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## Student Misconduct Policy - VET

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**Policy Code:** STU-035    **Version:** 2.0    **Effective Date:** 28 June 2019

### Purpose:

This policy defines the actions that constitute academic or non-academic misconduct by Vocational Education and Training (VET) students and outlines the College process for investigating allegations of student misconduct. It also describes the potential consequences should an allegation be proven.

**Definition of “College”** – *The Australian College of Natural Medicine Pty Ltd (ACNM) trades as Endeavour College of Natural Health (Endeavour) and FIAFitnation. For the purpose of this policy, any reference to ‘College’ or ‘the College’ should be considered a reference to each or any of these respective trading names.*

### Scope:

- All Campuses delivering VET courses
- All VET courses, Units of Study and Units of Competency
- All VET Students
- All Training and Assessing Staff
- Student Services Staff

### Policy Statement:

This policy applies to all VET students of the College, and to conduct occurring at any premises or facilities owned or occupied by the College, and to any events or activities conducted under the name and auspices of the College such as excursions, educational placements with external organisations and the like. This policy should be read in conjunction with the [Student Code of Conduct – VET](#) (the code; for VET students) which describe the College’s expectations of a student’s behaviour. A breach of the code may result in an allegation of student misconduct. All allegations of student misconduct will be investigated in a manner that is fair, consistent and transparent providing all parties with an opportunity to be heard.

### Student Misconduct

Student misconduct can be defined as either academic, non-academic or research-related.

**Student misconduct (academic)** includes but is not limited to conduct that:

1. involves academic fraud, cheating, plagiarism, collusion and any other dishonest conduct by a student to gain academic or general advantage; or
2. contravenes the provisions of the code, academic rules, policies, procedures and/or guidelines.

**Student misconduct (non-academic)** includes, but is not limited to conduct that:

1. contravenes the provisions of the code, non-academic rules, policies, procedures and/or guidelines;
2. adversely impacts on the College's reputation including the reputation of staff, students or other members of the College community;
3. is criminal or unlawful on College premises or property, or on a location where a student is present under the auspices of the College;
4. damages or wrongfully deals with any property under the control of the College, any property on College premises, or property on a location where a student is present under the auspices of the College;
5. obstructs any staff, student or other member of the College community in the performance of their duties;
6. assaults, threatens, bullies, harasses, or endangers any staff, student or other member of the College community or causes them fear for their personal safety;
7. attempts to improperly influence any staff, student or other member of the College community in the performance of their duties; and/or disobeys any instruction of College staff or contractors, including the failure to leave any building or part of a building when directed to do so, or the failure to comply with an imposed penalty or agreed outcome under College rules and policies;
8. impairs the reasonable freedom of other persons to pursue their studies or research or to participate in the life of the College;
9. disrupts, interferes with, or is detrimental to the conduct of any teaching, study, assessment, research, or administration of the College;
10. refuses, withholds, or fails to identify oneself truthfully or furnishes false personal information to any staff, student or other member of the College community;
11. falsifies, or attempts to falsify, College records or official files/documents;

12. breaches confidentiality or privacy requirements or obligations in respect of the College, its staff, students, clients or other members of the College community (including via inappropriate communication on social media);
13. significantly obstructs or interferes with the business of the College; and/or
14. encourages, persuades or incites any other person to engage in conduct or behaviour constituting non-academic misconduct.

## Responsibility

It is the responsibility of all members of the College community to report alleged incidents of Student Misconduct.

In the first instance, academic matters should be referred to a Trainer and Assessor on the campus where the alleged incident has occurred. Instances of academic misconduct will be handled according to the [Detecting and Managing Plagiarism, Cheating & Collusion Procedure – VET](#).

Non-academic matters should be referred in the first instance to a chosen Trainer & Assessor or a member of the Student Services team. It is the responsibility of the staff member first notified to complete the necessary communication in the student record within the Student Management System regarding the incident and submit it to the National VET Manager for further action as indicated in this policy. The detail required in that communication is outlined in the [Student Misconduct Record Work Instructions](#).

