

Name of the Policy	PP47 Student Misconduct Policy and Procedure including Student Code of Conduct
Distribution:	All Staff and Students
Entity relating to	<p>Stirling Institute of Australia Pty Ltd trading as</p> <ul style="list-style-type: none"> • Academy of Hypnotic Science • Stirling Institute of Counselling • Stirling Institute • Stirling Institute of Hypnotherapy • Stirling Institute of Business • Stirling Institute of Children's Services
Related Documents:	<p>PP07 Student Complaints, Grievance and Appeals Policy and Procedure</p> <p>International Student Handbook</p> <p>Written Agreement</p> <p>Stirling Feedback, Complaints and Grievance Register</p>
Statutory References:	<p>National Vocational Education and Training Regulator Act 2011</p> <p>Standards for Registered Training Organisations (RTOs) 2015</p> <p>National Code of Practice 2018 Standard 9</p> <p>ESOS Act 2000</p>
Legislative Context	<p>Age Discrimination Act 2004 (Cwth)</p> <p>Disability Discrimination Act 1992 (Cwth)</p> <p>Racial Discrimination Act 1975 (Cwth)</p> <p>Sex Discrimination Act 1984 (Cwth)</p> <p>Work Health and Safety Act 2011 (Cwlth)</p> <p>Equal Opportunity Act 1984 (SA)</p> <p>Firearms Act 1977 (SA)</p> <p>Tobacco Products Regulation Act 1997 (SA)</p> <p>Charter of Human Rights and Responsibilities Act 2006 (VIC)</p> <p>Equal Opportunity Act 2010 (VIC)</p> <p>Occupational Health and Safety Act 2004 (VIC)</p> <p>Control of Weapons Act 1990 (VIC)</p> <p>Tobacco Act 1987 (VIC)</p>

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1. Policy

Stirling Institute of Australia (TOID: 21132 CRICOS: 03797M) (Stirling Institute) is an adult learning environment and is committed to providing students and staff with a safe, equitable, inclusive and respectful context in which to learn. Inappropriate behaviour as defined in this policy, poses a threat to the physical and emotional wellbeing of Stirling Institute's students and staff as well as Stirling Institute's reputation and viability, and will be dealt with accordingly.

2. Purpose

Stirling Institute is accountable for ensuring that this policy meets the requirements of the Standard for RTOs 2015 and National Code of Practice for Providers of Education and Training to Overseas Students 2018 and is consistent with Stirling Institute's obligations as a Registered Training Provider.

3. Scope

This policy and procedure provides advice to staff and students regarding the level of conduct that Stirling Institute expects from students and members of the public seeking to enrol as students. It describes behaviours that will not be tolerated and that may trigger disciplinary action.

All students are expected to adhere to the Student Code of Conduct at all times, including during class times, meal breaks, whilst on campus, when on excursion or representing Stirling Institute in any capacity.

4. Definitions

Cancellation refers to a permanent interruption to a student's study program and can be either initiated by Stirling Institute or the student.

International Student is a person (whether within or outside of Australia) who holds a student visa as defined by the ESOS Act, but does not include students of a kind prescribed in the ESOS Regulations.

Misbehaviour may include but is not limited to acts of discrimination, sexual harassment, vilification, bullying, criminal offence, cheating or plagiarism.

Student refers to an active, on-campus student with a current course of enrolment with Stirling Institute.

5. Requirements, Process and Procedures

General Behaviour

- 1 Stirling Institute is committed to creating and maintaining a community in which students, staff, employers, and clients can work together in an environment that is free of violence, harassment, intimidation, and exploitation. As a Stirling Institute student, you have a responsibility to:
 - a Treat people with respect and fairness, regardless of their age, gender, sexuality, race, ethnicity, cultural background, disability status, or socio-economic status;
 - b Show respect for others by not swearing, using obscenities, making offensive remarks, or offensive gestures;
 - c Avoid behaviour that could offend, embarrass, or threaten others;
 - d Refrain from harassing or disrupting others in the performance of their studies or duties;
 - e Avoid bullying, aggressive, threatening, and abusive behaviour, including using social networking websites (such as Facebook, Snapchat or Twitter) and Stirling Institute Webpages and forums, to make threatening or derogatory statements about other students or staff;
 - f Desist from behaviour that subjects another person to an unsolicited act of physical intimacy; makes an unsolicited demand or request of a sexual nature to another person; makes a remark with sexual connotations relating to the other person; or engages in any other unwelcome conduct of a sexual nature towards the other person; and
 - g Make only truthful statements in regard to your student status, representation as a student, or entitlement as a student.
- 2 A particular action or behaviour may be deemed inappropriate by the effect on the recipient, independent of the intentions of the perpetrator. It is not sufficient for you to assume that your behaviour is acceptable and will not constitute inappropriate behaviour.

