

Student Misconduct Policy and Procedure

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Purpose

This Policy and Procedure explains the approach of the Australia Institute of Future Education (AIFE) towards addressing student misconduct..

Scope

This Policy and Procedure applies to all students.

Policy

Principles

AIFE will have regard to the following principles in managing student misconduct:

- All students must behave in accordance with the *Student Code of Conduct* and comply the AIFE's policies,
- Allegations of student misconduct will be investigated confidentially, fairly, effectively and in a timely manner, and
- Where there is a finding of student misconduct, AIFE will respond in a consistent manner according to the provisions set out in this Policy and Procedure.

General and Major Misconduct

Student misconduct may be found to be (1) General Misconduct or (2) Major Misconduct.

Examples of General Misconduct include but are not limited to:

- Behaviour which brings AIFE into disrepute,
- Unduly offensive or disorderly behaviour,
- Failure to comply with a reasonable direction from a member of AIFE's staff,
- Attacking, bullying, harassing, unlawfully vilifying, victimising, threatening or intimidating any person or attempting to do so,
- Behaviour which interferes with the orderly conduct of a class or an exam or other activities,
- Gaining access to, or entering, AIFE's server or network without lawful authority to do so, or engaging in illegal, inappropriate or offensive use of the internet, social media, email on AIFE's network, or
- Engaging in conduct which involves unauthorised or unjustified interference with the property of any person.

Major Misconduct is a serious breach of the *Student Code of Conduct* or if there are repeated incidences of General Misconduct involving the student.

Major Misconduct includes, but is not limited to:

- Physical violence against any person,
- Committing any act or making any omission which has the capacity to endanger the safety or health of others where there is a serious risk of bodily harm,

- Any type of fraud, including fraudulent representation of grades or awards for prior learning, including through the unauthorised use of AIFE's name, seal or trademarks,
- Tampering with and/or making a fraudulent representation involving any medical certificate, and/or
- Any other type of fraudulent documentation provided to AIFE to obtain a favourable outcome for the student.

Procedure

Reporting and Investigation

If a student or a staff member of AIFE observes what they believe is misconduct by a student, they must report it to a senior staff member of AIFE who will then report it to AIFE's Chief Executive Office.

Students who are alleged to have breached the *Student Code of Conduct* are to be informed in writing of the nature of the allegations and possible penalties that will apply if misconduct is confirmed.

Submissions of alleged misconduct will be reviewed and the student provided with an opportunity to respond. Students who wish to dispute the alleged misconduct will meet (in person or over an online platform) with a senior staff member to review available evidence.

In cases where a student has no prior record of warning or misconduct, the following factors may be considered in determining the appropriate penalty:

- The extent to which the misconduct deviated from expected behaviour,
- The extent to which AIFE's students, staff, and assets and reputation have been adversely impacted by the misconduct, or
- Any contributing, mitigating or aggravating factor.

Based on the evidence available, the outcome could be one or more of the following:

- The allegation is dismissed,
- The student is issued a verbal warning,
- A written apology is required from the student,
- The student is required to undergo training in relevant areas including AIFE's policies,
- A record will be entered against the student's file, and/or

The matter is to be further considered by a Panel comprising of the CEO, a senior member of the professional staff at AIFE's and the relevant academic staff member.

Where a decision is made to recommend the matter to a Panel, the student will be advised of the following:

- The time, date and arrangements for a hearing which must allow for at least five working days' notice,

- The allegation and any material relied upon in the decision to proceed to a hearing of the panel, and
- Their right to attend the hearing to present information and to have a support person present.

The outcomes of the Panel hearing are:

- Dismissal of the allegation, or
- A finding of General or Major Misconduct with penalties imposed. These are described in the following sections.

General Misconduct

Outcomes from a finding of General Misconduct may include:

- A warning letter,
- Referral for counselling,
- A record will be entered against the student's file,
- A written apology is required from the student,
- The student is required to undergo training in relevant areas including AIFE's policies, and/or
- Exclusion of the student from attendance at AIFE for a defined period.

Major Misconduct

A finding of Major Misconduct may result in the imposition of one of the following penalties:

- Any of the penalties for General Misconduct, or
- Suspension or cancellation of the student's enrolment.

Notification

Within 10 days of the Panel hearing the student will be advised in writing of:

- The outcome and the penalties applied,
- The reasons for the decision.
- The student's right to appeal the decision up to 20 working days from the notification of outcome under the *Student Appeals Policy and Procedure*.

Where the finding is in favour of the student the matter will be closed.

Records

AIFE will maintain a Register that will be a repository of all findings of any misconduct under this Policy and Procedure. These records will form part of AIFE's disciplinary records and students' files.

Where an investigation or Panel hearing determines the allegation is unfounded, no records will be kept.

When misconduct is found to have occurred, the following documentation will be maintained on the student's file (as applicable):

- The allegation notice sent to the student,
- The student's response,
- The notice of decision,
- Any student appeal,
- Any decision on the appeal made by the internal appeals body, and
- Any outcome of the external appeal process.

Monitoring

De-identified data from the register, including by student cohorts, will be collated to enable AIFE to monitor trends in student misconduct for the purpose of continuous improvement.

The Board of Directors will receive:

- a quarterly report on student misconduct, including allegations, institutional response, and trends, and
- an annual report on the adequacy and effectiveness of strategies for responding to student misconduct and approves recommendations for improvement as appropriate.

Appeals

A student may appeal against a decision made under this Policy and Procedure, in accordance with the *Student Appeals Policy and Procedure*.

Responsibilities

All students and staff at AIFE are responsible for familiarising themselves with the requirements of the *Student Code of Conduct* and this Policy and Procedure.

Definitions

For the purposes of this Policy, the following terms are defined as follows:

Student misconduct	Any behaviour from a student that is in violation of the expected behaviours outlined in the <i>Student Code of Conduct</i>
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Version history

Version #	Changes	Approval Body	Approval Date
1.0	New Policy	Board of Directors	14 June 2022

Additional Information

Policy Status	Approved
Policy Owner	CEO
Next Review Date	3 years from Approval Date
Related Internal Documents	Student Appeals Policy and Procedure Student Code of Conduct
Higher Education Standards Framework (Threshold Standards) 2022	Standards
Other legislative or regulatory instruments	

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