

STUDENT DISCIPLINE AND MISCONDUCT POLICY

Policy Number:	CIPO-20
Name of Policy:	Student Discipline and Misconduct Policy V17.0
Applicability:	All Staff and Students
Policy Owner:	CEO
Contact Person:	Academic Manager
Original Issue date:	11 November 2012
Current Version approval:	March 2017
Next review:	18 July 2018
Related policies:	Academic Progress Policy Student Code of Practice Complaints and Appeals Policy Student Support Services Policy
RTO:	91781
CRICOS Provider Number:	03256G

1. POLICY STATEMENT

The purpose of the Student Discipline and Misconduct Policy is to provide a fair, equitable and confidential framework and procedure for investigating and resolving alleged cases of student misconduct.

1.1 This policy applies to all students enrolled in any program of study offered by NORTWEST.

1.2 This policy applies to all educational circumstances that relate to the enrolment of a student, including classroom and on campus situations and to NORTWEST related excursions and off-campus activities.

1.3 This policy is underpinned by the following principles:

- NORTWEST will at all times act in accordance with due process and duty of care responsibilities.
- The resolution process is based on principles of confidentiality, fairness, consistency, consultation and mediation as underpinned by various NORTWEST policies and requirements.
- Any student who is the subject of an allegation of an act of misconduct is entitled to be regarded as innocent until they admit to the misconduct or a fair and proper investigation leads to a reasonable determination that they committed an act of misconduct.
- Students must not disrupt the study and learning environment of other students
- Our code of conduct maintains that all people connected with NORTWEST must be respectful to each other at all times. We must ensure that we provide a safe, supportive educational environment to deliver the services we provide.

2. RESPONSIBILITY

The Academic Manager is responsible for the implementation of this policy and to ensure that staff and students are aware of its application; and that staff implement the requirements.

3. DEFINITIONS

Student discipline and misconduct policy v17	Issued: March 2017	Reviewed: June 2018
Approved by: CEO	Uncontrolled version when printed	Page 1 of 6

- 3.1** Academic misconduct is defined as a deliberate submission or intention of submission of unreliable, insufficient, non-current or invalidated assessment evidence.
- 3.2** Plagiarism is defined as the process of submitting for assessment another author’s work.
- 3.3** Non-Academic misconduct:
Non-academic misconduct is any action or conduct by a student relating to people or property, which is contrary to NORTWEST’s stated documented codes, student handbook, policies and standards.
- 3.4** Serious Misconduct may result in suspension or expulsion. Property damage and offences requiring police involvement are regarded as Serious Misconduct.
- 3.5** Student Behaviour Contract –intervention contract written into the Student Monitoring Form outlining stated and expected behaviours as part of student conduct in enforcement of penalties.

4. PROCESS

- 4.1** Acts of alleged misconduct are to be recorded as and where possible investigated within two working days of the incident.
The Academic Manager will undertake an initial investigation with relevant parties and record the findings. The following will be considered:
 - The report documented by the relevant individuals and additional comments and observations.
 - The type of alleged act of misconduct and the seriousness of the allegations made.
 - The available evidence presented (eg assessment submitted for marking), and
- 4.2** Any time constraints involved for reporting, procedural or compliance requirements.
If, at any stage during the process the student admits the misconduct and accepts the penalty, this is to be documented and the penalty implemented.
- 4.3** Where necessary senior staff, Academic Manager or a trainer may summarily expel a student whose actions are of immediate danger to other students and/or staff.
- 4.4** Overseas students who are suspended or expelled in accordance with this policy will be advised that they may be in danger of having the student visa revoked.
- 4.5** When reviewing the report and conducting a formal resolution process and the Academic Manager determines that there is no substance or sufficient evidence, NORTWEST will dismiss the matter and notify the student.
- 4.6** The notification to the student will advise them of the outcome of the findings which will outline:
 - The reasons for the decision and if applicable notice of any penalty or decision.
 - Provide details on the right of appeal process.
- 4.7** Copies of all correspondences will be held on student file.
- 4.8** Cautionary Process
The cautionary process should proceed where:
 - the Trainer or Academic Manager is confident the student has received the course outline or appropriate handbook, and has had her/his attention directed specifically to the statement on academic integrity and plagiarism; and
 - the student has no prior record; and
 - the plagiarism is minor and appears to be inadvertent.
- 4.9** Disciplinary Process

The disciplinary process should proceed where the case is considered serious. The determination of serious being where:

- the student has a prior record;
- the trainer or/and Academic Manager is confident the student has received the course outline, or appropriate handbook sign off, and has had her/his attention directed specifically to the statement on academic integrity and plagiarism; and
- the student appears to have committed blatant or excessive plagiarism.

5. ACADEMIC MISCONDUCT AND PLAGIARISM

5.1 Identification of academic misconduct

Trainers are responsible for ascertaining alleged academic misconduct. Any suspicion of academic misconduct should be consulted with the Academic Manager in reaching a decision whether academic misconduct has occurred.

5.2 Academic Misconduct includes but is not limited to:

- Collusion and plagiarism - where any work submitted as an assessable item is deemed by a staff member to be the same or substantially the same, this will be prima facie evidence of copying by the student/s
- Any attempt by a student to submit work that is not their own
- Any form of collusion between students
- Using inappropriate electronic devices (eg. dictionaries, mobile phones) when advised not to
- Copying another student’s assignment or exam.
- Caught with cheat notes or illegal information prior to assessment/exam or while assessment/exam is in progress.
- Talking to other student/s while assessment/exam is in progress.
- Put copied photos in portfolio of evidence (eg: assignments) when not current or allowed and/or not referenced.

