

It has been identified that there is a need to state the Institute's position on unacceptable student behaviour and related student discipline ensuring that all parties are afforded natural justice and that quality training outcomes can be achieved. This policy is supported by the TAFE Queensland Student Rules which is available to all students.

The Institute commits to providing a safe, caring and orderly environment to ensure that students have the opportunity to learn.

The establishment of good student-teacher and student-student relationships is critical to successful learning and the maintenance of responsible behaviour among students.

The Institute only maintains individual student files for Apprentices/Trainees therefore to ensure there is an appropriate confidential record of any incident of misconduct an individual record of any misconduct by a student will be created in Q-Pulse the electronic Compliance and Improvement Management System utilised by the Business Improvement Unit.

## 1. PURPOSE

The purpose of this policy is to define the Brisbane North Institute of TAFE's position on Student Misconduct.

## 2. SCOPE

This process applies to all students of Brisbane North Institute of TAFE and outlines the responsibilities of staff when encountered with student misconduct.

**Start Point** Student misconduct occurs.

**Finish Point** Effective measures taken in ensuring disciplinary and preventive action is enforced.

**Teams Involved** Institute Staff, BNIT Students

## 3. POLICY

An instance of misconduct (inappropriate behaviour) is a disciplinary offence.

Misconduct includes both academic misconduct and behavioural misconduct:

### • Academic Misconduct

Academic Misconduct includes but is not limited to **cheating** – including supporting others in cheating, **plagiarism, collusion** - including working in groups where not approved by the teacher, electronic plagiarism, and **falsifying** information

### • Behavioural Misconduct

Behavioural Misconduct is broadly defined as actions that breach the TAFE Queensland Student rules or Institute policies. This includes but is not limited to:

- Breaches of Commonwealth or State law which impinge on TAFE operations
- Behaviour that impairs the reasonable freedom of other persons to pursue their studies and participate in the activities of the Institute
- Refusing or failing to identify themselves truthfully
- Any act or failure to act that endangers the safety or health of any other person
- Actions that impair any person's participation in a legitimate Institute activity or, by act or omission disrupts the peace or good order of the Institute
- Acting in a way that causes students or staff or other persons within the Institute to fear for their personal safety
- Acting in a way that causes damage to TAFE property
- Wilfully obstructing or disrupting any official institute meeting, ceremony, activity, class or examination/assessment
- Any form of harassment, whether based on gender, race, age, sexual preference or religious belief

- Wilfully damaging or wrongfully dealing with any institute property, or the property within the institute of any person, including theft
- Being under the influence of prohibited drugs and/or substances including alcohol
- Trespassing or knowingly entering any place within the premises of the institute that is out of bounds to students
- Making a false representation as to a matter affecting student status
- Possession of dangerous articles or banned substances
- Abusive Behaviour

A student must at all times maintain a high standard of behaviour while engaged in institute activities either within the premises of an institute or at another location. Examples of being engaged in institute activities at another location are:

- an Industrial Visit,
- Field Trip,
- Student Camp,
- "Off Campus" Live Work Project,
- Vocational Placement etc.

A student must not indulge in any acts:

1. which may result in damage to property or unduly interfere with the comfort or convenience of any person lawfully entitled to be within the premises of the Institute or
2. while engaged in institute activities at another location, which unduly interferes with the comfort or convenience of any person lawfully conducting their own business at this location.

A student must maintain the standard of dress as laid down by the Workplace Health and Safety Act and be acceptable to community/industry/commerce standards.

Where State or Commonwealth laws appear to have been breached, the matter **will** be referred to the police or other appropriate authority.

If the student is an **Apprentice or Trainee**, any disciplinary action or recommendations will be made, with due regard to the provisions of the Vocational Education, Training and Employment Act 2000.

