

Policies and Procedures

QMS2: P005C Student discipline

Policy details	
Responsible area	
Endorsed by	General Manager Date 14 April 2016
Review date	14 April 2017
Modifications	30.03.15 Updated to new format for procedures and minor revisions 14.4.16 Review only

Policy statement
<p>All members of our staff and students at Linx Institute have a responsibility to maintain an environment where students are able to learn in peace and safety. This policy deals with the actions that will be taken should staff or students act outside our Code of Conduct, our policies, or any state or federal law of Australia.</p> <p>We will apply disciplinary procedures in a fair and transparent and appropriate manner, in line with the principles of natural justice. Disciplinary decisions are open to appeal through our Complaints and Appeals procedures.</p> <p>Nothing in this Policy changes a person's right or our right to refer alleged misconduct at any stage to external authorities.</p>

Definitions
<p>Misconduct Misconduct is behaviour which occurs whilst on Linx Institute's premises or facility (e.g. the College's online site) or whilst involved in a College activity (e.g. work placement). It is defined as conduct which</p> <ul style="list-style-type: none"> • unreasonably impairs the rights of other persons to pursue their work or study or which unreasonably interferes with the due processes of the College or which causes damage to property; • behaviour which injures other persons or which endangers the safety of other persons • wilfully or negligently destroys, damages, loses or removes or otherwise interferes with College property • breaches the copyright or moral rights of a third party, including use of College facilities, services or amenities; • involves entering any place in the College where a student is not authorised • fails to comply with any lawful order or direction of an employee of the College or of a person acting under the authority of the College • fails to comply with any College policies and code of student



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	<p>conduct</p> <ul style="list-style-type: none"> is prejudicial to the good order and reputation of the College
Academic misconduct	<p>Academic misconduct refers to conduct by a student that is dishonest, cheating or unfair in connection with any assessment work, including assessment by Recognition of Prior Learning.</p> <p>Examples of academic misconduct include:</p> <ul style="list-style-type: none"> Plagiarism – the adoption or reproduction of original creations of another author(s) without due acknowledgment. Impersonating a student in an online assessment/test/quiz or for another to impersonate, take or complete the assessment on your behalf Contracting to another person to complete an assessment on your behalf, purchasing an assignment Copying answers from another person or permitting another student to copy answers in a test or assessment activity Disrupting student’s own or other students’ assessment activity in any way Falsifying data, information, citations or qualifications in any assessment activity
Non-academic misconduct	<p>Non-academic misconduct is misconduct that does not directly relate to assessment activity, which occurs whilst on Linx Institute’s premises or facility or whilst involved in a College activity.</p> <p>Examples of academic misconduct include where a student:</p> <ul style="list-style-type: none"> contravenes any provision or requirement of Linx Institute’s policies and code of student conduct behaves in a manner that prejudices the good name or reputation of Linx Institute engages in unlawful or criminal activity on College premises damages or destroys College property (including library books, computing hardware or software, or the deliberate release of computer viruses) misuses College facilities, systems and equipment, to engage in illegal activity or activity prohibited by the College’s rules and policies (for example, computer hacking, infringing copyright) steals or misappropriates College property or equipment harasses, vilifies, bullies, abuses, threatens, assaults or endangers staff, students or other members of the College’s community directly or by other means of communication unreasonably disrupts staff or students or other members from undertaking their normal activities at the College fails to follow reasonable directions of an employee of the College alters, falsifies or fabricates any document or record of the College (e.g. Statement of Attainment, competency assessment); alters or falsifies any documentation that the College requires



