



Student Code of Conduct

1 Background

This Code of Conduct has been formulated to provide a clear statement of the expectations of Menzies Institute of Technology (hereinafter known as the 'Institute') of students in respect of training and assessment matters and personal behaviour. Study at the Institute presents opportunities for interacting with other members of the Institute community. The Institute recognises and values the diversity of student experiences and expectations, and is committed to treating students, in a fair and transparent manner. All students in turn, are required to comply with the requirements set down in this Code of Conduct. All matters relating to plagiarism, collusion and cheating and its associated disciplinary procedure are outlined in the *MITP23 Plagiarism, Collusion and Cheating Policy and Procedure*.

2 Purpose

All students enrolled in vocational education and training courses of the Institute are required to maintain appropriate standards of behaviour at all times. Where behaviour is deemed to be improper or inappropriate as outlined in this policy, the Institute will take action in accordance with this policy. The following policy and procedure provide a guideline to the requirements of Institute staff in uncovering such misconduct from students, ensuring that appropriate action is taken after the required processes have been followed.

3 Audience

This policy applies to all vocational education and training students of the Institute in respect of all actions and activities relating to or impacting on the Institute or its students or employees.

4 Definitions

Student: means all vocational education and training students of the Institute.

Employee: means all vocational education and training staff of the Institute including full-time, part-time, or casual staff.

Property and Equipment: any physical property and equipment including buildings, office equipment, computers, information technology resources, library books and resources and any other Institute property.

complainant

5 Policy

Students enrolled in any Institute vocational education and training course of study must comply with this code of conduct.

5.1 Training and Assessment Conduct

- a) All students must:
 - i. Read all official policies, procedures forms of correspondence from the Institute.
 - ii. Act ethically and honestly in the preparation, conduct and submission of all forms of assessment, including work placements including rules around plagiarism, collusion and cheating as outlined in *MITP23 Plagiarism, Collusion and Cheating Policy and Procedure*.
 - iii. Avoid any behaviour or activity that would unfairly advantage or disadvantage another student.
 - iv. Behave professionally, ethically and respectfully in all dealings with training and assessment partners of the Institute where applicable.
 - v. Use Institute resources including information and communication technology resources and library information resources in a lawful and ethical manner and only for Institute purposes.
- b) Any breach of the training and assessment conduct may be subject to a Level 1 or Level 2 disciplinary action.

5.2 Personal Conduct

- a) All students must:
 - i. Act honestly, ethically and treat all employees, consultants, contractors, volunteers, any members of the public and other students with respect, dignity, impartiality, courtesy, sensitivity and respect their privacy;

- ii. Maintain a cooperative and collaborative approach to inter-personal relationships.
- b) All students must not engage in conduct that:
- i. Impairs the reasonable freedom of other persons to pursue their studies, training, duties or lawful activities within the Institute;
 - ii. Is harmful to the Institute or causes damage to the Institute property;
 - iii. Is unlawful under the federal, state or local law;
 - iv. Is otherwise deemed to be improper or inappropriate.
- c) Improper or inappropriate behaviour or misbehaviour includes but is not restricted to:
- i. Being on any of the Institute's premises and consuming alcohol;
 - ii. Persistent disruptive behaviour caused :by having consumed alcohol; by arriving late for classes and/or persistently using mobile phones or moving in and out of classes during normal class times;
 - iii. Verbally abusive or hostile behaviour affecting fellow students and employees, and other members of the Institute community ;
 - iv. Smoking or the use of prohibited or illegal substances at any of the Institute's premises;
 - v. Deliberate misuse of the Institute's property and equipment;
 - vi. Any behaviour that is in any way discriminatory;
 - vii. Theft from staff or students at the Institute;
 - viii. Slander, bullying, discrimination or harassment, (whether verbal, sexual or otherwise) of staff or other students or any member of the Institute community.
 - ix. Misuse of Institute IT resources as outlined in *MITP26 IT Resources and Usage Policy and Procedure*.
- d) Any breach of the personal conduct may be subject to a Level 1 or Level 2 disciplinary action.

