

Student disciplinary Policy and Procedure

Distribution:	All staff and students
Related Documents:	<p>Related Policies</p> <ul style="list-style-type: none"> • PnP - Student Code of Conduct • PnP - Accuracy and Integrity of Marketing • PnP – Cancelations, Suspension, deferral, withdrawal, and Extension • PnP – Complaints, Grievances and Appeals <p>Related Forms</p> <ul style="list-style-type: none"> • Withdrawal form • Marketing consent form • Complaints, Grievances and Appeals form
Legislative Context:	
Alignment	
Standards for Registered Training Organisations (RTOs) 2015	
Clauses 5.2(c), 5.2(di), 6.1(c)	

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Introduction

Having an effective Student Disciplinary Policy and Procedure in place to address student transgressions of the Code of Conduct is essential to maintaining the orderly conduct of DIVTEC Training and Further Education.

Purpose

The purpose of this Code is to set out the standards of behaviour that the College expects of you. Failure to meet these standards of behaviour may affect students' enrolment. The College reserves the right to review and make changes to this Code from time to time. For the college, the objective of this Policy is to ensure that the response of DIVTEC Training and Further Education to any disciplinary issue is clear, predictable, and appropriate.

Scope

This policy and procedure apply to disciplinary transgressions made by students of DIVTEC Training and Further Education. This policy and procedure do not apply to discipline of staff.

Responsibilities

This procedure is the responsibility of the Chief Executive Officer of DIVTEC Training and Further Education.

Definitions

A "**minor offence**" is an offence whose likely consequences are not severe but, which nonetheless, is a transgression of the Code of Conduct or of some other rule or regulation of DIVTEC Training and Further Education.

A "**major offence**" is an offence whose likely consequences are severe and may include physical damage, emotional or physical harm or other serious outcomes.

Policy Statement

This Disciplinary Policy and Procedure is designed to guide employees in the management of student misbehaviour or misconduct. Employees should always try and use informal methods of discipline for unacceptable behaviour or misconduct, including mentoring, informal feedback, and counselling prior to enacting the Disciplinary Policy and Procedure which is perceived by employees and students as being a more formal method of managing student misbehaviour or misconduct.

Examples of incidents of misbehaviour or misconduct for which this policy and procedure may be implemented are:

- Disobeying or disregarding a lawful instruction
- Jeopardising the health, safety and/or well-being of an employee, student, or visitor of DIVTEC Training and Further Education
- Breaching the Code of Conduct
- Negligence or carelessness which results in injury to another person or damage to the facilities or equipment of the organisation; and
- Illegal behaviour.

NOTE: Where a student has committed an offence which would ordinarily attract police intervention, the Chief Executive Officer must be notified immediately and a report submitted, in writing, as soon as practicable after the offence. Any witnesses to the incident must also provide a report.

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The Chief Executive Officer must, in all circumstances of criminal misconduct or criminal misbehaviour, notify police immediately.

This policy and procedure **do not** apply to unsatisfactory academic performance.

Procedure

Initial Assessment

The Chief Executive Officer must determine what type of offence has been committed to require the enactment of the *Student Disciplinary Policy and Procedure*. Examples of offences that would give rise to this policy & procedure include, but are not limited to, the following:

- Serious or wilful breaches of the Code of Conduct or organisational policies and procedures
- Repeat offences
- Improper use of official or confidential information for personal gain
- Unauthorised use of organisational property for private purposes
- Violence
- Use of abusive or insulting language or obscenities
- Discrimination of any form
- Sexual harassment
- Conviction of an offence
- Improper conduct towards other students, employees, or visitors; or
- Alleged criminal activity.

The Chief Executive Officer or his/her delegate must complete a disciplinary report in the event that police or any other external body require a formal investigation, then that evidence will be available to them.

Where the Chief Executive Officer identifies that the disciplinary action recommended does not need to be extended to legal avenues, including notifying police, all actions and interventions must be recorded on the disciplinary report, marked "Confidential" and filed securely on the student file.

Investigation

Where the Chief Executive Officer suspects that a student has committed a breach that would be dealt with under this policy and procedure, they must conduct a preliminary investigation to establish the facts regarding the incident.

The Chief Executive Officer must advise the student of the outcome of the preliminary investigation, in writing, providing the student with an opportunity to respond.

Upon receipt of a response from the student, or in the absence of a response from the student, the Chief Executive Officer may take no further action or initiate a formal investigation including, but not limited to, involving the police.

A member of the management team who has no connection with the student should undertake the internal investigation to ensure maximum impartiality and confidence in the natural justice process.

A full report on the internal investigation must be presented to the Chief Executive Officer.

Where the student denies any involvement in the allegations of misbehaviour or misconduct, a further investigation should be conducted by the Chief Executive Officer.

A student may seek advice or additional support from someone of their choosing during the investigation.

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A student has access to the *Complaints and Appeals Policy and Procedure* where they have been subjected to discipline as part of this policy and procedure.

Confidentiality is to be maintained at all times.

Minor Offences

Where the student is found guilty of a minor offence and is disciplined accordingly, the Chief Executive Officer will provide an initial written warning that details the outcome of the investigation and disciplinary action taken.

Where the student is found guilty of a second minor offence and is disciplined accordingly, whether related to the original incident or not, the Chief Executive Officer will provide a second written warning that details the outcome of the investigation and disciplinary action taken. The written warning will also indicate that should the student commit a further offence, this will be seen to be a serious breach of discipline and their enrolment will be cancelled for serious misbehaviour or serious misconduct.

Serious Offences

When an offence is deemed to be serious (although not illegal) and is disciplined accordingly, the Chief Executive Officer will provide an initial written warning that details the outcome of the investigation and disciplinary action taken. The written warning will also indicate that should the student commit a further offence, their enrolment will be cancelled for serious misbehaviour or serious misconduct.

Where the breach committed is of an illegal nature, police will be informed immediately, and the student's enrolment terminated.

Where the Chief Executive Officer deems that the misbehaviour or misconduct was serious enough although not illegal, he/she may elect to terminate the student's enrolment.

Where a student's enrolment is terminated as a result of this policy and procedure, the student will have access to the normal complaints and appeals process.

Informing Students

DIVTEC Training and Further Education will, in accordance with the *Accuracy and Integrity of Marketing Procedure*, ensure that all students are informed of their rights and responsibilities in relation to the *Student Disciplinary Policy and Procedure*.

Students will be informed using the communication pathways described in the *Accuracy and Integrity of Marketing Procedure* and will be aware of the *Student Disciplinary Policy and Procedure* prior to enrolling in any course of training

Major Version History

Date	Reason for change	Modified / Approved By (Role & initials)
6/1/2019	Policy review & update to new format	CEO / AW
25/03/2022	Policy reviews and update	Q&D - AJ
17/04/2023	Updated overall document's design and layout	Quality and Development Manager

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Flow Chart

N/A

