

## MCOHB Student Code of Behaviour

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## **1.0 Purpose**

- 1.1 ... The Student Code Behavior Policy establishes principles, responsibilities and staff procedures for maintaining appropriate student conduct and for implementing the disciplinary provisions for every student.
- 1.2 ... The Student Code of Behavior provides a clear understanding of what students and college staff can expect from the Melbourne College of Hair and Beauty (MCOHB) and other students so that all members of our community can benefit from a collaborative supportive environment. In this environment students can benefit from the training and teaching and support that MCOHB provides.
- 1.3 ... There are consequences for non-compliance with the Student Code of Behaviour including immediate suspension or cancellation in the case of severe breaches and/or behaviour that may be construed as threatening to the safety of a student, trainers, college admin and support staff and any person on MCOHB's premises.

## **2.0 Relevant Legislation and Standards that this Policy and Procedure Supports:**

- 2.1 ... This policy and procedure is in accordance with the following Acts and Standards:
  - *Education Services for Overseas Students Act 2000 (Amended 2017),*
  - *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (CRICOS standards)*
  - *National Vocational Education and Training Regulator Act 2011,*
  - *Standards for Registered Training Organisations (RTOs) 2015,*
  - *Sex Discrimination Act 1984*
  - *Fair Work Act 2009 and*
  - *Disability Standards for Education 2005.*

### **3.0 Responsibility**

- 3.1 ... The Director of Studies is responsible for the implementation of this procedure and for ensuring that staff and students are aware of its application and requirements.
- 3.2 ... Whilst it is the responsibility of the Director of Studies to circulate and implement this policy in MCOHB, all staff must ensure that they understand and comply with this policy and procedure. It is everyone's (students, staff and visitors) responsibility to implement and monitor this policy and its procedures.

### **4.0 Suspension and/or Cancellation of a student enrolment.**

- 4.1 ... The Chief Executive Officer (CEO) is predominately responsible for the suspension and/or cancellation of a students enrolment. For the purpose of good daily management practice, the CEO can delegate this responsibility to the Director of Studies after a students bad behaviour has been discussed with the CEO and the Director of Studies recommends this disciplinary action.
- 4.2 ... The Director of Studies may expel a student for severe breaches of this Code of Behaviour Policy and Procedure as well as for breaches of an international students visa conditions.

### **5.0 Definitions**

<b>Accepted Student</b>	Accepted student of a registered provider (Student) means a student (whether within or outside Australia): (a) who is accepted for enrolment, or enrolled, in a course provided by the provider; and (b) who is, or will be, required to hold a student visa to undertake or continue the course.
<b>Aggressive/Violent Behaviour</b>	Aggressive or violent behaviour includes but is not limited to the following: <ul style="list-style-type: none"><li>• assaulting, threatening, physically or verbally abusing or intimidating (invading personal space; spitting on/at a person or object/image in the class) another member of MCOHB's community.</li><li>• acting in a way which endangers the health, safety or well-being of others; damage, misuse, or threat to, or the unauthorised removal of, MCOHB property or the property of students or MCOHB employees.</li><li>• self-harming</li><li>• actions which are arguably violations of Criminal Law.</li></ul> Aggressive and violent behaviour can be viewed on a continuum from behaviour that disrupts learning to physical violence. Behaviour that is threatening but does not include physical assault of a person can be deemed aggressive. State and Federal law govern physical violence assault/vandalism/criminal damage.

<b>Applicant</b>	A prospective student prior to receiving an official Letter of Offer
<b>Authorised representative</b>	Means an authorised representative of the RTO or an authorised Education Agent, who is permitted to undertake the enrolment assessment with a prospective international student.
<b>Course</b>	Full time registered University or vocational education and training courses or ELICOS courses offered by or through RTO and registered on Registered Providers CRICOS scope of registration.
<b>Confirmation of Enrolment (CoE)</b>	The Confirmation of Enrolment (CoE) is an official document that provides important information about an international student's enrolment status. This document is required to be submitted to the Department of Home Affairs before applying for a student visa.
<b>CRICOS</b>	Commonwealth Register of Institutions and Courses for Overseas Students.
<b>Discriminate/Discrimination</b>	To make an unjust or prejudicial distinction in the treatment of different categories of people, especially on the grounds of race, sex, age, or disability.
<b>Disruptive student behaviour</b>	Disruptive student behaviour is repeated behaviour that does not conform to acceptable norms in the training environment, has not ceased after warnings and requires further action.
<b>Education Agent</b>	A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers. Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).
<b>Enrolment</b>	Enrolment means where the student has been issued with a CoE and Letter of Offer to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards the completion of the course requirements. The period of enrolment includes scheduled breaks between study periods.
<b>ESOS Act</b>	Education Services for Overseas Students Act 2000 revised 2018 of the Commonwealth of Australia.
<b>ESOS Regulations</b>	National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
<b>Exclusion</b>	Exclusion restricts a student from class or use of a facility for a temporary period of time.