5.3 Serious misconduct

Serious misconduct is deemed to be behaviour that is illegal, wilful or premeditated, including:

- a) Carriage, use or being in possession of a prescribed or regulated weapon or dangerous article while on the Institute's premises;
- b) Physical assault on any member of the Institute community or members of the public or behaviour which is perceived to be threatening;
- c) Arson of the Institute's property
- d) Theft and/or wilful or malicious damage to the Institute's property and equipment.

Serious misconduct behaviour can result in immediate suspension pending investigation and may lead to cancellation of enrolment (Level 3 disciplinary action). Evidence of alleged misconduct of a criminal nature will be reported to the relevant regulatory authorities.

5.4 Disciplinary Action

The staff member or student who identifies that a student is in breach of this policy is to complete the *Report of Alleged Misconduct Incident Report Form*. This is to be submitted to the Campus Manager and the disciplinary action taken by the Institute will be in accordance with the procedure and levels of disciplinary actions outlined in this policy and procedure.

6 Procedures

6.1 Reporting alleged inappropriate conduct

- a) In the first instance, allegations of inappropriate conduct should be recorded using a *Report of Alleged Misconduct Incident Report Form*.
- b) Once completed, the form should be submitted to the Student Services Manager.
- c) The Student Services Manager. should review the report, conduct preliminary investigations and take the following actions.
 - i. Dismiss the matter if the allegation is deemed to be unfounded or trivial, and send written advice of the dismissal and reasons for the dismissal to the complainant or referring officer and make a record of the complaint; or
 - ii. Refer the matter for hearing by the Disciplinary Panel; and/may
 - iii. Where appropriate (serious misconduct situations), refer the matter to the police or other relevant external authority, and/or
 - iv. Impose particular requirements as a condition of the student's continued attendance.

6.2 Notification of hearing

- a) If the Student Services Manager decides to refer the matter for a hearing by a Disciplinary Panel, the Student Services Manager will:

- i. Notify the student in writing of the allegation, in sufficient detail to enable the student to understand the precise nature of the allegation, and to properly respond to it;
 - ii. Notify the student in writing of his/her rights in the hearing process;
 - iii. Notify the members of the Disciplinary Panel of the alleged inappropriate conduct and provide sufficient details of the allegation.
- b) Where no restriction or conditions have been imposed, the hearing must begin as soon as practicable but only after a reasonable time has been allowed for the student and/or complainant to prepare representations and submissions.

6.3 Suspension, restrictions or conditions placed on enrolment

- a) The Student Services Manager in consultation with the Principal Executive Officer (PEO), in the interim may suspend the student, or place restrictions or conditions on enrolment, if the circumstances of the alleged act of inappropriate conduct (in the case of serious misconduct) are deemed to be such that such action is necessary in order for the Institute to discharge its duty of care to its students and staff.
- b) The student may be suspended from the Institute and its precincts or any training program, or restrictions or conditions placed on the student's enrolment; until the matter is finalised by the Disciplinary Panel.
- c) If the student is suspended, or restrictions or conditions placed on enrolment, the Student Services Manager will notify the student in writing, stating the reason/s for the suspension, restriction or conditions.
- d) When a student has been suspended, or restrictions or conditions placed on enrolment, the hearing of the student's case by the Disciplinary Panel must begin within ten (10) working days of the official notification to the student.

6.4 Confidentiality

The proceedings of any allegation and hearing by the Student Services Manager or the Disciplinary Panel shall be treated as confidential and in the strictest privacy.

6.5 Rights of a student during allegation proceedings

When an allegation of inappropriate conduct is to be heard by the Disciplinary Panel, the student concerned:

- a) shall be notified of the terms of reference and powers of the Disciplinary Panel;
- b) shall be entitled to make representations, either orally or in writing or both;
- c) shall be entitled to give and call evidence; and
- d) may be assisted by a support person (excluding advocates or legal representation), but the support person shall take no part in the proceedings, except at the express invitation of the Chair of the Disciplinary Panel.