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	<p>of the student (e.g. Qualifications, Statements of Attainment, resume, employment history, medical certificate or other supporting documentation)</p> <ul style="list-style-type: none"> • divulges confidential or personal information relating to any College matter, staff member or student (e.g. employment records, complaints and grievances discussions) in circumstances where there is no reasonable or lawful excuse for doing so • behaves inappropriately in an activity (e.g. In the virtual and physical environments such as e-learning sites, face to face classes, meeting), facility or during work placement • knowingly provides false or misleading information to staff of the College; or • fails to comply with a penalty imposed or outcome agreed to under this or other policies of the College
Disciplinary Action	Disciplinary Action is the process by which Linx Institute College addresses inappropriate behaviour and/or unprofessional behaviour from a Learner, particularly breaches of the Code of Conduct for Learners. Learners who engage in Academic misconduct such as plagiarism will also be subject to disciplinary action.
Principles of natural justice	The principles of natural justice have been developed to ensure that decision-making is fair and reasonable. The key principles are those of impartiality or freedom from bias, and the right to be heard.
Procedural fairness	This term is often used interchangeably with the term natural justice. Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision and hearing both sides of a story.
Transparency	The process can be seen and understood by the general public, rather than decisions being made "behind closed doors".
Free from bias / impartiality	A decision maker must not have a personal interest in the decision she or he is making and must not prefer one person over another when they are making a decision.
The right to be heard	Also called the hearing rule. It means that a person who is affected by a decision has a right to be told the case to be met and given the chance to reply before a decision is made that negatively affects their rights or interests.

Policy rules

Documenting misconduct	Our Code of Conduct identifies the expected behaviour of students. Disciplinary action will be taken where students act outside the Code of Conduct, any applicable Linx Institute policy, or State or Commonwealth laws.
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	<p>Candidates who are subject to disciplinary decisions will be notified in writing of their misconduct (where appropriate), according to our procedures, and the actions that we will be take.</p> <p>A written record will be kept arising from any meetings or formal discussions related to misconduct. This will document:</p> <ul style="list-style-type: none"> • Date • Attendees • Purpose • Outcomes <p>The student will be provided with a copy of the record.</p> <p>We will notify students in writing of the disciplinary outcome within a reasonable time of the incident being raised.</p> <p>We will retain all documentation relating to misconduct and any investigations conducted in accordance with this policy for a minimum period of 5 years as per the Records maintenance and retention policy.</p>
Penalties for Academic misconduct	<p>Where academic misconduct is proven, the following penalties may apply</p> <ul style="list-style-type: none"> • a formal caution or reprimand to be recorded on the students record • the annulment or disallowance of results in a particular assessment • a requirement to undertake further or supplementary assessments with the associated costs borne by the student • the exclusion of the student from Linx Institute programs either permanently or for a period of time • results withheld from the student • any other penalty as determined by Linx Institute
Penalties for Non-academic Misconduct	<p>Where non-academic misconduct is proven penalties including the following may apply:</p> <ul style="list-style-type: none"> • the student is required to apologise formally to any aggrieved party where appropriate • the student undertakes some form of remediation, such as counselling • the student provides full reimbursement of the cost of any damage caused to Linx Institute College’s property • the student is expelled (permanent exclusion) Linx Institute programs • any such other penalty or action considered appropriate including referral to law enforcement agencies
Minor breach examples	<ul style="list-style-type: none"> • Disturbance of classroom, assessment, workplace or online activity • Minor incidents of plagiarism • Minor incidents of copying others work • damages or destroys College property (such as library books,



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	<p>software)</p> <ul style="list-style-type: none"> • unreasonably disrupts staff or students or other members from undertaking their normal activities at the College • minor misuse of college property for personal means • engagement in minor instances of bullying, aggression verbally or online • divulging confidential information, dependent on severity of the release
<p>Serious breach – examples</p>	<ul style="list-style-type: none"> • Repeated plagiarism • Significant or repeated copying answers from another person • Significant or repeated disrupting assessment activity in any way • Damages or destruction of College property of a more serious nature • Stealing or misappropriates College property or equipment • Harassment, vilification, bullying, abuse, threatening, assaulting other members of the College in any way • Repeatedly unreasonably disrupts staff or students or others from undertaking their normal activities at the College • Repeatedly fails to follow reasonable directions of a College employee • Divulges confidential or personal information relating to any College matter, staff member or student in circumstances where there is no reasonable or lawful excuse for doing so • Repeatedly acts inappropriately in an activity, facility or work placement • Repeatedly provides false or misleading information to staff • Fails to comply with a penalty imposed or outcome agreed to under this or other policies of the College
<p>Severe breach – examples</p>	<ul style="list-style-type: none"> • Impersonating a student in an assessment or for another to take or complete the assessment on your behalf • Contracting to another person to complete an assessment on your behalf, or purchasing an assignment • Falsifying data, information, or qualifications • Engaging in unlawful or criminal activity on College premises • Misuse of College facilities, systems and equipment, to engage in illegal activity or activity prohibited by the College's rules and policies • Altering, falsifying or fabricating any College document or document the College requires of the student • Repeated failure to comply with a penalty imposed or outcome agreed to under this or other policies of the College. • Serious and/or repeated or criminal level harassment, vilification, bullying, abuse, threats, assaults or endangerment to others in the College directly or by other means of communication
<p>Student</p>	<p>Students who are the subject of disciplinary decisions must be</p>



