## Committee responsibilities

The committee must:

- meet within 10 working days of receiving an allegation of misconduct, where practically possible.
- inform all parties in writing of the allegations to be presented to the committee.
- ensure both sides of the argument are given due consideration.
- confirm that a student has been given the opportunity to bring a friend or representative of student services.
- inform all parties in writing of the outcome of the Student Misconduct Committee meeting within 5 days of the meeting.
- inform the Director Student Recruitment and Services of the Student Misconduct Committee's decision for addition to the WAI precedents file.

## Penalties

There shall be degrees of penalty depending upon the severity of the misconduct and the circumstances of the student's case. The penalties that may be imposed are:

- reprimand and caution (warning).
- payment of the cost of repair or replacement of lost, misappropriated, damaged, defaced or destroyed property, including (where relevant) damaged data, computer or network facilities.
- restitution of property taken or removed.
- an appropriate period of suspension to network access.
- suspension for a period not exceeding 2 semesters, including:
  - suspension from attendance at lectures, seminars, tutorials, practical classes or similar periods of instruction.
  - suspension from the use of all or part of the Learning Resource Centre (LRC), computer rooms, kitchens, or other WAI facilities.
  - withdrawal of right to enter WAI land, buildings, facilities or any part thereof.
  - suspension from representing WAI.
- imposition of conditions on the student's attendance, entry or access to premises and facilities or contact with nominated persons.
- imposition of conditions of participation by the student in WAI's activities.
- exclusion from the course in which the student is enrolled for a period not exceeding 2 years, so that the student must reapply for admission to that course or its nearest equivalent.
- prevention of re-enrolment, receiving results, graduating or receiving an academic award, until the penalty has been served.
- expulsion from WAI.

Where an act of misconduct is reported and the continued presence of the student on WAI property constitutes an immediate threat to the safety or security of any member of the WAI community, WAI property or personal property, employees must advise the appropriate manager, director and Security Officer and the police (as appropriate), immediately.

WAI may exclude a person from its premises and facilities where WAI deems this necessary in order to meet its obligations under occupational health and safety legislation or its duty of care to WAI employees and students, regardless of the procedures set out herein and the outcome of any decision under this policy and procedure.

In instances where alleged misconduct threatens employees or student wellbeing, or the integrity of WAI's community students may be suspended by the relevant manager for a period of not more than 15 days during which time an investigation into the breach must commence.

The type and combination of penalties imposed shall be at the discretion of the Student Misconduct Committee (in consultation with the Director Student Recruitment and Services) but will reflect the severity of the misconduct or offence.

Where penalties apply to international students and have an impact on the course duration or completion the International Office will be notified and will implement procedures related to meeting the requirements under the Educational Services for Overseas Students (ESOS) Act 2010 (Clth).

### Appeal

A student may appeal a decision or penalty if the student can demonstrate to the Chief Executive Officer (CEO) that an appeal should be heard on one or more of the following grounds:

- that the case had not been heard or decided on its merits.
- that the student is able to provide new evidence that could not reasonably have been provided at the time that the decision was made or the penalty imposed.
- that a procedural irregularity has occurred.

These are the only grounds of appeal that will be considered.

### **Lodgement of an Appeal**

A student who wishes to appeal against a decision or penalty detailed above shall lodge the appeal with the Office of the CEO in writing no later than 20 working days after the notification of the decision or imposition of the penalty.

The written appeal must:

- state the grounds on which the appeal is made.
- detail and, where appropriate, provide evidence relevant to the grounds for appeal. A copy of documentary evidence referred to in the letter of appeal must be attached if available.

### **Student Misconduct Appeals**

Appeals shall be heard by the Chief Executive Officer.

### **Record Keeping**

Managers are expected to maintain appropriate records on file.

All documentation of formal misconduct is stored in the SMS student file.

In addition to ensuring that penalties are imposed in a consistent manner, the Director of Student Recruitment and Services (or nominee) shall maintain a precedents file and advise the relevant committee of the penalties imposed in similar cases, should such cases have been resolved in the past.