6.6 Disciplinary Panel membership

The Disciplinary Panel shall comprise of staff members of the Institute. Anyone who has an involvement in the initial allegation will not serve as members of the Disciplinary Panel. It is the responsibility of the Student Services Manager to appoint the Disciplinary Panel. The Student Services Manager may not be a member of the Disciplinary Panel.

6.7 Disciplinary Panel terms of reference and procedures

- a) The Disciplinary Panel will elect a Chair before the commencement of the first meeting through mutual agreement.
- b) The Chair of the Disciplinary Panel will convene a meeting of members of the Disciplinary Panel to formulate questions to be asked in the formal hearing process following the notification from the Campus Manager.
- c) The Student Services Manager will schedule interviews between the Disciplinary Panel and the student and also schedule any interviews, deemed necessary by the Chair. Where possible interviews will be in person, but telephone or video conferencing may be utilised.
- d) The Chair will convene a hearing in which the Disciplinary Panel will interview the student, should the student choose not to attend, the Panel will decide on the outcome based on the evidence available/presented.
- e) Disciplinary Panel will determine the level of disciplinary action required based on the hearing and request the Student Services Manager to implement the actions.

6.8 Levels of disciplinary actions

The Disciplinary Panel may consider the following before a disciplinary action is determined.

- a) the type of misconduct involved (training and assessment, personal or serious)
- b) the previous discipline record of the student concerned
- c) whether the student admitted to the alleged misconduct
- d) whether the student assisted or hindered the investigation process
- e) whether or not there were any extenuating circumstances or mitigating factors
- f) the number of students affected by or involved in the misconduct
- g) similar cases of student disciplinary action and their outcomes.

The Disciplinary Panel shall include the power/authority to dismiss the case or impose the following the levels of disciplinary actions following the disciplinary hearing:

Level 1 Disciplinary Actions

- a) Issue a formal caution or reprimand and to be recorded on the student's record.
- b) Impose a probationary period to be placed on the student and recorded on the student's record.

Level 2 Disciplinary Actions

- a) Issue a formal caution or reprimand and to be recorded on the student's record and/or
- b) Suspend the student for a defined period of time from a course of study and/or
- c) Recommend to participate in mandatory student counselling sessions.
- d) Impose a probationary period to be placed on the student and recorded on the student's record.

Level 3 Disciplinary Actions

- a) Cancel the student's enrolment and exclude the student permanently from re-enrolling for any programs and;
- b) Issue a cancellation letter, according to the *MITP08 Deferral, Suspension and Cancellation Policy and Procedure*.
- c) Recommend the PEO to refer the case to the Institute's legal representatives for legal action.

6.9 Notification of a decision of the Disciplinary Panel

After a decision has been made by the Disciplinary Panel, the Student Services Manager shall notify the student in writing of the decision, referring to the terms of this policy and procedure within five (5) working days of the Disciplinary Panel decision.

6.10 Appeal against a decision of the Disciplinary Panel

- a) In the case that the student finds the decision to be unacceptable, appeals to the decision may be filed within 10 business days of the notification of decision in accordance with the *MITP07 Complaints and Appeals Policy and Procedure*.
- b) The Disciplinary Panel decision will not be implemented until the conclusion of the appeals process.

7 Review

This policy will be subjected to a review and update at intervals of three years from the approval date. Exceptions to frequency of review can be made if necessary. Any person who wishes to enter a complaint concerning this policy may do so in accordance with the appropriate policies.