<b>Expulsion</b>	Expulsion terminates a student's right to enrol MCOHB.
<b>Full time study</b>	The amount of study for a particular Course which is approved by the accrediting body for the Course, or in cases where the accrediting body gives no such approval, means minimum of 20 contact hours per week.
<b>Foundation Skills</b>	<p>Foundation skills are the non-technical skills that support an individual's participation in the workplace, in the community and in education and training. They describe the language, literacy, numeracy (LLN) and employment skills that are essential to performance and are explicitly identified in the foundation skills field of a unit of competency, which:</p> <ul style="list-style-type: none"> <li>• identifies the essential foundation skills that are not explicit in the performance criteria of the unit</li> <li>• describes the application of each skill in context of the performance criteria</li> <li>• should be considered as an integrated part of the unit for assessment purposes.</li> </ul> <p>The language, literacy and numeracy skills are represented by the five core skills set out in the Australian Core Skills Framework (ACSF): Learning, reading, writing, oral communication and numeracy.</p>
<b>Harassment</b>	<p>Harassment is any form of unwanted or unwelcome behaviour directed at an individual or group by another individual or group, which may range from mildly unpleasant remarks to physical violence. Harassing behaviour tends to be based on a characteristic or a presumed characteristic relating to such things as a person's race, disability, physical appearance, age, religion, gender etc.</p> <p><b>Legislation</b></p> <p>Harassment on the basis of sex, sexuality, marital status, pregnancy, race, impairment and age is considered discrimination under Equal Opportunity legislation and MCOHB is legally responsible for ensuring that the learning and working environment is free from discrimination.</p>
<b>Mode of Study</b>	Attendance including face-to-face in a classroom, supervised study on the registered provider's campus, distance learning, online learning and work-based learning.

<b>National Code</b>	National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students.
<b>Overseas Student</b>	A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act but does not include students of a kind prescribed in the ESOS Regulations. Where the student is under 18 years of age and the student is required to exercise rights or enter obligations as a legal person, this term may refer to the student's parent or legal guardian.
<b>Pre-training Review (PTR)</b>	Pre-training Review (PTR) is the process of determining suitability and appropriateness of a chosen training option per an individual's present competencies with reference to the domains of; background education, interest, aspiration, and abilities. PTR involves diagnostic assessments to measure applicants LLN and Foundation Skills.
<b>Principal Course of Study</b>	The principal course of study that refers to the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses.
<b>PRISMS</b>	The Provider Registration and International Students Management System (the electronic system that holds CRICOS course and provider registration details and the electronic Confirmation of Enrolment) and reporting changes in course enrolment, particularly where study ceases (non-compliance), or the duration of the study changes. PRISMS also facilitates the monitoring of student compliance with visa conditions, as well as provider compliance with the ESOS Act.
<b>Prospective Student</b>	An intending overseas student (whether within or outside Australia) who intends to become, or who has taken any steps towards becoming, an overseas student
<b>Pre-requisite</b>	Means any requirement that the applicant must meet prior to being accepted into a course of study.