## Procedural Fairness

The College is committed to the principles of procedural fairness and natural justice. This includes:

- the presumption of innocence unless guilt is freely admitted or proved by clear and convincing evidence
- the right to be heard
- the right to be treated without bias
- the right to be informed of allegations being made and to be provided with an opportunity to respond to these
- the right to be given reasons for any decision.

The student shall be given an opportunity to correct information, explain mitigating circumstances and make a submission as to the penalty/ies that may be imposed.

No member of staff can make a determination on a misconduct matter if he or she has had prior involvement in any aspect of the allegation.

Students are entitled to due notice of any allegations of student misconduct made against them. Allegations may be amended at any time before their determination, provided the student has received notice.

The College takes multiple breaches of the code seriously. Knowledge that a student has been found guilty of a past misconduct offence will be taken into account when determining the penalty/ies to be imposed.

The College is committed to investigating and determining allegations of student misconduct as expeditiously as is practical recognising that a student can be significantly affected by delay in the resolution of the matter. A specified time period may be extended at the discretion of the National VET Manager.

## Handling the Alleged Misconduct

The following process will be used for *non-academic* student misconduct. For information about the process for handling academic student misconduct for VET students, please refer to the [Detecting and Managing Plagiarism, Cheating & Collusion Procedure - VET](#).

The procedures for dealing with possible non-academic student misconduct are designed to be as limited and responsive as possible.

The College Council delegates authority to the National VET Manager to deal with an allegation of VET student misconduct by either:

- i) making a decision to accept or dismiss the allegation and providing reasonable penalties if the allegation is accepted; or
- ii) referring the allegation to the Student Misconduct Committee.

### Step 1

If a staff member or student experiences or observes what they believe may be 'Misconduct', they should advise the Trainer & Assessor or Student Services staff member on site.

As a preliminary step, it is at the discretion of the observer experiencing the perceived misconduct as to whether they question or advise the individual concerned, before notifying the staff member.

In advising the staff member, the observer who experienced possible misconduct should provide sufficient details of the alleged misconduct and any supporting evidence which can then be forwarded to the National VET Manager by the staff member.

### Step 2

The National VET Manager will review the allegation and supporting evidence along with any information of previous incidents that may be on the student's record, and will take one of the following actions within 5 working days:

1. dismiss the allegation; or
2. contact the student, put the allegation to them and invite them to comment.

If it is decided to dismiss the allegation, this would mean that there is little or no supporting evidence to support the allegation and there are no clear grounds for the allegation to be put to the student. In all other instances, the student will be contacted by the National VET Manager in writing and will have the right to reply to the allegation within 10 working days (this may be either in writing or via an organised meeting).

### Step 3

If the student replies to the allegation, the National VET Manager will record the response and any additional supporting evidence on the student's record. All evidence will then be taken into consideration, and the National VET Manager will choose either option (a) or (b) below within 5 working days of the student reply.

If the student does not reply to the allegation within the stated timeframe, the National VET Manager will, within 5 working days choose either option (a) or (b) below:

- a) make a decision on the matter and advise the student (and the Dean & Director of Operations where relevant) of the outcome and any associated penalty/ies; or
- b) refer the matter to the Student Misconduct Committee.

The National VET Manager may at any time during their deliberations, request information or advice from others who may be able to assist with the investigation.

In certain circumstances the National VET Manager may advise the student of a temporary exclusion from all student activities pending the results of the investigation and the final outcome of the Student Misconduct Committee. All rights will be returned if the student is deemed to be innocent. Circumstances in which this may occur are of a serious or criminal nature such as assault or fear for personal safety by members of the College community or the student themselves. The student will be advised in writing of the terms of their exclusion by the National VET Manager. When handling matters related to international students, the National VET Manager should refer to the [Deferring, Suspending or Cancelling Enrolment Policy – International](#), and may seek advice from the National Quality, Governance & Compliance Manager.