Unlawful Behaviour

1 Alcohol on Stirling Institute Premises

- a You are not allowed on Stirling Institute's premises or to use Stirling Institute's facilities when in possession of or under the influence of alcohol. Consumption of alcohol on Stirling Institute premises, including sites used for excursions, field trips, and live work, is prohibited, except at an authorised function on licensed premises (providing the student is over 18 years of age).
- b You may be required to undertake alcohol testing by Stirling Institute management whilst attending Stirling Institute or by an employer at the workplace as part of the normal working environment while on practical placement.

2 Drugs on Stirling Institute Premises

- a You are not allowed on Stirling Institute's premises or to use Stirling Institute's facilities when in possession of or under the influence of illegal drugs or controlled substances. The possession, use and sale of illegal drugs or controlled substances (including stimulants, depressants, narcotics, hallucinogens, or marijuana) on Stirling Institute's premises is against the law and will be reported to the police. If you are taking prescription medication it is your responsibility to ensure that it does not affect your safety, or the safety of others, for example in operating machinery or equipment. In addition, prescription medication should be kept secure at all times and never given to another person to whom it is not prescribed. You may be required to undertake drug testing by Stirling Institute Management or your employer whilst attending Stirling Institute or the workplace as part of the normal working environment on practical placement.

3 Weapons on Stirling Institute Premises

- a You are not to bring knives or other weapons on to Stirling Institute's premises. It is an offence under the Control of Weapons Act 1990 (VIC) to be in possession of a weapon in a public place or an educational facility unless the weapon is to be used for educational purposes, for example, possession of a knife for butchery or cookery training. It is not a reasonable excuse to possess a weapon for self-defence purposes. Any threats to staff, students, animals, or property will be reported to police immediately.

4 Smoking

- a Tobacco Act 1987 (Vic) prohibits you from smoking in or around buildings or in motor vehicles. It is an offence to smoke within 4 meters of any part of the entrance to a building. Any breaches to the Act can result in fines being issued. You are only permitted to smoke in marked designated smoking areas and must remain in these areas whilst smoking.

5 Discrimination

- a Discrimination occurs when a person is treated less favourably than another person because of perceived attributes such as age, gender, sexuality, race, ethnicity, cultural background, disability status, or socio-economic status.
- b Discrimination whether direct or indirect is unlawful under the Equal Opportunity Act 2010 (Vic). Acts of discrimination will be considered as acts of behavioural misconduct and will result in disciplinary action and may be reported to the appropriate authorities.

Confidentiality

- 1 As a student of Stirling Institute, you may be required to attend industry practical placements as part of your studies. During these placements, you may become familiar with information that is confidential to that workplace (for example financial or business affairs, personal affairs and family background of staff and clients, technical information, trade secrets, know-how, formulae, processes, ideas, and inventions). You must not divulge any confidential information that you become aware of during a placement. Breaches of confidentiality will be considered to be acts of behavioural misconduct and may result in disciplinary action.

Dress Code

- 1 Stirling Institute is an adult learning environment that prepares you for employment, as well as for further career-related education. As such you are expected to dress in a manner that is neat, clean, and safe at all times, and in a manner that would be expected in the workplace. There is no desire on the part of Stirling Institute to make

dress standards too rigid. However, whilst attending Stirling Institute or any off-campus learning activities, you must wear appropriate clothing. In particular you must:

- a Wear all personal protective equipment and/or clothing necessary to meet the work health and safety requirements of your course. You are responsible for wearing appropriate clothing which minimises risk to yourself.
- b Wear clothing appropriate to the program of study.
- c Wear appropriate footwear at all times. It is not permitted for anyone to enter Stirling Institute grounds or buildings with bare feet. Enclosed footwear is recommended. Students must wear enclosed footwear during practical placement and will not be permitted to undertake any learning activities in open footwear, such as thongs or sandals.
- d Not wear clothing that is likely to offend others in terms of its lack of decency, modesty, or cleanliness, or because of slogans, cartoons, or any symbol or graphic worn to provoke, intimidate, condemn, or ridicule others.
- e Not wear motorcycle helmets in Stirling Institute buildings.