<b>Reasonable adjustment/s</b>	Reasonable adjustments can be made to the learning environment, training delivery, learning resources and/or assessment tasks to accommodate the support needs of a learner with disability. The purpose of reasonable adjustments is to make it possible for learners to participate fully. It is not to give learners with additional or different needs an advantage over others, to change course standards or outcomes, or to guarantee success.
<b>Recruitment</b>	The pre-enrolment processes of engaging and assisting overseas students (or parent or guardian if the overseas student is under 18) to apply for a place in a course with a provider leading up to the formal enrolment, including assistance with administrative issues and the issuing of a Confirmation of Enrolment for an application for a student visa;
<b>Registered Training Organisation (RTO)</b>	Registered training organisations (RTOs) are providers and assessors of nationally recognised training that have been registered by the Australian Skills Quality Authority (ASQA).
<b>Relevant Acts and Standards that govern this policy and procedure</b>	<ul style="list-style-type: none"> <li>• <i>Education Services for Overseas Students Act 2000</i></li> <li>• <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i></li> <li>• <i>Standards for Registered Training Organisations (RTOs) 2015</i></li> <li>• <i>Disability Standards for Education 2005</i></li> </ul>
<b>Recognition of Prior Learning (RPL)</b>	RPL is a process that involves assessment only of an individual's relevant prior learning (including formal, informal and non-formal learning) to determine the credit outcomes of an individual application for credit (Australian Qualifications Framework, second edition, January 2013).
<b>Sexual harassment</b>	Sexual harassment is also covered within the Equal Opportunity legislation. Sexual harassment is any unwelcome behaviour of a sexual nature in the working or learning environment and can range from suggestive sexual comments or displays of erotic or sexually graphic material to stalking or assault (NB stalking and assault are criminal offences and can be prosecuted by the Police). Sexual harassment is not confined to a particular gender or sexuality.
<b>Suspension</b>	Suspension suspends the enrolment of a student for a designated period of time.

<b>Student Management System (SMS)</b>	An approved NCVER AVETMISS Data Entry Tool for the collection and storage of a VET students information, collected by an RTO during the students course of study of an AQF accredited qualification.
<b>Student Support Officer (SSO)</b>	A member of the RTO's staff who provides effective and customer-focused frontline support service to students. The SSO is responsible in delivering efficient and professional information, advice and support to meet the needs of students on a range of personal, pastoral, welfare and academic issues. They also provide a seamless referral service to specialist services.
<b>VET qualification</b>	Means a qualification that is delivered to international students, is approved on the CRICOS register and is listed on the RTO's scope of registration on training.gov.au.

## 6.0 Requirements/Process

6.1 ... MCOHB is committed to providing students with a safe, supportive and intellectually challenging study environment. Students enrolled at MCOHB will share classes and facilities with staff and other students. It is expected that students will behave in a manner that is acceptable to the wider community.

6.2... MCOHB values:

- difference and diversity
- respect and cooperation
- tolerance
- academic debate
- freedom of expression balanced with social responsibility.

6.3... While on any campus of MCOHB or engaged in any MCOHB sponsored activity, all students, staff, contractors and visitors are expected to behave in a considerate and courteous manner when dealing with other staff, students and members of the public.

6.4 ... A MCOHB authorised officer is a key stakeholder in providing support and advice for affected students in order to maximise positive educational outcomes.

6.5 ... MCOHB adheres to the principles of adult learning, student diversity and natural justice.

6.6 ... MCOHB's learning environment facilitates the learning of all students without interference or disturbance from others and encourages students to respect and protect the rights of others.

- 6.7 ... MCOHB staff have a responsibility for the management of student behaviour and a responsibility to respond when student behaviour is unacceptable. A teacher concerned about student behaviour must:
- a. discuss the behaviour with the student directly;
  - b. consult with the relevant Education Manager in regard to possible consequences for the student;
  - c. seek advice from the authorised staff member in compliance and/or student admin, where appropriate;
  - d. Student discipline issues are addressed promptly and confidentially
  - e. Student discipline issues are addressed in a spirit of conciliation and negotiation, with penalties being seen as measure of the last resort;
- 6.8 ... Any formal penalty applied must be advised by writing, and either handed directly to the student, where practicable, or forwarded by email and/or registered mail.
- 6.9 ... Students must be given a timely opportunity to respond to an allegation of misconduct, and to provide an explanation for any alleged misconduct before any penalty is applied;
- 6.10. The student Code of Behaviour requires the following rights and expectations to be respected and adhered to:
- The right to be treated with respect by others.
  - The right to be treated fairly and without discrimination regardless of religion, racial and cultural differences, sexual preference, age, disability and socio-economic status.
  - The right to be free from all forms of intimidation.
  - The right to study in a safe, clean, orderly and cooperative environment.
  - The expectation that MCOHB's property will be protected from damage or other misuse. This includes obeying any signs that specify correct use of MCOHB's property e.g. kitchen equipment, student printers etc.
  - The right to have any disputes settled in a fair and rational manner in line with the Complaints and Appeals Procedure.
  - The right to work and learn in a supportive environment without interference from others.
  - The right to express and share ideas and to ask questions.
  - The right to be treated with politeness and courtesy at all times.

