

CP008 Student Discipline Procedure

1. Purpose

Provide guidance to Institute staff in the management of **behavioural or academic** misconduct.

2. Scope

- 2.1 Does not apply to any behaviour that is suspected to be illegal. Any dangerous illegal behaviour should be reported to the emergency services immediately and then as soon as possible to the CEO or General Manager.
- 2.2 Applies to all students participating in training or assessment conducted by Wodonga TAFE. Where staff are delivering or assessing at other premises, such as a school, employer's workplace or at an official approved excursion, this procedure must be applied only after negotiation with the other responsible party(s).
- 2.3 **Must be conducted within the principles of natural justice so that counselling of students, exclusions, cautions and investigations shall be carried out allowing the right of reply, confidentially, with access to the procedure.**

3. Scheduled Review Date

1 April 2013

4. References

CC001 Wodonga TAFE Learner Charter Code of Conduct
DP025 Assessment (including Appeal and Examination) Procedure
CF017 Student Academic/Behavioural Misconduct Record Form
CP006 Student Grievance/Appeals Procedure

5. Definitions

See Wodonga TAFE Glossary on StaffNet for current definition. For the purpose of this procedure:

Principles of Natural Justice means a person must be given both the time and opportunity to prepare and deliver a defence against any negative action that is proposed. This includes the right to know the origin of any complaint and the right to see any documents or evidence that any authority is relying on to justify its action.

Behavioural Misconduct is broadly defined as actions that breach (*or intent*) the *CC001 Wodonga TAFE Learner Charter Code of Conduct*, or impair the reasonable freedom of other persons to pursue their studies and participate in the activities of the institute. Examples of behavioural misconduct include but are not limited to:

- failure to comply with any lawful order that is given by a staff member in order to ensure the safety of any person and the orderly conduct of learning programs and other activities
- any act or failure to act that endangers the safety or health of any other person
- engaging in bullying or harassment of any other student or member of staff
- stealing, destroying, impairing the accessibility of, or defacing any part of the institute or its resources
- conduct which unduly disrupts or interferes with a class, meeting or any other official activity within the institute
- repeated absences (*where no valid reason and/or evidence is provided*) from scheduled learning activities that results in disruption to the learning program for other participants
- acting in a way (*e.g. assault or attempts to assault*) that causes students, staff or other persons within the Institute to fear for their personal safety or physical or psychological well being
- making a false representation or declaration regarding a matter affecting your student status

- being under the influence of prohibited drugs and/or substances including alcohol while on institute premises or while participating in an institute related activity
- unauthorised possession of a weapon on institute premises or while participating in an institute related activity.

Academic Misconduct is that which "gives unfair advantage or disadvantage to a student(s) in their training or assessment." Plagiarism and cheating are two forms of academic misconduct.

To **plagiarise** is to "take and use the thoughts, writings, and inventions of another person, as one's own."

Examples of plagiarising include:

- downloading information from the internet without appropriate recognition
- copying directly from a book, article, journal or newspaper without acknowledging the source
- paraphrasing other people's ideas without properly giving them credit
- inserting graphs, photographs and other visual images without acknowledging the source.

If you have a clear understanding of how to cite references and are diligent in following the rules then you should have few problems with plagiarism. The following websites should provide you with sufficient information to reference material correctly.

1. Bournemouth University, Citing References: http://www.bournemouth.ac.uk/library/using/harvard_system.html
2. LaTrobe University Library, Acknowledging your sources: <http://www.web-ezy.com/latrobe/referencing.html>
3. What is Plagiarism at Indiana University (*permission received*): <https://www.indiana.edu/~tedfrick/plagiarism/item1.html>.

To **cheat** is "to gain unfair advantage by deception or breaking rules, especially in a game or examination."

Examples of cheating include:

- copying other students work
- getting another person to do your assessment task or doing another person's assessment task for them
- taking unauthorised material into an examination or using unauthorised material in an assessment
- falsifying information to gain an advantage in an assessment.