Facilities and Equipment

- 1 You are required to assist in maintaining serviceable facilities, resources, and equipment by:
 - a Reporting breakages and/or faults with equipment to a staff member or student administration. Should you be found responsible for breakages you may be required to pay the costs of repair, with any final decision made by Stirling institute
 - b Leaving classrooms, computer rooms and simulation rooms neat and tidy after classes and ensuring equipment and tools are cleaned and correctly stored.
 - c Ensuring the kitchen facilities are kept neat and tidy. Microwaves are cleaned after usage.
 - d Ensuring all electrical and gas appliances are switched off.
 - e Respectful use of toilet facilities; including disposal of toilet tissue and sanitary waste and not standing on toilet seats.

Appropriate use of IT and Electronic Equipment

- 1 Computing and Electronic Resources
 - a Stirling Institute recognises that computing and electronic resources are a valuable source of learning and information relevant to programs of study. These resources include videoconferencing, Internet, and Intranet services provided by Stirling Institute such as email, email lists, web browsing, website publication, chat and newsgroups (forums). You are encouraged to make use of these resources for purposes relating to study being undertaken through Stirling Institute. However, Stirling Institute computing, and electronic resources are not to be used for purposes other than course requirements.
 - b Stirling Institute reserves the right to:
 - i Moderate access to Internet and Intranet services, including filtering of websites, and blocking selected non-educational and training websites, in order to improve the speed and quality of vocational education and training delivery.
 - ii Monitor and record all usage of its computer networks, including its Internet and Intranet services.
 - iii Examples of misuse of computing and electronic resources include:
 - Excessive personal use.
 - Unauthorised use of documentation that would normally require payment of a fee for use.
 - Accessing or downloading website materials or files or transmitting material that is defamatory (including posting defamatory statements on the Internet).
 - Accessing, displaying, disseminating, or storing obscene or offensive material including abusive, pornographic, profane, or sexually oriented material.

- Using computing and/or electronic resources to access or to assist in concocting or distributing illegal drugs or dangerous materials.
- Use of computing and/or electronic resources to access or distribute material that promotes hatred or discrimination based on age, gender, sexuality, race, ethnicity, cultural background, disability status, or socio-economic status.
- Using computing and/or electronic resources to stalk, harass, threaten, bully, or intimidate anyone.
- Downloading, uploading, copying, storing or distributing software applications or other material with content that is illegal.
- Breaching copyright, such as unlicensed copying of a computer program.
- Intercepting, attempting to steal or alter data (hacking), unlawfully accessing, altering, or falsifying electronic documents or programs.
- Deliberately vandalising computing and/or electronic resources.

iv Take disciplinary action when breaches of this clause occur.

v Any unlawful use of computing or electronic resources may lead to legal action being taken.

vi Any misuse of computing or electronic resources is considered to be an act of behavioural misconduct and will be addressed as such. This may mean the withdrawal of access to the resources, suspension, or expulsion.

2 Mobile Phones, Sound and Photographic Equipment, and Other Electronic Devices

- a You should ensure that you maintain a respectful and appropriate use of mobile phones, sound and photographic equipment (including Smartphone's, mp3 players, tablet computers, and cameras), and other electronic devices in Stirling Institute classrooms, and comply with the instructions of your trainer in their use.
- b Mobile phones, sound and photographic equipment, and other electronic devices must not be used in a manner that contravenes the appropriate use of computing and electronic resources.

Copyright

- 1 You may only copy material in accordance with the Australian Copyright Act 1968. For study and research purposes, you are allowed to copy:
 - a One chapter or 10% of a book; or
 - b One chapter or 10% of the number of words of text materials in electronic form; or
 - c One article per issue of a journal, magazine or newspaper – or more than one article if each article relates to the same subject matter.
- 2 Internet material, artist, dramatic, film, and musical works are also covered by copyright legislation. Please check with your trainer.
- 3 Remember to reference carefully the copyright works you use in order to avoid plagiarism, which is considered academic misconduct.
- 4 You must comply with licences for the use of intellectual property, including software. All software loaded on Stirling Institute computers or provided by Stirling Institute is licensed and there is no permission to copy software unless permitted by licence.
- 5 If you need further information about your copyright obligations, refer to Australian Copyright Council website (<http://www.copyright.org.au>).