MCOHB expects its students to:

- not engage in cheating or plagiarism.
- not be under the influence of drugs and/or alcohol on campus.
- submit work when required.
- be punctual for classes.
- treat MCOHB's staff, trainers and fellow students with respect and without discrimination.
- maintain consistent attendance at all required classes and assessments.
- pay fees by the due date.

- 6.11. Student attendance will be reviewed every five weeks of the total duration of the course from the commencement date.

6.12. Students are required to adhere to MCOHB's Student Code of Behaviour.

6.13. The Director of Studies must, prior to implementation, approve any disciplinary actions arising from breaches of the Student Code of Behaviour.

6.14. Any decision by the Director of Studies in relation to student discipline can be appealed using the Student Complaints and Appeals procedure.

**Unacceptable behaviour:**

6.15. unacceptable behaviour includes, but is not limited to:

- a. refusal to participate in the education program,
- b. disobedience of instructions which regulate the conduct of students,
- c. behaviour which is likely to significantly impede the learning of other students,
- d. behaviour which is detrimental to the health, safety or welfare of the staff, other students or community members,
- e. behaviour which causes or is likely to cause damage,
- f. behaviour which is likely to bring MCOHB into disrepute,
- g. any other behaviour that the CEO determines.

***For further details on the levels of unacceptable behaviour go to ANNEX A of this policy document.***

6.16. Student Misconduct Panel means a panel convened to hear and determine allegations of student misconduct.

**7.0 Confidentiality**

7.1 ... Students must ensure that information of, or held by, MCOHB or other students is not accessed, used or published inappropriately.

7.2 ... Students may be required to attend vocational placements as part of their studies. During these placements, students may have access to information that is confidential or the property of the host environment (workplace). In these circumstances it is the responsibility of students to maintain full confidentiality. Breaches of confidentiality are considered inappropriate conduct under this Code of Behaviour Policy and Procedure.

**8.0 Attendance requirements**

8.1 ... The minimum required level of attendance is 80% of scheduled learning sessions and minimum of 20 scheduled course contact hours per week, unless otherwise specified by ASQA or the relevant training package. Attendance will be reviewed every five weeks of the total duration of the course from the commencement date.

8.2 ... If students are more than 20 minutes late to a session, they can attend the class but their attendance will be marked as a late arrival. However, trainers have discretionary power to allow students to attend the session depending on the student's circumstances.

8.3 ... Students who leave early will have their early departure recorded and the total number of minutes and/or hours that they attended class.

## **Unsatisfactory attendance**

- 8.4... If students are found to have less than 80% satisfactory attendance for scheduled classes for each unit from the commencement date of the unit, the attendance roll will reflect that the students have unsatisfactory attendance. Trainers will then advise students of their ineligibility to sit for assessments.
- 8.5... Students will be sent a first letter informing them that they have breached the code by having an unsatisfactory attendance record. Students will be asked to attend a support session to formulate an attendance improvement plan.
- 8.6... Students noted with unsatisfactory attendance will be monitored over the next five week period. If the students continue to have unsatisfactory attendance and are not meeting their obligations under the improvement plan by the end of the tenth week, they will be issued a second letter for their breach of the Student Code of Behaviour. Students will be asked to attend a support session to formulate a critical improvement plan.
- 8.7... However, in another scenario, when students fail to attend the support session after receiving the first warning letter, a second warning letter requesting attendance at a support session will be issued in the subsequent week. After the second warning letter, and if the student is still absent or continues to have a record of unsatisfactory attendance at the end of the improvement plan period, a third warning letter will be issued.
- 8.8... This letter will inform the student of MCOHB's intention to suspend or cancel their enrolment and of their right to access MCOHB's complaints and appeals process within 20 working days (plus two working days for postage and handling).
- 8.9... The cancellation of the student's enrolment cannot take effect until the appeal process is completed.
- 8.10. The suspension or cancellation of enrolment is subject to the discretion of the CEO and the Director of Studies.

