

Name: Student Behaviour & Misconduct Policy and Procedures
Endorsed by: Continuous Improvement and Management Committee
Date approved: March 2020
Review Date: September 2021

PURPOSE

The Student Behaviour & Misconduct Policy and Procedures defines the standards of behaviour expected by each person who is a student of Benchmark College and outlines the process to manage allegations of student misconduct.

SCOPE

This policy and procedure applies to the management of allegations of misconduct by Benchmark College students.

RELATED DOCUMENTS

- Pre-enrolment Information
- Consumer Protection Policy
- RTO Notification of Issues Form (Training Services NSW)
- Student Handbook
- Complaints and Appeals Policy and Procedure
- Privacy Policy

RELEVANT STANDARDS, GUIDELINES & REGULATIONS

This Behaviour & Misconduct Policy and Procedure addresses:

- Standard 4 & 5 of the Standards for Registered Training Organisations (RTOs) 2015
- NSW Anti-Discrimination Act (1977)
- Sex Discrimination Act (1984)
- Age Discrimination Act (2004)
- Sex Discrimination Act (1984)
- Racial Discrimination Act (1975)
- Privacy and Personal Information Protection Act 1998 Equal Opportunity Act 2010
- Disability Discrimination Act (1992)
- Smoke-free Environment Act 2000
- Smart and Skilled Contract Terms and Conditions (current)

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DEFINITIONS/ ACRONYMS

Academic Misconduct	<p>May include but is not limited to;</p> <ul style="list-style-type: none"> ▪ Failure to attend classes greater than 20% of course duration without reasonable explanation ▪ Failure to attend five consecutive days of classes without reasonable explanation ▪ Failure to pay outstanding fees ▪ Plagiarism, and failing to properly acknowledge sources ▪ Forging of signatures
Conflict of Interest	A conflict between a person's private interests and Benchmark College's obligations
General Misconduct	<p>Behaviour which;</p> <ul style="list-style-type: none"> ▪ Disrupts the learning of others ▪ Prevents staff members from performing their duties ▪ Endangers the health and safety of staff and/ or students/trainees ▪ Interferes with Benchmark College operations
Plagiarism	Failure to acknowledge other authors - a student is incorrectly claiming as work of their own. At Benchmark College plagiarism is unacceptable student conduct (NSW Department of Education standards ¹).
Student	Any person who is actively enrolled in any full qualification course or short course program delivered by Benchmark College.

¹ <https://educationstandards.nsw.edu.au/wps/portal/nesa/11-12/hsc/hsc-all-my-own-work/plagiarism/what-is-plagiarism> accessed 29/07/2020 at 0940am.

POLICY

To ensure all students receive an enjoyable learning experience, it is necessary to outline the standards of behaviour expected by Benchmark College and define what constitutes 'misconduct' requiring intervention by Benchmark College personnel. Processes and systems are required to be transparent, robust, fair and equitable and compliant with relevant legislation and regulations.

The guidelines contained within this policy are articulated to the students through enrolment and induction processes and reinforced through the duration of their training and assessment. Any allegation that a breach of the code of conduct is confirmed will lead to formal disciplinary procedures.

Staff Responsibilities

Benchmark College acknowledge a responsibility of their staff to:

- Objectively investigate any allegations of misconduct
- Inform all students of expectations related to behaviour
- Explain to students what constitutes behaviour misconduct
- Model exemplary behaviour and act as an example for students and other staff
- Supervise student behaviour and the behaviour of other staff
- Promote a positive environment that supports a student's individual personality whilst setting clear boundaries relating to acceptable behaviour
- Respond immediately to observed behaviour misconduct to maintain a safe environment for staff and students and to protect the rights of individuals or groups
- If the observed behaviour misconduct is serious in nature, the staff member may suspend the students participation in training and assessment activities (training sessions, assessment, study sessions, lab sessions, field activities, etc.)
- Communicate and escalate issues of concern to the Training Manager or Benchmark College staff
- Report (in writing) behaviour misconduct when it is observed, and actions taken in the immediate response
- Ensure students understand their rights of appeal.