5.3 Staff should refer to point 4 above for the Process for resolution of students’ misconduct.

6. NON-ACADEMIC MISCONDUCT

6.1 Non-Academic Misconduct includes but is not limited to:

- Not abiding by the student code of conduct for behaviour and policies including harassment and behavioural issues
- negative actions related to our educational environment, classrooms, workshops, seminars and discussion forums
- non participation or interruption, or activities of interfering with training by disrupting learning with mobile devices, loud voices or harassing fellow students
- Acting dishonestly or knowingly misleading Trainers or staff
- Not adhering to Workplace Health and Safety guidelines by altering, damaging or otherwise defacing documents, records, property, or facilities.
- Disobeying or ignoring any directive, direction, policy, procedure or condition.
- Failure to comply with any conditions or penalties imposed for student misconduct under this policy.
- Acting in a manner which fails to comply with the stated implicit or implied standards and procedures or policies of NORTHWEST.

Student discipline and misconduct policy v17	Issued: March 2017	Reviewed: June 2018
Approved by: CEO	Uncontrolled version when printed	Page 3 of 6

6.2 Staff should refer to point 4 above Process for resolution of students’ misconduct.

7. APPEALS

7.1 Please see the Complaints and Appeals Policy for all appeal processes.

7.2 Students can appeal NORTWEST decisions in relation to academic or non-academic misconduct. Students should consult the Complaints and appeals policy for further information about appeals.

7.3 Students appealing a NORTWEST decision must submit a written appeal within 20 working days commencing the date of the notification.

7.4 An internal appeal must then be lodged directly with NORTWEST administration.

7.5 The appeal will be processed based on the grounds of submitted documents.

If the appeal needs to go to a meeting:

- A meeting may be called with the student to discuss further details relating to their appeal if deemed necessary.
- The Appeals meeting will be convened with a disciplinarily review panel, consisting of:
 - CEO or nominated representative.
 - Academic Manager
 - Student Support Officer, if appropriate
 - A trainer with no involvement in the matter.

7.6 Any member of the panel must disqualify himself or herself from reviewing the allegation if they have been involved in any manner that could lead to bias, prejudice or conflict of interest or have a personal involvement or connection with the student concerned.

7.7 The student will be advised of the meeting by NORTWEST requesting them to:

- Confirm receipt of notice of meeting. Further, failure to attend the meeting will result in the panel determining the appeal based on the available evidence.
- Advise whether a support person will be attending and provide any evidence, present a defence, correct any information and explain their conduct and any mitigating factors or extenuating circumstances.

7.8 A copy of the meeting notes will be kept on the student file.

7.9 A determination of the outcome of the meeting will be sent to the student in writing advising them of the panel’s decision. The letter will outline:

- The reasons and decisions for the penalty or decisions
- Details of the appeals processes.

8. PENALTIES

8.1 Penalties are levied according to the following categories:

- Academic Misconduct
- Non-Academic Misconduct
- Serious Misconduct.

8.2 Penalties for proven acts of academic misconduct may include but not be limited to the below outlined:

- Placement on Student Behaviour Contract, documented in a Student Monitoring Form
- A deduction of a specific number of marks for the assessment event/item.
- A requirement to undertake additional assessments with costs covered by the student.

Student discipline and misconduct policy v17	Issued: March 2017	Reviewed: June 2018
Approved by: CEO	Uncontrolled version when printed	Page 4 of 6

- Exclusion from courses permanently or suspension for a period as specified by the panel.

8.3 Penalties for proven acts of non-academic misconduct may include but not be limited to the below outlined:

- A formal caution or reprimand.
- Placement on Student Behaviour Contract, documented in a Student Monitoring Form.
- Suspension from subject enrolment for a specified period.
- Financial restitution to make good damages caused to property, performance, or standing of NORTWEST, a staff member or another student/s.
- Suspension of studies and withholding of results during the course of investigation of misconduct allegations.
- Expulsion of student will result in cancelling the student’s enrolment with NORTWEST.

9. RECORDS AND INFORMATION

9.1 For the purposes of tracking, management, audit and report of cases of student misconduct, written notes of interviews, outcomes, agreements and actions are to be kept at all stages of the student misconduct process by Student Support Officer and any staff involved in the process.

9.2 All documentation will be kept in the student record both in the main student file and electronically in the Student Administration System.

10. ASSOCIATED DOCUMENTS

Forms and Record Keeping:

Title	Document Location	Responsible Officer	Minimum Retention Period
Warning letter	1. Student’s File 2. Student Administration Database	Academic manager / delegate	2 years after last entry
Student Monitoring Form	1. Student’s File 2. Student Administration Database	Student Support Officer	2 years after last entry
Letter of Intention to Report	1. Student’s File 2. Student Database	Administration Manager / delegate	2 years after last entry

11. REFERENCES

- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code)
- Standards for Registered Training Organisations 2015
- NORTWEST Student Handbook, Brochure.

12. REVISION HISTORY

Version	Amendment	Description
1	20th April 2010	Original
2	1 February 2012	Checked and updated terms

2.1	May 2012	Updated
3	July 2012	Merged with Academic Misconduct and Plagiarism policy. Clarified key points.
14.1	October 2014	Updated wording for better clarification
15	August 2015	Minor revision
16	June 2016	review
17	March 2017	Update company name, logo and footer