## **9.0 Non-commencement**

- 9.1... MCOHB will initiate a cancellation of the offer and the CoE when:
- a. A new student fails to commence within 15 working days of the orientation date as specified on the letter of acceptance. The student will not be entitled to refunds or an extension as a result of non-commencement (student default).
  - b. A student fails to commence within 15 workings days of the deferral and the break. This is a breach of Student Code of Behaviour which can lead to the cancellation of student's enrolment.
- 9.2... The CoE will be cancelled, the student and/or Education Agent will be notified prior to the cancellation and a copy of the cancelled CoE will be sent for their reference. Appealing rights are not offered when the student has not commenced studies at MCOHB.
- 9.3... For international students, the Department of Home Affairs will be notified of the cancellation of enrolment, which may result in the cancellation of student's visa.
- 9.4... For domestic students, reporting to immigration is not relevant.

- 9.5... If an international student does not agree with this decision, they have 20 working days from the date the letter is sent (plus 2 working days for the postal handling) to appeal. This can be done by accessing the MCOHB's Complaints and Appeals process. The application form to lodge a Complaint & Appeal is available from reception and also on MCOHB's website.
- 9.6... Domestic students have five (5) working days from the date the letter is sent (plus 2 working days for the postal handling) to appeal.
- 9.7... The student will remain enrolled at MCOHB during this time. Whilst the appeal is in progress, the student will be expected to attend classes and their academic performance will continue to be monitored.

## **10.0 Default on payment of tuition fees**

- 10.1. If students are found to have defaulted in the payment of tuition fees, they are sent a reminder letter detailing the late payment and advising them to see the Finance Department immediately.
- 10.2. If students continue to default in the payment of tuition fees after seven days from the date of the initial reminder letter, they are sent a subsequent reminder letter.
- 10.3. If students still do not pay after the second reminder letter, a final letter is sent outlining MCOHB's intent to suspend or cancel their enrolment. This letter will inform the students of their right to access MCOHB's complaints and appeals process within 20 working days (plus two working days for postage and handling).
- 10.4. The cancellation of a student's enrolment cannot take effect until the appeal process is completed.
- 10.5. The student will be excluded from class at the same time as the cancellation of the student's enrolment take effect (once the appeal process is completed).
- 10.6. Suspension or cancellation of enrolment will be reported to the Department of Home Affairs and may affect the student's visa status (only applicable to international students). The default reason will be the date the student was excluded from class.

## **11.0 Absent 14/ 28 consecutive days**

- 11.1. If an international student is absent for 28 consecutive days or if a domestic student is absent for 14 consecutive days without prior approval or reasonable grounds (such as compassionate or compelling reasons beyond the student's control) MCOHB's staff will notify the student of its intention to cancel his/her enrolment. MCOHB will do this by issuing a letter "Intent to cancel enrolment". In the letter, the student will be informed of their right to access the complaints and appeals process.
- 11.2. For domestic students in the case of non-attendance without notice, even when there is no formal withdrawal, the date of last engagement will be recorded as the point of withdrawal.
- 11.3. If the appeal is not upheld or the student withdraws from the appeal process MCOHB must report the student to the Department of Home Affairs. \*The process applies to both international and domestic students. For domestic students, reporting to immigration is not relevant. However, if under funding it could impact the student's future entitlements.

## **12.0 Mobile phones, sound and photographic equipment**

- 12.1. Mobile phones, sound or photographic equipment must be used in a manner that does not infringe on the comfort or rights of others therefore the use of mobile phones is not permitted in classrooms.

## **13.0 Student Identification cards**

- 13.1. While on MCOHB premises, all students are required to carry a current Student Identification card and to produce it when requested by a staff member.

## **14.0 When the students are suspected of possession, distribution or consumption of drugs and/or alcohol**

- 14.1. If a student is found to be, or is suspected of possessing, distributing, consuming or being affected by drugs and/or alcohol, MCOHB will take appropriate action based on the severity of the student's breach of Student Code of Behaviour.
- 14.2. If the student behaves in the above described manner, the student will be asked to leave MCOHB's premises (where appropriate). The trainer in charge, or the Course Coordinator, must complete an incident form to record all the necessary information (e.g. date, time, people involved, nature of the incident etc.). The student will also be issued a warning letter for breaching the Student Code of Behaviour. Three warnings can lead to the cancellation of the student's enrolment.
- 14.3. If the student displays any signs of violence likely to cause harm to others, MCOHB's staff will call the nearest police station and report the student. First aid and other medical assistance may be provided if required and where appropriate.
- 14.4. Information about the abuse of drugs/alcohol is a private matter and only needs to be shared between students, their parents/guardians and a supporting community agency. However, at the discretion of the CEO/Director of Studies and with the student's consent, the information may be provided to staff who have direct responsibility for the student.