Where misconduct relates to an **Apprentice/Trainee** disciplinary action / suspension / return to work cannot be initiated without prior consultation with the employer

Where a student has been found guilty of misconduct, information relevant to the case may be shared with other TAFE institutes

#### 4. RESPONSIBILITIES

- If a teacher or examination supervisor believes a student is involved in academic misconduct during assessment:
  - The student will be instantly informed of such but if in the process of an examination/assessment item will be allowed to finish
  - The teacher or examination supervisor will complete Student Misconduct Report **IF438**, detailing the alleged academic misconduct and attach the report to the student's examination/ assessment item. The Student Misconduct Report **IF438** must be scanned and emailed to BNP Feedback to enable the Business Improvement Unit to register this report in QPulse under the student's name.
  - The Business Improvement Unit will forward this report and any prior reports to the Director Education and Training for appropriate action, as outlined in Formal Disciplinary Process

**For misconduct committed on campus**

- A member of the teaching staff, a librarian in charge of the library, Faculty Director or a senior officer as detailed in the Institute's Delegation Manual may, in respect of any misconduct by a student committed in a class, laboratory, library, facility or premises under their management or control:
  - Immediately suspend the student from attendance at such class or from use of such laboratory, library, facility or premises but **NOT THE INSTITUTE** for a period **not exceeding twenty-four hours** as may be determined ie a student suspended by one teacher from a class may attend other classes, a laboratory, library or other facilities of the Institute.
  - Immediately complete Student Misconduct Form **IF438** detailing the circumstances of the suspension. The Student Misconduct Report **IF438** must be scanned and emailed to BNP Feedback to enable the Business Improvement Unit to register this report in QPulse under the student's name.
  - The person responsible for suspending the student must advise the Manager Facilities and Risk.
  - The Business Improvement Unit will forward this report and any prior reports of misconduct committed by this student to the Director of the Faculty responsible for the student, who will refer the matter to the Director Education and Training for the appropriate action.

**Note**

If the officer suspending the student believes the student may be violent or is likely to cause harm to other students and /or staff, or damage property at the institute, the Security Officer should be contacted immediately to assess the risk. If necessary the Security Officer may remove the student from the Institute. The Student Misconduct Form IF438 must be notated to this effect. Depending on the level of violence and the perceived threat to persons or property the Police may need to be called. The Security Officer must immediately notify the Manager Facilities and Risk of the removal of the student. The Manager Facilities and Risk must advise the Director Education and Training for their endorsement of the action taken as soon as possible after the event.

**A student who is a minor, ie under 18 years of age, is not to be removed from the institute premises but the parent, guardian or emergency contact is to be contacted by the Student Support Officer (or by the Security Officer in the event of the Student Support Officer being unavailable) and requested to remove the student immediately.**

- The Security Officer may in respect of any behavioural misconduct by a student committed on institute property which poses a risk to other students, staff or damage to institute property:
  - Suspend a student from an Institute campus for a period **not exceeding twenty-four hours** as may be determined. The Security Officer must immediately notify the Manager Facilities and Risk of the removal of the student. The Manager Facilities and Risk must advise the Director Education and Training for their endorsement of the action taken as soon as possible after the event. **A student who is a minor ie under 18 years of age is not to be removed but the parent, guardian or emergency contact is to be contacted by the Student Support Officer (or by the Security Officer in the event of the Student Support Officer being unavailable) and requested to remove the student immediately.**
  - Immediately complete Student Misconduct Form **IF438** detailing the circumstances of the suspension. The Student Misconduct Report **IF438** must be scanned and emailed to BNP Feedback to enable the Business Improvement Unit to register this report in QPulse under the student's name.
  - The Business Improvement Unit will forward this report and any prior reports of misconduct committed by this student to the Director Education and Training for the appropriate action.

**For misconduct committed off campus during institute related activities**

- A member of the teaching staff, a librarian in charge of the library, Faculty Director or a senior officer as detailed in the Institute's Delegation Manual may in respect of any misconduct by a student committed while engaged in institute related activities at another location,

- Remove the student from the activity, and suspend the student from that activity but **NOT THE INSTITUTE** for a period **not exceeding twenty-four hours** as may be determined. (see **Note** below)
- Within 24 hours of their return to the institute complete Student Misconduct Form **IF438** detailing the circumstances of the suspension. The Student Misconduct Report **IF438** must be scanned and emailed to BNP Feedback to enable the Business Improvement Unit to register this report in QPulse under the student's name.
- The Business Improvement Unit will forward this report and any prior reports of misconduct committed by this student to the Director of the Faculty responsible for the student, who will refer the matter to the Director Education and Training for the appropriate action.