6. Procedure

Behavioural Misconduct		
Item	Action/Comment	Responsibility
1	<p>Where behavioural misconduct occurs a staff member may choose either to:</p> <ul style="list-style-type: none"> • discuss the misconduct with the student • refer the matter to the relevant Program Area Leader (<i>PAL</i>) • refer the matter to the Team Leader • refer the matter to the relevant Department Manager or General Manager. <p>Where misconduct occurs during class or scheduled learning activity, a teacher may exclude the student from the precincts of the room for the remainder of that class, provided that:</p> <ul style="list-style-type: none"> • verbal caution is given, explaining that the behaviour in question is unacceptable • Department Manager (<i>or if unavailable, General Manager</i>) is notified of the incident as soon as practicable. 	Staff Member/ Teacher

Item	Action/Comment	Responsibility
2	<p>With any exclusion:</p> <ul style="list-style-type: none"> • if the student is under the age of 16 or if they have a declared disability, then they must be placed under the supervision of another staff member until the end of the class from which they have been excluded • a staff member who excludes a student under the above provision shall ascertain the student's name and notify the relevant teaching department of the action immediately • where the misconduct occurs on an official excursion, or outside the normal operations of the Institute, consideration must be given to the safety of the student and to any hardship that may be caused for the student. 	Teacher
3	<p>The following will occur where a student has missed the following: <i>(as a result of either exclusion under the provisions of this procedure or an absence for which there is no valid reason and/or evidence provided)</i>:</p> <ul style="list-style-type: none"> • class or scheduled learning - the Institute is under no obligation to reschedule that class or learning activity • assessment activity/ies - refer to <i>DPO25 Assessment (including Appeal and Examination) Procedure</i>. 	All Staff
4	<p>All exclusions are to be recorded in the roll book or other attendance record. In addition, the Department Manager is to be informed in writing about the misconduct, the circumstances of the exclusion and any return to class strategies that are deemed appropriate via the <i>CF017 Student Academic/Behavioural Misconduct Record Form</i>.</p>	Teacher/PAL
5	<p>The Department Manager <i>(or approved delegate)</i> may:</p> <ul style="list-style-type: none"> • further discuss the misconduct with the student • exclude a student for behavioural misconduct for a period of up to two (2) continuous working days • refer the matter to the General Manager Education & Training • ensure appropriate advocacy/support is available to the student. <p>All actions are to be recorded on <i>CF017 Student Academic/Behavioural Misconduct Record Form</i> and registered on TRIM within the department. A copy of the completed form and this procedure is to be provided to the student.</p>	Department Manager/ Delegate
6	<p>If referred to the General Manager, a full investigation will take place and if the student is found to be guilty of the alleged misconduct, the following actions may be taken:</p> <ul style="list-style-type: none"> • reprimand the student • in consultation with the appropriate Department Manager, exclude a student for behavioural misconduct for a period of up to two (2) weeks <i>(ie. ten (10) working days)</i> • exclude the student from particular parts of a course or geographical locations of the Institute • cancel of all or part of the student's enrolment. <p>Written notification of any action taken must be provided via <i>CF017 Student Academic/Behavioural Misconduct Form</i> to the student and a copy of such notification must be registered on TRIM.</p> <p>The Department Manager and relevant teaching staff must also be informed about any actions taken.</p>	General Manager Education and Training