Food and Beverages in Learning Environments

- 1 The presence and/or consumption of any variety of food in classrooms is strictly prohibited. You are responsible for ensuring that food is not taken into classrooms or simulation skills room.

- 2 Hot beverages are not permitted in classrooms. Other beverages must be carried in a secure container/bottle to minimise spills and leakages. You are responsible for ensuring the sensible storage and consumption of beverages in classrooms and for the removal and correct disposal of drink containers from classrooms. No beverages are permitted in classrooms or simulation skills room.
- 3 It is acceptable to carry food and beverages (securely) inside bags carried into classrooms.

Safety

- 1 The Occupational Health and Safety 2004 (VIC) or Work Health and Safety Act 2011 (Cwlth) applies to all students of Stirling Institute. You have a responsibility to ensure that you work safely, without risk of injury to yourself or others, and follow all safety practices required.
- 2 You have an obligation:
 - a To comply with the instructions given for workplace health and safety at Stirling Institute or workplace.
 - b To use personal protective equipment and wear any clothing necessary to meet the work health and safety requirements of your course when you are working with machinery and equipment.
 - c To ensure you are properly instructed in the use of machinery and other equipment.
 - d To use machinery in accordance with safety procedures and follow lawful directions, both written and spoken, given by Stirling Institute staff or your employer during industry placement.
 - e To not willfully or recklessly interfere with or misuse anything provided for workplace health and safety at Stirling Institute or workplace.
 - f To not willfully place at risk the workplace health and safety of any person at the Institute or workplace.
 - g To not willfully injure yourself.
- 3 You are entitled to challenge, in a respectful manner, directions or decisions of Stirling Institute staff or the employer, if you consider them to be unlawful, unreasonable, or to potentially endanger a person's health or safety.

Reports of Misconduct

- 1 Where a staff member has reasonable grounds to believe that a student has committed an act of misconduct, that person must report suspected misconduct to the Training Manager.
- 2 Upon receiving the report of misconduct, the Training Manager will appoint a delegate to investigate.
- 3 The nominated investigator will:
 - a Make enquiries regarding the nature of the misconduct
 - b Determine whether misconduct has been proven
 - c Prepare a report on the findings and submit to the Training Manager
 - d If misconduct has been proven the investigator should include recommendations of suitable
- 4 Upon receipt of the report, the Training Manager will either dismiss the report of misconduct or impose a suitable penalty.
- 5 Records of the report of misconduct is to be included in the student's administration file and noted in the electronic Student Management System.

Investigation Process

- 1 An Investigation Officer will be appointed by the Training Manager to investigate and report on the matter of concern. The Training Manager will appoint the best person they see fit to conduct the investigation and may be appointed from either an internal or external source.
- 2 The Training Manager will base their appointment of the investigative officer on:
 - a The level of seriousness of the reported misconduct
 - b The impartiality of the investigator

- c The skill, experience and availability of the investigator
- 3 Once the Investigation Officer is appointed the following investigation process will take place.
- 4 Investigation's into misconduct will be complete by Stirling Institute within 10 business days and students may be suspended from Stirling Institute during this time, depending on the severity of the alleged misconduct. In more complex cases investigation may take up to 20 business days, in these cases all parties involved will be kept up dated via email.
- 5 Students will be informed via email of the alleged misconduct with 1 business day of Stirling Institute receiving the complaint and will be advised in this email if a suspension has been applied for the duration of the investigation.
- 6 Students will be invited to attend a meeting with the investigative officer to present their side of the story. Student will be permitted to have a third party attend this meeting if they wish.

Preparation and Information Collection

- 1 Review the report of misconduct and determine the most appropriate manner of investigation
- 2 Obtain relevant background information including (but not limited to):
 - a Relevant policies and procedures
 - b Codes of conduct
 - c Relevant legislation
 - d Student academic and administrative records
 - e Interviewing the relevant parties
- 3 Where the report of misconduct is of a serious nature, a panel may need to be formed to collectively undertake the investigation, make findings and recommendations. The panel will be formed by the Training Manager in consultation with the CEO.