8 Appendix - Procedure to Management Misconduct Incidents

Procedure	Responsibility
Reporting Misconduct	
Allegations of inappropriate conduct should be recorded using a <i>Report of Alleged Misconduct Incident Report Form</i>	Staff member or student
Submit the completed form to Student Services Manager	Staff member or student
Informal Review	
Student Services Manager review the report & conduct preliminary investigations	Student Services Manager
Following the preliminary investigation take the following actions: <ol style="list-style-type: none"> v. Dismiss the matter if the allegation is deemed to be unfounded or trivial, and send written advice of the dismissal and reasons for the dismissal to the complainant or referring officer and 	Student Services Manager

<p>make a record of the complaint; or</p> <p>vi. Refer the matter for hearing by the Disciplinary Panel; and/may</p> <p>vii. Where appropriate (serious misconduct situations), refer the matter to the police or other relevant external authority, and/or</p> <p>viii. Impose particular requirements as a condition of the student's continued attendance (serious misconduct situations),</p>	
Formal review by the Disciplinary Panel	
Notify the student in writing of the allegation, in sufficient detail to enable the student to understand the precise nature of the allegation, and to properly respond to it;	Student Services Manager
Notify the student in writing of his/her rights in the hearing process and shall be notified of the terms of reference and powers of the Disciplinary Panel	Student Services Manager
Appoint member to the Disciplinary Panel	Student Services Manager
Notify the members of the Disciplinary Panel of the alleged inappropriate conduct and provide sufficient details of the allegation.	Student Services Manager
The Disciplinary Panel will elect a Chair before the commencement of the first meeting through mutual agreement	Disciplinary Panel
The Chair of the Disciplinary Panel will convene a meeting of members of the Disciplinary Panel to formulate questions to be asked in the formal hearing process following the notification from the Student Services Manager.	Disciplinary Panel
The Student Services Manager will schedule interviews between the Disciplinary Panel and the student and also schedule any interviews, deemed necessary by the Chair. Where possible interviews will be in person, but telephone or video conferencing may be utilised.	Disciplinary Panel
The Chair of the Disciplinary Panel will convene a hearing	Disciplinary Panel
The student attend the hearing and provide a statement, should the student choose not to attend, the Panel will decide on the outcome based on the evidence available/presented.	Student
Disciplinary Panel will determine the level of disciplinary action required based on the hearing and request the Student Services Manager to implement the actions.	Disciplinary Panel
Levels of disciplinary actions imposed	
<p>Level 1 Disciplinary Actions</p> <p>a) Issue a formal caution or reprimand and to be recorded on the student's record.</p>	Disciplinary Panel

b) Impose a probationary period to be placed on the student and recorded on the student's record.	
Level 2 Disciplinary Actions a) Issue a formal caution or reprimand and to be recorded on the student's record and/or b) Suspend the student for a defined period of time from a course of study and/or c) Recommend to participate in mandatory student counselling sessions. d) Impose a probationary period to be placed on the student and recorded on the student's record.	Disciplinary Panel
Level 3 Disciplinary Actions a) Cancel the student's enrolment and exclude the student permanently from re-enrolling for any programs and; b) Issue a cancellation letter, according to the <i>MITP08 Deferral, Suspension and Cancellation Policy and Procedure</i> . c) Recommend the PEO to refer the case to the Institute's legal representatives for legal action.	Disciplinary Panel
After a decision has been made by the Disciplinary Panel, the Student Services Manager shall notify the student in writing of the decision, referring to the terms of this policy and procedure within five (5) working days of the Disciplinary Panel decision.	Student Services Manager
Appeal against a decision of the Disciplinary Panel	
In the case that the student finds the decision to be unacceptable, appeals to the decision may be filed within 10 business days of the notification of decision in accordance with the <i>MITP07 Complaints and Appeals Policy and Procedure</i> .	Student

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Version Number	Approval Date	Amendment
1	05/02/2008	Creation of policy
2	14/01/2009	Updates to clause 3.1
3	12/06/2010	Updates to clause 3.2
4	04/04/2011	Updates to clause 3.2
5	01/06/2012	Updates to clause 3.1
6	01/06/2014	Reviewed and updated the next review date
7	01/09/2016	Reviewed and updated the next review date
8	01/09/2017	Reviewed, updated clause 3.1 and the next review date
9	01/02/2018	Reviewed and updated the next review date
10	18/04/2018	Merge disciplinary actions from MITP06 Disciplinary Policy and Procedure.