Student Responsibilities

Students are responsible to:

- Be informed of and comply with Commonwealth and State law
- Communicate with Benchmark College when they are not able to attend any scheduled class and day of work experience due to illness or any other legitimate reason.
- Identify themselves truthfully and give accurate information relating to their status as a student.
- Act in a professional manner whilst on work experience.
- Behave in a way that supports the safety or health of any other person
- Behave in a way that supports the freedom of other persons (students) to pursue their studies and participate in the activities of Benchmark College
- Behave in a way that supports the conduct of an official RTO meeting, ceremony, activity, class or examination/assessment
- Ensure that all answers and evidence submitted in each assessment is their own work
- Acknowledge the work of others and published articles.
- Communicate in a way that demonstrates respect for others and is free from verbal abuse
- Treat others with respect and not discriminate based on gender, race, age, sexual preference or religious belief or any other perceived differences
- Be free from (not under the influence of) prohibited drugs and/or substances including alcohol during attendance at Benchmark College and/ or training and assessment visits
- Treat RTO property with respect and prevent damage or destruction of property.

Examples of misconduct include, but are not limited to:

- Absences greater than 20% of the course duration without providing a reasonable explanation to Benchmark College personnel.
- Falsifying records
- Breaches of confidentiality and privacy
- Cheating, including permitting another student to copy their answers.
- Deliberately disruptive behaviour
- Deliberate misuse of Benchmark College resources or equipment
- Plagiarism
- Unexplained absences of five consecutive scheduled course days
- Unexplained absences during scheduled work experience
- Attending Benchmark College whilst under the influence of alcohol or prohibited, illegal or other non-prescribed substances
- Verbally abusive or hostile behaviour affecting students or staff
- Discriminatory behaviour, slander or harassment (whether verbal, sexual or otherwise) of staff or other students
- Being in possession of a weapon or other dangerous article on Benchmark College premises
- Threatening behaviour or physical assault of another student, staff member or visitor of Benchmark College
- Smoking inside Benchmark College premises or disobeying legislation that bans smoking within 4 metres of a pedestrian access point to a public building
- Wilful malicious damage of College property or the property of any person
- Theft of property from Benchmark College training rooms, Staff or Students.

PROCEDURES

Provision of Information

The Benchmark College Student Handbook is made available to students upon the commencement of their course. This information is distributed at the time of enrolment and can also be found in the student section of the website.

Student's responsibilities and expectations are discussed by the Trainer at induction as well as by Benchmark College personnel prior to application and enrolment. Students are required at this time to read the Student Handbook regarding abiding by the expectations outlined within the document. Copies of the Student Handbook will be available from Benchmark College's website, head office and can be provided to host employers where required for work experience.

The work experience agreement is discussed by the Work Experience Coordinator to each student at a scheduled day during scheduled class. Students are required to read the work experience agreement regarding the host employer and student's responsibilities.

Procedures for Managing Misconduct

The Training and Engagement Manager may, in respect of any behaviour or misconduct by a student:

- Meet with that student to discuss the breach and clarify the student's rights and responsibilities, the College expectations and the potential impact of the breach. Students are encouraged to invite a support person to any meeting regarding a breach of misconduct (e.g. parent, friend etc.)
- Depending on the type and seriousness of the student's misconduct, develop a learning contract outlining specific actions/requirements
- For serious misconduct, immediately suspend the student for a period not exceeding fourteen (14) days, as may be determined, pending investigation of the breach. (Note: The Training Manager may allow the Student to continue their studies and assignments off campus for the duration of the suspension)
- Where State or Commonwealth laws appear to have been breached, the matter **will** be referred to the Police or other appropriate authority.
- Advise the student in writing of the alleged incident of misconduct and that they have fourteen (14) working days to make oral or written representations regarding the alleged incident of misconduct. Impose one or more of the following behavioural management strategies:
 - Reprimand and warn (formal warning in writing) the student against repetition of the misconduct;
 - Suspend the student from accessing College facilities and / or services for a designated period;
 - Instigate a behavioural management contract with the student including agreed monitoring arrangements and consequences based on repetition of the misconduct;
 - Cancel the student's enrolment (serious misconduct involving violence to others, damage to property or breach of State or Commonwealth law).
- The student is provided a written statement detailing the decision, including information on their right to appeal the decision.
- A contemporaneous documentation of events will be recorded on the College's Student Management System.
- Where the student is enrolled into a NSW Government Subsidised program (i.e. under a Smart and Skilled program), an RTO Notification of Issues form may be completed and submitted to Training Services NSW for intervention.

Fees and Refunds

Students who commits behavioural misconduct after being formally warned will have their enrolment withdrawn/ cancelled and will not be entitled to a refund. This does not limit the requirement to provide the student suitable warning in writing, the opportunity to make oral or written representations regarding the misconduct or their right to appeal a decision.

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Diagram 1: Procedures for Managing Misconduct

