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Student Conduct Management Procedure – Version 4

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Authorised by: CEO



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1 Document Control

Version	Date	Amended by	Changes Made
1	22/09/2017	Executive Manager Student Life	Updated position references
2	23/11/2017	Executive Manager Student Life	HEBOS & VETBOS comments
3	28/02/2018	Executive Manager Student Life	Update position reference
4	13/09/2020	Executive Manager Student Life	Updated process area, reference VRQA Guidelines and ESOS Code to section 5. In section 4 update position titles for M4 and M5.

2 Purpose

To provide a framework for lodging and resolving a Student Conduct Management issue. This procedure replaces the Learner Conduct Management Procedure - Box Hill Institute and CAE.

3 Scope

Student misconduct is defined as breaches of the Student Code of Conduct. The procedure defines the initial process of resolving a student conduct management issue, the commencement of formal processes and the appealing of a decision (internally and externally).

This Procedure sets out a process to ensure:

Objectivity and fairness

Resolutions are managed within an equitable, objective and unbiased manner and with regards to fairness and timeliness.

Access and transparency

Information about the Student Code of Conduct and that breaches of the Student Code of Conduct may result in action according to Institute policies and procedures is publicised at student orientations and easily accessible on the Box Hill website and Student Web. The informal and formal processes in managing student misconduct and how and where students can appeal (informally and formally) is also detailed.

Document: **Student Conduct Management Procedure**

Document No.: **SXP-STL-PRO003**

Process Area: **Student Experience**



Responsiveness

Managing and resolving student conduct management issues are acknowledged in a timely manner, addressed promptly and according to their urgency, and the Student is informed of the process.

Confidentiality and Privacy

Student Conduct Management issues are treated confidentially except where the law otherwise provides and when a student is under 18, the parent/guardian may be contacted to inform them of the situations and to explain the process.

4 Procedure/Responsibilities/Accountability

Key: R – Responsibility

A – Accountability

Item	Steps	Teacher/staff member	Coordinator /Manager	Dean / Manager	Director VET / HE / GM Adult Learning	ED/Educational Delivery / Commercial
1	Step 1 Initial Process The following process occurs when a teacher/staff member attempts to resolve a minor student conduct management issue directly with a student : a) Request a Student Identification card where the identity of the person is not known b) Convene a discussion with the student alleged to have breached the code of conduct c) Seek an undertaking from the student to cease or modify the behaviour or misconduct d) Inform the student of the services of Student Life, and make a referral if appropriate e) Keep a written record of the interaction including who was in attendance, a description of the concerning behaviour and the outcome. The record of the interaction is to be referred to the managers of the student's course.	R				

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Item	Steps	Teacher/staff member	Coordinator /Manager	Dean / Manager	Director VET / HE / GM Adult Learning	ED/Educational Delivery / Commercial
	<p>Where the matter cannot be resolved between the teacher/staff member and the student, or if the student initially agrees to certain undertakings that appear to resolve the matter but fails to fulfil those undertakings:</p> <ul style="list-style-type: none"> a) Brief the relevant coordinator/manager on the relevant issues and provide them with the written documentation of what has occurred, including records of interactions and agreed outcomes b) Refer the student to the course coordinator/manager c) Convene a discussion with the student concerned d) Inform the student of the conduct management procedure e) Where a student is under 18, the parent/guardian of a student may be contacted to inform them of the situation and explain the process. f) Seek a further undertaking from the student to cease or modify the behaviour or misconduct. This undertaking may take the form of requesting the student to enter into a written Student Commitment. g) Keep a written record of the discussion including who was in attendance, a description of the concerning behaviour and the outcome 	R	R			
2	<p>Step 2 Formal Process</p> <p>The formal process commences when a teacher/staff member, coordinator/manager formally involves their Manager or Dean/Head of Faculty in an attempt to resolve a student conduct management issue.</p> <p>Where matters are considered to be of a serious nature they should be referred immediately to the relevant Dean/Head of Faculty who may choose to consult with the Director of Vocational Education/ Director of Higher Education// Executive General Manager Adult Learning.</p> <ul style="list-style-type: none"> a) Immediately contact and inform the parents/guardians of the student of the situation and process if the student is under 18 b) May exclude the student for a period of up to five (5) working days from all or sections of the Institute, and notify the Director of Vocational Education/ Director of Higher Education// Executive General Manager Adult Learning, and in the case of international students the General Manager/ Vice President International. 	R	R	A R	A	



Item	Steps	Teacher/staff member	Coordinator /Manager	Dean / Manager	Director VET / HE / GM Adult Learning	ED/Educational Delivery / Commercial
	<p>c) Deans/Head convene an interview with the student concerned, requesting the attendance of the parents/guardians if the student is under 18.</p> <p>d) Communicate the formal phases of the process</p> <p>e) Inform the student of the right to have a support person present during the process (non legal) either from Student Life or another person of their choice</p> <p>f) Inform the student of other services of Student Life and make a referral if appropriate</p> <p>g) Seek an undertaking from the student to change or modify the inappropriate behaviour or misconduct. This may take the form of the student entering into a new or revised Student Commitment.</p> <p>Keep all records of interview, outlines of recommendations and copies of Student Commitments if appropriate.</p>					
3	<p>Where the matter cannot be resolved between the Dean/Head of Faculty and the student, or if the student initially agrees to certain undertakings that appear to resolve the matter but fails to fulfil those undertakings or the matter is of a serious nature the relevant Director of Vocational Education/ Director of Higher Education / Executive General Manager Adult Learning should be briefed and all records supplied.</p>			R	A	
4	<p>The Director of Vocational Education/ Director of Higher Education / Executive General Manager Adult Learning may:</p> <p>a) Instigate an independent investigation of the matter.</p> <p>b) Identify an Investigator in consultation with the Dean/Head of Faculty and brief them regarding the material facts and the conditions by which the investigation should be conducted.</p> <p>c) Exclude the student from all or a section of the Institute for a period of up to ten (10) working days</p> <p>d) Determine an appropriate outcome which may include establishing and agreeing on undertakings with the student(s) which may include</p> <ul style="list-style-type: none"> • entering into a new or revised Student Commitment • requiring a formal apology from the student • Ordering the student to compensate the Institute for damages or loss of property caused by the student • Withholding the student's results until outstanding debts to the Institute have been paid • Excluding the student from parts of the campus • Recommend to the Executive Director Educational Delivery/ Executive Director Commercial that the 				R	