Item	Action/Comment	Responsibility
7	If the student is formally suspended from the Institute the Administration Services area of Continuous Improvement and Administration Services Department must be informed to indicate the student is suspended on QLS. Additional information relating to the suspension of the student must be entered in the notes section of QLS including the contact details of a staff representative (General Manager Education and Training) so if the student returns to enrol, the student can be referred to the representative to discuss these issues further.	Staff
8	If, after investigation, the General Manager finds that the alleged misconduct is unproven then the following actions must be taken: <ul style="list-style-type: none"> • a formal, written apology must be provided to the student (<i>a copy of this must be registered on TRIM</i>) • steps must be taken to compensate the student if they have suffered any disadvantage throughout the process (<i>e.g., additional training or tuition to make up for classes missed through exclusion</i>) • instigate reviews or changes to Institute procedures or systems to reduce the likelihood of the situation recurring. 	General Manager Education and Training
9	If the student is unsatisfied with the outcome of the process or the process itself they may lodge a grievance as described in <i>CP006 Student Appeal Grievance/Appeal Procedure</i> which must be provided to the student on request.	Student
Academic Misconduct		
Item	Action/Comment	Responsibility
9	Where academic misconduct occurs, a teacher must in the first instance discuss the academic misconduct with the student, explaining why the behaviour in question is against Institute procedure. The teacher (<i>in consultation with the Department Manager if required</i>) may then take the action that they deem appropriate. Appropriate actions range from asking the student to resubmit the work in question to recording a non-satisfactory result against that assessment task. If any penalty is imposed, it must be documented in the roll book and the Department Manager must be notified in writing as soon as practicable via <i>CF017 Student Academic/Behavioural Misconduct Form</i> . All related documentation must be registered on TRIM within the department. A copy of the completed form must be provided to the student, together with a copy of this procedure.	Teacher/ Department Manager
10	If the incident cannot be resolved at this level it is referred the Department Manager.	Staff/Student
11	If the matter is referred to the Department Manager, then they must discuss the academic misconduct with the student, explaining why the behaviour in question is against Institute procedure. The Department Manager must then review the evidence and seek clarification if required from both the teacher and the student and may: <ul style="list-style-type: none"> • deem the student not guilty of academic misconduct and issue a written apology (<i>a copy must be registered on TRIM</i>) • confirm the penalty applied by the teacher • impose a different penalty • refer the matter to the General Manager Education and Training. Any actions taken must be recorded on <i>CF017 Student Academic/Behavioural Misconduct Form</i> and a copy of this form, including any additional notations, must be provided to the student.	Department Manager

Item	Action/Comment	Responsibility
12	The General Manager Education and Training may, after consultation with the Department Manager, vary the result of the student in the relevant unit/module(s) as a penalty. Where this penalty is imposed, the student shall be given written notification by the General Manager Education and Training. A copy of such written notification must be registered on TRIM.	General Manager Education and Training
13	If the student is unsatisfied with the outcome of the process, or the process itself, they may lodge a grievance as described in <i>CP006 Student Grievance/Appeal Procedure</i> which must be provided to the student on request.	Student

7. Record, Retention and Archiving

Record Title	Retention Requirement	Location of Storage/Archive/Other Requirements
Roll Book - Apprentice/Trainee - Others	PROS 02/01, class 11.1.1 PROS 02/01, class 11.1.2	Temporary - destroy 7 years after last entry Temporary - destroy 2 years after last entry
CF017 Student Academic/Behavioural Misconduct Record Form - Penalty or disciplinary action incurred - Penalty or disciplinary action not occurred - Not proven	PROS 02/01, class 19.1.0 PROS 02/01, class 19.2.0 PROS 02/01, class 19.3.0	Temporary – destroy 15 years following date of decision Temporary – destroy 7 years following date of decision Temporary – destroy if the Grievance Registrar determines that the record should be erased. This does not cover the records of the Grievance Registrar
Written apology/ written notification - Penalty or disciplinary action incurred - Penalty or disciplinary action not occurred - Not proven	PROS 02/01, class 19.1.0 PROS 02/01, class 19.2.0 PROS 02/01, class 19.3.0	Temporary – destroy 15 years following date of decision Temporary – destroy 7 years following date of decision Temporary – destroy if the Grievance Registrar determines that the record should be erased. This does not cover the records of the Grievance Registrar

8. Appendix

Nil applicable

9. Record of Revision

Date	Summary of change
March 2011	Inserted additional item, item number 7. Removed appendix and inserted in definitions section. Removal of <i>CF023 Academic Misconduct Record Form</i> as this has been merged with <i>CF017 Student Academic/Behavioural Misconduct Record Form</i> .