

Code and Practice Policy

Distribution:	All staff and students
Related Documents:	<p>Related Policy</p> <ul style="list-style-type: none"> • PnP - Student Disciplinary Procedure • PnP - Complaints and Appeals Procedure <p>Related Forms</p> <ul style="list-style-type: none"> • Form - Student Complaints and Appeals Form • Form - Staff Complaints and Appeals Form <p>Related Documents & Registers</p> <ul style="list-style-type: none"> • Student Handbook • Staff Handbook • Complaints & Appeals Register
Legislative Context:	<p>Equal Opportunity Act 2010</p> <p>Disability Act 2006</p> <p>Disability Discrimination Act 1992</p> <p>Disability Discrimination Amendment (Education Standards) Act 2005</p> <p>Charter of Human Rights and Responsibilities Act 2006</p> <p>Racial Discrimination Act 1975</p> <p>Sex Discrimination Act 1984</p> <p>Workplace Gender Equality Act 2012</p> <p>Racial and Religious Tolerance Act 2001</p>
Alignment	
Standards for Registered Training Organisations (RTOs) 2015	
Clauses 1.7, 5.4 and 6.1 to 6.6—Supporting and informing learners; managing complaints and appeals	

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Introduction

The College expects that all employees and students will behave towards one another, as well as with clients and other stakeholders of the organisation with integrity, fairness, impartiality, and compassion. It is expected that all employees will perform their duties efficiently and conscientiously while trying their best to maximise outcomes for the organisation and its stakeholders. Society expects that people who work in an educational setting will exude professional behaviour at all times which maintains public confidence and trust.

Purpose

This *Code of Conduct Policy* establishes the standards of behaviour expected by all employees and students of the organisation and is a guide to assisting employees and students in resolving ethical issues that may present themselves during their time at The College. While the number of ethical dilemmas that employees or students of the organisation are many, this *Code of Conduct Policy* exists to provide a framework upon which behaviour, standards and ethical decision-making can be based.

Scope

The *Code of Conduct Policy* applies to all staff and students at The College regardless of course, status, Training Schedules, Academic Timetable, or any other factor.

Responsibilities

The enforcement of the *Code of Conduct Policy* is the responsibility of the Chief Executive Officer of The College.

Definitions

Academic Misconduct:	Refers to conduct by a student who is dishonest or unfair in connection with any academic work. Examples include but are not limited to plagiarism, cheating, submitting someone else's work, or interfering with the work of others.
Academic work:	Comprises all assessment activities including but not limited to tests, assignments, group work, projects and presentations. Academic work also incorporates timeframes of before, during and after an assessment activity.
Aggressive or Violent Behaviour:	Includes but is not limited to the following: <ul style="list-style-type: none">▪ Assaulting, threatening, physically or verbally abusing, or intimidating (invading personal space; spitting on/at a person or object/image in the class) another member of the class or wider college community▪ Acting in a way which endangers the health, safety, or well-being of others; damage, misuse, or threat to, or the unauthorised removal of, college property or the property of students or college employees; and▪ Actions which are arguably violations of Criminal Law.
Appeal:	means a request for a decision made by The College to be reviewed
Bullying:	Unwanted, aggressive behaviour that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time.
Cancellation or Termination:	Refers to the cancellation or termination of a student's enrolment and Confirmation of Enrolment.
Cheating:	Refers to the actions of a student who seeks to gain an unfair advantage or to assist another student to do so. Cheating may include but is not limited to submitting falsified, copied, or improperly obtained assessments; falsely indicating that they have been present at an activity where attendance is required; using electronic devices under test conditions.
Complaint:	means a person's formal expression of dissatisfaction with any product or service provided by The College.

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Disruptive Behaviour:	Any behaviour that hampers the ability of trainers to deliver the course or students to learn.
Harassment:	Unwelcome and inappropriate verbal or physical conduct or coercive behaviour where the behaviour is known or should reasonably be known to be unwanted or unwelcome.
Intervention Strategy:	A documented plan targeted at addressing the needs of an at-risk student. The following must be included <ul style="list-style-type: none">• the date and location of the meeting• the names of the attendees• the description of the behaviour that has been assessed as in breach of the International Student Code of Conduct; and• The rectification activities/strategies that the student must undertake to successfully maintain their enrolment
Services:	means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support.
Suspension:	Refers to the restriction of a student from class or the use of a facility for a temporary period of time.

Policy Statement

Students' rights

All students have the right to:

- Be treated fairly and with respect by all students and staff
- Learn in a supportive environment which is free from harassment, discrimination, and victimisation
- Learn in a healthy and safe environment where the risks to personal health and safety are minimised
- Have their personal details and records kept private and secure according to our Privacy Policy
- Access the information DIVTEC Training and Further Education holds about them
- Have their complaints and appeals dealt with fairly, promptly, confidentially and without retribution
- Make appeals about procedural and assessment decisions
- Receive training, assessment and support services that meet their individual needs
- Be given clear and accurate information about their course, training and assessment arrangements and their progress
- Access the support they need to effectively participate in their training program
- Provide feedback to The College on the client services, training, assessment, and support services they receive.

