

Student Code and Conduct Policy and Procedures

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:	<ul style="list-style-type: none"> ▪ Equal Opportunity Act 2010 ▪ Disability Act 2006 ▪ Disability Discrimination Act 1992 ▪ Disability Discrimination Amendment (Education Standards) Act 2005 ▪ Charter of Human Rights and Responsibilities Act 2006 ▪ Racial Discrimination Act 1975 ▪ Sex Discrimination Act 1984 ▪ Workplace Gender Equality Act 2012 ▪ Racial and Religious Tolerance Act 2001
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

DIVTEC Training and Further Education 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 *Student 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 DIVTEC Training and Further Education. While the number of ethical dilemmas that employees or students of the organisation are many, this *Student Code of Conduct policy* exists to provide a framework upon which behaviour, standards and ethical decision-making can be based.

Scope

The *Student Code of Conduct policy* applies to all staff and students of DIVTEC Training and Further Education regardless of course, status, Training Schedules, Academic Timetable, or any other factor.

Responsibilities

The enforcement of the *Student Code of Conduct policy* is the responsibility of the Chief Executive Officer of DIVTEC Training and Further Education.

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: 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 DIVTEC Training and Further Education 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.

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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 DIVTEC Training and Further Education.
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 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 DIVTEC Training and Further Education on the client services, training, assessment, and support services they receive.

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Students' responsibilities

All students, throughout their training and involvement with, DIVTEC Training and Further Education, 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
- Provide relevant and accurate information to DIVTEC Training and Further Education 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 DIVTEC Training and Further Education if any difficulties arise as part of their involvement in the program
- Notify DIVTEC Training and Further Education 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. DIVTEC Training and Further Education 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 PnP - *Student Code of Conduct*.
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:

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- 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. DIVTEC Training and Further Education's international 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. *Student 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 DIVTEC Training and Further Education's premises; or while engaged in a related activity off-campus which is subsequently referred by DIVTEC Training and Further Education to the VIC Police or an appropriate jurisdiction; proceedings required under that law will take precedence but will not prevent DIVTEC Training and Further Education from taking disciplinary action against the student.

Management of Student Misconduct

DIVTEC Training and Further Education staff should manage student misconduct in accordance with this policy, including the documentation requirements as set out in Code of Conduct Procedure.

Public Comment

1. For the purposes of this *Student 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.
2. 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
3. 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

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- 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 information Privacy Act 2009
 - The work Health and Safety Act 2011
 - Working with Children (Risk Management and Screening) Act 2000
 - Human Rights Act 2019

Use of Facilities, Equipment & Resources

1. 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
2. This *Student 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 *Student 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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Procedures

	Action	Description	Document	Responsible
1	Verbal Warning	Draw to the student's attention the behaviour and indicate how it does not comply with the Student Code of Conduct.	Details of the warning must be documented and managed by the trainer/intake coordinator. SSC can be involved if required.	Trainer/Assessor, Coordinator
2	Written warning	A written warning letter to be sent to a student when they are in breach of the Student Code of Conduct policy The letter must be issued and recorded on VETtrak against the student's enrolment details.	The letter to the student will outline the breach and suggest strategies to assist the student to maintain a record of good behaviour throughout their studies.	Trainer/Assessor, Coordinator
3	Intervention Strategy	Administration Staff organises a meeting and notifies the student that they must attend. The student can attend with a support person if they wish to In the meeting, DIVTEC Training and Further Education will ensure that: assess the student's behaviour as in breach of Student Code of Conduct is presented to or summarised for the student the student is provided the opportunity to speak and present evidence consideration is given to the impact on the student's enrolment and course of study of the sanctions being considered; and strategies to assist the student to successfully maintain their enrolment are documented	The agreed outcomes of this meeting must be recorded in an Intervention Strategy which will be distributed to all attendees and will be monitored by DIVTEC Training and Further Education	Trainer/Assessor, Coordinator

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4	Disciplinary Action	<p>Suspension from class Termination of enrolment</p> <p>A student may have his/her enrolment suspended or terminated if they have breached the Student Code of Conduct policy.</p>	<p>Student will receive the intention to Cancel notification. The student will have 20 working days to access the appeals process and referred to the International Student Complaints and Appeals Policy</p> <p>A non-compliance notice will be issued. If the student's appeal against suspension or termination is successful; then they will be placed on an Intervention Strategy to ensure that the behaviour/breach is not repeated the student will also be counselled as to the consequences of further breaches</p> <p>A record of documentation associated with this incident must be kept and documented on the VETtrak under the student's enrolment details</p> <p>If the decision is made to suspend or terminate the student's enrolment, the college will inform Skills First (VIC) via VTG.</p>	Training Coordinator
5	Referral to the police	<p>If a student commits an offence of a criminal nature within DIVTEC Training and Further Education premises, then the matter will be referred directly to police.</p>	<p>Intake Coordinator and Student Support Coordinator contacts the police and notifies DIVTEC Training and Further Education's Operations Manager and Training & Assessments Director re: the incident</p> <p>A record of the incident, including police report numbers; must be kept on the student's file and a copy forwarded to DIVTEC Training and Further Education's Student Management System.</p>	Training Coordinator

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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	Policy review, updated content, rights and responsibility and procedures	Q&D - AJ
14/04/2023	Updated all content, Design and Layout of the document	Quality and Development Manager

Flow Chart

N/A