14.5. MCOHB's staff have a duty of care to pass on information to a member of management if they have knowledge about illicit drug use by students, irrespective of whether the use:

- is confirmed, suspected or likely to occur; and
- occurs on or outside MCOHB's premises.

Note: Under this duty of care, MCOHB's staff cannot promise unconditional confidentiality to students.

### **Prescribed medication:**

14.6. Students using prescribed medications must consider, in consultation with their doctor, whether there are possibilities of medication problems arising within the college community. In particular, a student must not operate vehicles or machinery if taking prescribed medication that may impair their ability to do so safely. It is important that students inform lecturers and supervisors of any likely problems and brief them on the response to follow to assist the student to overcome any difficulties. The specific response will depend on the nature of the effects of medication and the probability of problems arising.

## **15.0 Dress Standards**

15.1. MCOHB is an adult learning environment that prepares students for business and industry as well as for further career-related training. As a result, students are expected to dress in a manner appropriate for the workplace.

15.2. While on campus and participating in field practice, students are required to comply with the occupational health and safety requirements specific to their area in relation to clothing, footwear and safety equipment.

## **MCOHB Property**

15.3. MCOHB property includes, but is not limited to, buildings, plant and equipment and the natural environment. Any act of misuse, vandalism, theft, malicious or unwarranted damage or destruction, defacing (including graffiti), disfiguring, unsafe or unauthorised use of property belonging to MCOHB by students is considered inappropriate conduct. Where an activity is a violation of the law, the appropriate legal action will be pursued by MCOHB.

## **16.0 Smoking on MCOHB Premises**

16.1. No person shall smoke on MCOHB grounds. MCOHB has a duty of care to ensure that all premises are safe for students and staff. Smoking has been banned in all enclosed public places, workplaces, shared areas and enclosed licensed premises. In addition, MCOHB has clearly defined non-smoking areas in outdoor locations.

16.2. As of 1 August 2017 it is against the law to smoke in outdoor areas within four (4) metres of a building. The Tobacco Act makes it illegal to smoke in all enclosed workplaces and many public spaces where people can be exposed to second-hand tobacco smoke.

16.3. The Act now bans smoking in more public places than ever before. Specifically, you cannot smoke:

- at enclosed restaurants, cafes and dining areas of hotels,
- at licensed clubs,
- at shopping centres,
- in enclosed workplaces,
- in a motor vehicle, if anyone under 18 is present,
- at patrolled beaches,
- at outdoor public children's playgrounds, skate parks and sporting venues during organised under-age sporting events,
- at under-age music or dance events,
- at outdoor areas within public pool complexes,
- within the grounds of, and within four metres of entrances to, childcare centres, kindergartens, pre-schools, and primary and secondary schools,
- within four metres of entrances to children's indoor play centres,
- within four metres of entrances to public hospitals and registered health centres,
- within four metres of entrances to certain Victorian Government buildings,
- in courts or police stations,
- at train stations, tram platforms, or tram and bus shelters.

## **17.0 MCOHB Online and Social Networking Guidelines**

17.1. Students can be held accountable for their online behaviour in the same manner as they are accountable for their on-campus or TAFE SA-related activity behaviour. In particular, it is an offence to harass, bully, defame or slander any member of the community.

17.2. Students are also reminded that social networking sites and online learning environments have in place and conditions that discourage activity that could lead to defamation or incitement to hatred. As referenced in these services' terms and conditions, students should refrain from posting material that is deemed to be criminal; harassing; racially, sexually, ethnically or religiously objectionable; defamatory; obscene; invasive of another's privacy; or infringing on copyright.

17.3. If activity on a social networking site or an online learning environment is reported as violating this Code of Behaviour Policy, it will be investigated and addressed according to the MCOHB's disciplinary procedures. Given the ease with which student's entries can be accessed and copied, the record of such misconduct can be used to provide evidence in any subsequent disciplinary action.