## Student Misconduct Committee

Allegations of student misconduct may be referred to the Student Misconduct Committee if the student appeals the decision of the National VET Manager, or if the allegations are considered to be of a serious nature that could have a significant impact on the student or the reputation of the College.

The Student Misconduct Committee is an ad hoc committee that is brought together only in instances where a misconduct allegation requires investigation. Further information on the committee including membership and Terms of Reference can be found in the College's [Academic Governance Framework](#).

As part of the committee's investigation, they may require students and staff involved in the allegation to attend a further meeting or provide information on request.

The committee will determine an outcome and will notify the student in writing of this outcome and any associated penalty/ies within 10 working days of the decision.

The committee secretariat will be responsible for ensuring that the student's record is updated with information on outcomes and penalties.

If the student is not satisfied with the outcome of the Student Misconduct Committee, they can seek external independent mediation as detailed under Stage 4 in the [Grievance Policy – VET](#) or [Complaints and Appeals Policy - International](#).

## Outcomes & Penalties

Possible outcomes determined by the National VET Manager or the Student Misconduct Committee may include, but are not limited to, the following:

- allegations made against the student are dismissed
- requested apology to those involved
- a formal warning on student file
- student to attend the Student Assistance Program counselling
- resubmission of work
- probationary enrolment for a period up to 12 months, subject to the student's ongoing good behaviour
- suspend the student from the College for a specified period of time, not exceeding 12 months
- cancel credit or enrolment for any unit of study / unit of competency
- withhold results
- exclude the student from the College permanently; or
- a combination of the above.

## Appeals

If the student is not satisfied with the outcome determined by the National VET Manager they must respond to the written notification of the outcome within 10 working days of receipt of the decision, requesting an investigation by the Student Misconduct Committee.

If the student is not satisfied with the outcome of the Student Misconduct Committee, they must lodge a grievance in accordance with Stage 4 of either the [Grievance Policy – VET](#) for domestic students or the [Complaints and Appeals Policy - International](#) for international students.

## Related Procedures:

[Detecting and Managing Plagiarism, Cheating & Collusion Procedure - VET](#)

**Definitions:** **Student** – is an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College’s documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

## Further Information:

**Related Policies:** [Complaints and Appeals Policy - International](#)  
[Deferring Suspending or Cancelling Enrolment Policy – International](#)  
[Grievance Policy – VET](#)  
[Plagiarism, Cheating & Collusion Policy - VET](#)  
[Student Code of Conduct - VET](#)

**Benchmarking:** University of Western Sydney, Griffith University, Melbourne University, Swinburne, RMIT.

**Supporting Research and Analysis:** Not applicable

**Related Documents:** [Academic Governance Framework](#)  
[Student Misconduct Record - Work Instructions](#)

**Related Legislation:**            *National Vocational Education and Training Regulator Act 2011*  
*Standards for Registered Training Organisations (RTOs) 2015*

**Guidelines:**                    Not applicable



<b>Policy Author:</b>	Director, Student Services
<b>Policy Owner:</b>	National VET Manager
<b>Contact:</b>	National VET Manager ewan.birnie@fiafitnation.com.au
<b>Approved by:</b>	College Council Date: 23 August 2013
<b>Policy Status:</b>	Revised
<b>Responsibilities for Implementation:</b>	<ul style="list-style-type: none"> <li>• <i>National Quality, Governance &amp; Compliance Manager</i></li> <li>• <i>National VET Manager</i></li> <li>• <i>National Program Manager</i></li> <li>• <i>VET Trainers and Assessors</i></li> <li>• <i>Student Services team</i></li> </ul>
<b>Key Stakeholders:</b>	<ul style="list-style-type: none"> <li>• <i>All VET staff</i></li> <li>• <i>All VET students</i></li> <li>• <i>Dean &amp; Director of Operations</i></li> <li>• <i>National Quality, Governance &amp; Compliance Manager</i></li> <li>• <i>National VET Manager</i></li> <li>• <i>Student Services team</i></li> </ul>