Making a finding

- 1 The Investigation Officer or Panel will assess all the evidence collected and consider it:
 - a The strength and reliability of the evidence
 - b Impact on the student and Stirling Institute
 - c Policies and procedures of Stirling Institute
 - d Legal considerations
- 2 The Investigation Officer or Panel will determine whether the misconduct has been proved
- 3 If satisfied that misconduct has been proved, impose one or more penalties in accordance with this policy and procedure

Reporting

- 1 Upon finalising a detailed investigation, the Investigation Officer or Panel will be responsible for compiling a report to the Training Manager outlining the following:
 - a The report of misconduct;
 - b Account of relevant information received as well as information rejected as well as why rejected;
 - c Conclusions reached and reasons why;
 - d Recommendations for penalties arising from conclusions;
 - e The report should also include any transcripts, statements and/or evidence obtained in the course of the investigation.
- 2 Where the report involves serious misconduct that may necessitate heavier penalties or be subject to exclusion, suspension, expulsion the report may need to be made to the Chief Executive Officer.
- 3 All reports of misconduct are recorded in the Student Management System in the student file.

Penalties

- 1 The Investigation Officer or Panel may, in relation to any reported student misconduct, take any one or more of the following courses of action:
 - a where the allegation of misconduct is not supported by the evidence, dismiss the allegation;
 - b place a record of misconduct on the student's record with no further penalty;
 - c reprimand the student;
 - d impose a conditional penalty intended to encourage rehabilitation and a change in behaviour to avoid further misconduct and may include for the student to:
 - i seek counselling;
 - ii apologise to any person aggrieved by the misconduct; or
 - iii be on probation for a specified period of time with conditions.
 - e require the student to recompense Stirling Institute or to a person for property lost, damaged, or destroyed due, in whole or in part;
 - f impose a financial penalty;
 - g exclude the student from areas of campus;
 - h suspend the student for a period of time not exceeding one semester;
 - i expel the student; or
 - j impose a combination of these penalties.

Notice and Effect of Decision

- 1 Within ten days of any decision to impose a penalty under this Policy and Procedure, the student must be provided with written notice of the:
 - a decision and the reasons for the decision;
 - b penalty imposed and conditions attached;
 - c right to appeal the decision under this Policy and Procedure.
- 2 A determination to suspend or expel a student will remain in effect until any appeal has concluded and been decided. Subject to the absolute discretion of the Training Manager, Stirling Institute shall not where that student has failed to pay or fulfil any penalty imposed under this Policy and Procedure by the required date:
 - a re-enrol;
 - b issue any statement of results;
 - c issue any transcript of academic record; or
 - d confer any award to a student

Appeal

A student may appeal against a decision made under this policy as detailed in the PP07 Complaints and Appeals Policy and Procedure.

6. Responsibility

The Quality and Compliance Manager is to ensure all requirements of this Policy and Procedure are met.

Training Managers are responsible for all course delivery staff being aware of their obligations to advise students regarding processes which are consistent with the requirements of this policy.

All staff and clients adhere to Stirling Institute of Australia Policies and Procedures.

The Quality & Compliance Manager, with direct access to the CEO, has the responsibility to ensure that Stirling Institute of Australia complies with all of the statements and processes included in this document. They must also maintain these standards across all of the areas of operation of Stirling Institute of Australia.

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer in person or by email to: info@sia.edu.au

7. Review Date

12 months from the date of this version, or as required.

8. Version History

Version	Date	Reason for change	Prepared By	Approved By
2018_v1	June 2018	Initial version	Quality and Compliance Manager	CEO
2019_V1.1	July 2019	Updated with more clarity on time frames for investigation	Alison Marriage	CEO (DY)

9. Student Code of Conduct

Student 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 Stirling Institute of Australia Pty Ltd 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 Stirling Institute of Australia Pty Ltd on the client services, training, assessment and support services they receive.
- Be informed of any changes to agreed services, and how it affects them as soon as practicable

Student Responsibilities

All students, throughout their training and involvement with Stirling Institute of Australia Pty Ltd 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 Stirling Institute of Australia Pty Ltd 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 laws.

- 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 Stirling Institute of Australia Pty Ltd if any difficulties arise as part of their involvement in the program.

If you do not follow the above conduct requirements and housekeeping rules, you may be subject to disciplinary action such as suspension or a requirement to follow a disciplinary action plan.