Item	Steps	Teacher/staff member	Coordinator /Manager	Dean / Manager	Director VET / HE / GM Adult Learning	ED/Educational Delivery / Commercial
	learner be temporarily or permanently excluded from the Institute and their enrolment terminated.					
5	<p>The Executive Director Educational Delivery/ Executive Director Commercial will:</p> <ul style="list-style-type: none"> a) Review the recommendation to exclude the student by consulting the relevant records pertaining to the matter, and, where the misconduct warrants such action, exclude the student from Institute for a defined period or terminate the enrolment; b) The Executive Director Educational Delivery/ Executive Director Commercial may also withhold student's results until any outstanding Debt to the Institute has been paid. 					R
6	<p>Appealing a Decision (internal)</p> <ul style="list-style-type: none"> a) Students may appeal against a penalty decision to suspend an enrolment for a period greater than ten (10) working days, or cancel an enrolment and /or make restitution if they believe that: <ul style="list-style-type: none"> • The Institute did not follow the procedure, and/or • Personal bias or bad faith was involved in making the decision, and/or • The student was discriminated against (as specified by the Victorian Equal Opportunity Act 2010 or the Australian Sex Discrimination Act 1984). b) Local students have five (5) working days and International students have twenty (20) working days from being notified of a penalty within which to lodge an appeal. <p>A Student wishing to lodge an appeal:</p> <ul style="list-style-type: none"> • Must put the appeal in writing and send with the Notice of Appeal Form to the Institute Registrar Postal Address: Registrar's Office, Private Bag 2014, Box Hill 3128, Australia. • May consult with Student Life or a person of their choosing (non legal) to assist in the preparation of their appeal 					A



Item	Steps	Teacher/staff member	Coordinator /Manager	Dean / Manager	Director VET / HE / GM Adult Learning	ED/Educational Delivery / Commercial
	<p>c) The Registrar will submit the appeal to the Chief Executive Officer (CEO) for their consideration.</p> <p>d) The CEO, on receiving an appeal will:</p> <ul style="list-style-type: none"> • Nominate and have brief prepared for a person independent of the management and staff of the Institute to investigate the matter and make a recommendation. • Write to the student; acknowledging the appeal and the investigation process notifying them that they may be required to appear before an appeals hearing, giving at least five (5) days' notice, and noting that the student(s) have the right to (non legal) support at the hearing. • Note in the correspondence to the student that a hearing will proceed and a determination may be made despite failure of the student concerned to appear at the appointed time. • Make a determination after receiving the recommendation of the independent investigator. The decision of the CEO is final. There is no further appeal against the decision of the CEO to any other officer or body within the Institute. <p>e) The Institute will not report the suspension or termination of an International student's enrolment on PRISMs until the appeals process has been completed.</p>					
7	<p>Appealing a Decision (external)</p> <p>a) Complaints about administrative actions and decision of the Institute can be made to the Victorian Ombudsman. The Ombudsman is generally, the office of last resort.</p> <p>b) It should be noted that the Ombudsman may request that all the steps outlined in this procedure are followed, before accepting a complaint.</p> <p>c) International students also have the right to contact the Commonwealth Department of Education in relation to grievances under the ESOS Act.</p>					A

5 Related Documents

Documents, Standards and reference material associated with this procedure include:



Box Hill Institute Group

- Student Conduct Management Policy
- Complaint: Student, Customer, Client and Stakeholder Policy & Procedure
- Student Commitment
- Notice of Appeal Form

External

- Victorian Equal Opportunity Act 2010
- Australian Sex Discrimination Act 1984
- ESOS National Code of Practice 2018
- VRQA - Guidelines for Non-school Senior Secondary Education Providers: Minimum Standards for Registration to Provide an Accredited Senior Secondary Course

5.1 Risk/Opportunity Assessment

Risk/Opportunity	Likelihood	Severity	Assessment Method (if applicable)	Mitigation
Student conduct issues may go unreported and unattended	Possible	Moderate		Staff and student awareness of student conduct management policy and procedure.

6 Responsibilities

Key stakeholders are the Leadership Team, Student Life and Teaching Faculties.

Procedure	Persons responsible
Responsibility for implementation of this policy	Executive Manager, Student Life

7 Procedure Owner

The Executive Director Student Experience is the owner of this policy.

Executive Director Signature	Date Endorsed	Author Title
Jennifer Newport	25 September 2020	Executive Manager Student Life

8 Approval Body

The CEO is the approval body.

CEO	Date Approved
Vivienne King	24 September 2020