**NOTE** It is not always possible or safe to suspend the student from an off campus activity ie in the case of a Field Trip or Student Camp, however, the staff member responsible for the student during the "off campus" activity must:

- Issue a verbal warning at the time of the misconduct, advising the student that a written report will be submitted to the Director Education and Training on completion of the "off campus" activity.
- Within 24 hours of their return to the institute complete Student Misconduct Form **IF438** detailing the circumstances of the suspension. The Student Misconduct Report **IF438** must be scanned and emailed to BNP Feedback to enable the Business Improvement Unit to register this report in QPulse under the student's name.
- The Business Improvement Unit will forward this report and any prior reports of misconduct committed by this student to the Director of the Faculty responsible for the student, who will refer the matter to the Director Education and Training for the appropriate action.

#### **SPECIAL NOTE**

**Only the Institute Director or the Director Education and Training have the delegation to suspend a student from the entire Institute.**

#### **Formal Disciplinary Process**

- The Director Education and Training or Institute Director may, in respect of any misconduct by a student,
  - Immediately suspended the student from the Institute for a period **NOT exceeding fourteen (14) days** as may be determined. If the student is an apprentice this suspension **must** be discussed with the student's employer
  - Provide a written statement detailing the circumstances of the suspension, scan and email to BNP Feedback to enable the Business Improvement Unit to attach this to the student's file held in QPulse
- The Director Education and Training or Institute Director (whichever Director is responsible for the suspension) must :
  - Advise the student in writing of the alleged incident of misconduct and that they have five (5) working days to make oral or written representations regarding the alleged incident of misconduct
  - Advise the parent or guardian of a student who is under 18 years of age, provided the student is not listed as independent or estranged from their parent or guardian
  - Within 5 days after this period (irrespective of whether the student has responded) either modify or dismiss the charge OR
  - Complete a report recommending one or a combination of the following penalties:
    - In the case of misconduct related to assessment - fail the student for that assessment or mark as Not Competent for the competency. (A supplementary assessment may be provided at the discretion of the Institute)
    - Reprimand and warn the student against repetition of the misconduct
    - Extend the period and/or scope of the suspension for a period not exceeding 14 days which shall include any period of suspension already imposed
    - Suspend the student from using all or some facilities and / or services, including library borrowing and computer access rights
    - Instigate a behavioural contract

- Send a copy of this report to Business Improvement Unit to be attached to the student's file in QPulse
- AND
- Provide the student, within five working days of the report being completed, with a written statement detailing the decision, including information on their right to appeal the decision.

- **The Institute Director** is solely responsible for:

- Determining further appropriate action
- Suspending or excluding the student from the Institute for a specified period of time or
- Expelling the student

## 5. APPEAL

If the student is found guilty of misconduct they may appeal the decision or the decision process in writing to the Institute Director who will refer the appeal to the Misconduct Review Panel.

The date of the Misconduct Review Panel meeting will be set as quickly as possible and the student will be notified of the time, date and venue in writing.

If required the Institute will provide an interpreter to assist the student during the meeting

The student has a right to be accompanied by a representative and may call witnesses or may provide a written submission instead of attending the meeting. The student may request the Institute Counsellor to support them through the process.

If the student does not attend the meeting or provide a written submission, the panel may assess the matter and where necessary impose a penalty as if the student had participated.

The panel will advise the student in writing of the decision within two (2) working days of the date of the decision.

The recommendation of the Misconduct Review Panel will be conveyed to the Institute Director who will make the final decision (subject to provisions of the Judicial Review Act).

If the student is an apprentice or trainee, their appeal must be lodged in accordance with the Vocational Education, Training and Employment Act 2000.

**6. MISCONDUCT REVIEW PANEL**

The Misconduct Review Panel will be convened as required to consider any appeal against the decision or the decision process. The Misconduct Review Panel will consist of:

- Director Education and Training
- Director Client Relations
- Academic Manager
- Senior Lecturer from Q.U.T. as an external representative

**7. REVIEW DATE**

This policy will be reviewed one year from the date of approval.

**8. RESPONSIBLE OFFICER**

The Director Education and Training is responsible for maintaining this policy.

**9. APPROVAL**

This policy is authorised by the Institute Director, Brisbane North Institute of TAFE and is effective from the date of signing.

**DOCUMENT AUTHORISATION**

Owned by	Director, Education & Training
Authorised by	Institute Director)