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appeals	<p>made aware that they have the right to appeal the College’s decision.</p> <p>If the student chooses to access Linx Institute’s complaints and appeals processes, the college will maintain the student’s enrolment while the complaints and appeals process is ongoing. This does not necessarily mean the student will continue to be offered class time or resources. The procedures for maintaining enrolment during appeals procedures are documented in Linx Institutes Complaints and Appeals Policy and procedures.</p> <p>Under this policy, the restriction, refusal or removal of a student will usually only be undertaken as a last resort and when our integrity is left open to State or Federal law. The security of our systems is of utmost importance for the sake of all its students.</p> <p>Appeals against the disciplinary decision must be made within 10 working days of receiving the disciplinary decision notification.</p>
Confidentiality	<p>The identity of students, staff or other persons involved in an investigation of misconduct is confidential so long as the tenets of natural justice are adhered to.</p>

Procedures		
Actions	Description	Responsible
1	Verbal report Where a student is considered to have engaged in misconduct, an initial verbal report will be provided to the Education Manager.	Trainer
2	Deciding action Depending on the nature and severity of the allegation(s), the decision will be made to <ul style="list-style-type: none"> • Take an initial informal approach as outlined in steps 3-5 below or straight to final warning or decision (in severe cases) • Move directly to more formal disciplinary procedures as outlined from step 6 below, or onwards. Serious and severe breaches are to be reported in writing to the General Manager as soon as possible.	Education Manager
3	Verbal warning The student will be warned verbally of a first non-serious breach, including the reason for the warning The first warning is not recorded on the student’s records.	Trainer
4	Report to Education Manager is to be advised in	Trainer



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	Manager if ongoing	writing of any serious or continuing problems, with a copy in writing provided to the General Manager.	
5	Education manager interviews	The Education Manager will discuss the issue with the student and a case management plan will be developed if appropriate or disciplinary action taken.	Education Manager
6	Written warning	<p>Student will be given a written warning with details of the breach and of the case management plan or disciplinary action.</p> <p>A copy of the warning and case management plan will be kept on the student's file.</p>	
7	Student placed on written notice	<p>Student progress will be monitored and in the case where the problem continues, the student will be placed on notice (written) and case management plan or disciplinary action reviewed.</p> <p>Record of written notice and case management plan will be kept on student file.</p>	Education Manager
8	Monitor progress; final written warning	<p>Student progress will be monitored and in the case where the problem does not improve and continues, the General Manager will be informed of the situation and provided with copies of warning letters and case management plans plus a written summary of the disciplinary matters and decisions.</p> <p>Student will be provided a final written warning. Copy kept on student's file.</p>	Education Manager
9	Dismissal	Student progress will be monitored and in the case where the problem does not improve and continues, student will be dismissed.	Education Manager/General Manager
10	Appeal	Student will be continue to the Changing/Cancelling Enrolment process or the Complaints and Appeals process if they do not agree with the decision. Student will be advised of their rights to appeal.	Administration
11	Enrolment during appeal	Where the student is an overseas student, and opts to appeal, their enrolment will be maintained until all appeal processes have been exhausted. They may not	Administration

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necessarily, however, be allowed to attend classroom sessions.

Context

Associated documents QMS3P004C Complaints and Appeals Policy
Code of Student Conduct

Work orders and forms

Policy base Standards for NVR Registered Training Organisations, 2015
Standard, clauses