Students' responsibilities

All students, throughout their training and involvement with, The College, are expected to:

- Treat all people with fairness and respect and not do anything that could offend, embarrass, or threaten others
- Not harass, victimise, discriminate against, or disrupt others
- Treat all others and their property with respect
- Respect the opinions and backgrounds of others
- Follow all safety policies and procedures as directed by staff
- Report any perceived safety risks as they become known
- Not bring into any premises being used for training purposes, any articles or items that may threaten the safety of self or others
- Notify us if any of their personal or contact details change

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- Provide relevant and accurate information to The College in a timely manner
- Approach their course with due personal commitment and integrity
- Complete all assessment tasks, learning activities and assignments honestly and without plagiarism or infringing on Copyright
- Hand in all assessment tasks, assignments, and other evidence of their work with a completed and signed cover sheet
- Make regular contact with their Trainer/Assessor
- Prepare appropriately for all assessment tasks, visits and training sessions
- Notify The College if any difficulties arise as part of their involvement in the program
- Notify The College if they are unable to attend a training session for any reason at least 12 hours prior to the commencement of the activity
- Make payments for their training within agreed timeframes, where relevant

Unacceptable behaviour/misconduct (Non-Academic)

1. The College is committed to providing students with a safe, supportive, and intellectually challenging study environment. International students share classes and facilities with staff and local students. It is expected that international students will behave in accordance with the Student Code of Conduct Policy.
2. Unacceptable behaviour/misconduct of a non-academic nature may range from disruptive behaviour for example: persistent failure to attend scheduled classes; persistent inattentiveness or non-participation that inhibits the learning of others or the ability of the lecturer to teach; through to aggression, physical violence/assault, self-harm, and criminal damage.

Unacceptable behaviour /misconduct (Academic)

1. Students must ensure that they meet course assessment requirements and that the assessments they submit are their own work or that they acknowledge the work of others appropriately.
2. International students must also ensure that they attend and actively participate in scheduled classes.
3. Academic misconduct includes any conduct by a student in relation to their academic work that is considered dishonest or unfair. In particular it encompasses student conduct during assessment processes including tests or supervised assessment activities and activities related to the preparation or presentation of any assessed item or work.
4. Examples of academic misconduct include but are not limited to the following:
 - a) handing in someone else's work and representing this as their own (with or without that person's permission)
 - b) using any part of someone else's work, including but not limited to passages from textbooks, extracts from websites; without the proper acknowledgement, including breaches of copyright
 - c) allowing someone else to hand in work as their own; or
 - d) using notes, electronic or other devices without permission during formal testing.

Consequences of misconduct

1. The College's student disciplinary process is encapsulated in the *Student Code of Conduct* which mandates the provision of a scheme for disciplinary action against students including the review of a decision to take disciplinary action.
2. *Code of Conduct Policy* provides a guide for disciplinary decisions in relation to international students exhibiting inappropriate behaviour and/or engaged in misconduct. The response to these different situations will depend upon the assessment of the nature, severity, frequency, and effect of the behaviour.
3. Where a student breaches a State or Commonwealth law, while on The College's premises; or while engaged in a related activity off-campus which is subsequently referred by The College to the VIC

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Police or an appropriate jurisdiction; proceedings required under that law will take precedence but will not prevent The College from taking disciplinary action against the student.

Management of Student Misconduct

The College staff should manage student misconduct in accordance with this policy, including the documentation requirements as set out in Code of Conduct Procedure.

Public Comment

For the purposes of this *Code of Conduct Policy*, 'Public Comment' includes public speaking engagements, comments on radio, television, expressing views in correspondence to newspapers, books, journals, or notices where it can be reasonably expected that the publication or circulation of correspondence will or is likely to be distributed to the community at large.

- While it is accepted that employees and students of the organisation have a human right to make public comment and enter into public debate on political and social issues, there may be circumstances whereby the comments are being made in a private capacity and at no time should be attributed to, or recognised as, the official public comment of the organisation; and
- Where employees have access to confidential or official documentation belonging to the organisation as part of their ongoing employment, the confidentiality and privacy of that information must be maintained at all times. Employees must only reveal or disclose organisational information where required to do so by law, when they are called to give evidence in a court or tribunal or where it has been officially approved for release.

Applicable legislation

This Student Code of Conduct is informed by the following pieces of legislation, with which all students must comply.

1. Commonwealth

- The Education Services for Overseas Students Act 2000 (ESOS Act)
- Age Discrimination Act 2004
- National Vocational Education and Training Regulator Act 2011
- Privacy Act 1988
- Copyright Act 1968
- Age Discrimination Act 2004
- Disability Discrimination Act 1992 – Education Standards 2005
- Sex Discrimination Act 1984
- Australian Human Rights Commission Act 1986

2. Victoria

- Equal Opportunity Act 2010
- Information Privacy Act 2000
- Occupational Health and Safety Act 2004
- Working with Children Act 2005
- Racial and Religious Tolerance Act 2001
- Charter of Human Rights and Responsibilities

3. Queensland

- The Anti-Discrimination Act 1991 (The Act)

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- Public Sector Ethics Act 1994

Use of Facilities, Equipment & Resources

Employees and students are expected to use all facilities, equipment, and resources of the organisation carefully, efficiently, and honestly. The private use of organisational facilities, equipment and resources is not permitted without the prior consent of the Chief Executive Officer.

This *Code of Conduct Policy* is a guide to the expected standards of behaviour for all employees and students of the organisation. Any breaches of this *Code of Conduct Policy* may result in the termination of the employee's employment or the cancellation of the student's enrolment.

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Major Version History

Date	Reason for change	Modified / Approved By (Role & initials)
6/11/2018	Policy review & update to new format	CEO / AW
25/03/2022	Edited structure of document	Q&D – AJ
6/12/2022	Edited structure of document	Q&D – AJ
04/04/2023	Edited terms and structure of the document	Quality & Development Manager
05/04/2023	Edited – modified to meet QLD's Guidelines	Quality & Development Manager