## **18.0 Cheating and Plagiarism**

- 18.1. Students found cheating during assessment, or who have submitted plagiarised work, will be given an opportunity to explain their case. Depending on the situation, the Director of Studies shall decide whether the student should repeat the unit and pay the repeat tuition fee or resubmit the assessment and have the breach dealt with under other provisions of the Student Code of Behaviour.
- 18.2. Where applicable, an improvement plan will be developed to assist the student to complete the course.

## **19.0 Procedures for other breaches to the Code of Behaviour All students**

- 19.1. For any other breach of behaviour, a member of MCOHB's staff will contact the student to arrange a meeting to discuss the issue or behaviour and determine how the issue might be rectified. This meeting and its outcomes will be documented in the "Code of Behaviour" letter. This letter will be issued to inform the student of the disciplinary action to be taken as discussed in the meeting.
- 19.2. Where there is a second breach of the Student Code of Behaviour, the student will be invited to attend a personal interview with the Director of Studies to further discuss the breaches. This meeting and its outcomes will be documented, in the "Code of Behaviour" letter. This letter will be issued to inform the student of the disciplinary action to be taken as discussed in the meeting.
- 19.3. Should a third breach of the Student Code of Behaviour occur, training services will be withdrawn and the student will be sent a letter about the intention to cancel their enrolment. This letter will inform the student of their right to access MCOHB's complaints and appeals process within 20 working days (plus two working days for postage and handling).
- 19.4. Failure to attend scheduled meetings may result in MCOHB deciding to suspend or cancel a student's enrolment.
- 19.5. Failure to have any reasonable grounds or exceptional circumstances when found to have disobeyed signage or deliberately disregarded notices causing damage or misuse of MCOHB's property may result in the student being liable for associated costs.

### **For international students:**

- 19.6. If MCOHB intends suspending or cancelling a student's enrolment, and it is not at the student's request, the student must be informed they have 20 working days to appeal to MCOHB. If the appeal is not upheld, or the student withdraws from the appeal process, MCOHB must report the student to the Department of Home Affairs. The suspension or cancelling of the student's enrolment cannot take effect until the appeal process is completed.
- 19.7. Suspension or cancellation of enrolment has to be reported to Department of Home Affairs and may affect the student's visa status.
- 19.8. At any stage of this procedure students are able to access MCOHB's Complaints and Appeals procedure if they do not agree with a decision.

## **20.0 Disciplinary Authority levels**

### **Student Discipline Scheme**

- 20.1. The Code of Behaviour rules mandate the provision of a scheme for disciplinary action against students including review of a decision to take disciplinary action.
- 20.2. The Student Discipline Scheme, as outlined in this policy, provides the basis for MCOHB staff to make disciplinary decisions, to varying degrees, against students exhibiting inappropriate behaviour and/or engaged in misconduct.
- 20.3. The Authority Levels in the Student Discipline Scheme relate to the following functions, for which authorised staff are empowered to initiate the requisite action:
- Authority Level 1:** Monitor student behaviour and verbally warn students whose behaviour does not comply with Code of Behaviour rules. Head trainers, Trainers, student admin staff.
- Authority Level 2:** Issue formal warnings, establish a Student Behaviour Agreement and/or preside a disciplinary conference and making disciplinary decisions against a student Head trainers, Operations manager, student support admin manager, Director of Studies.
- Authority Level 3:** Reviewing and confirming / cancelling the decision to expel a student, CEO & Director of Studies only.
- Authority Level 4:** Review of expulsion and disciplinary decisions (Internal Review Panel – Investigating Officer) appointed by either CEO and/or Director of Studies.
- Authority Level 5:** Review of a decision to expel a student and re-enrolment of students expelled from MCOHB. CEO and/or Director of Studies.
- 20.4. Where a student contravenes a Commonwealth of Australia or State and/or Territory law, including criminal law, while on MCOHB campus or while engaged in a related training activity off-site, Student Conduct and Disciplinary Policy which is subsequently referred by MCOHB or an appropriate jurisdiction, proceedings required under that law will take precedence but will not prevent MCOHB from taking disciplinary action against the student.

## Appendix 1: Class Norms

Trainers are encouraged to discuss group or class norms with their students that reflect the expectations stated in the Code of Behaviour Policy and associated Student Responsibilities.

Class norms are likely to be most effective when established 'democratically' with the class.

Addressing expectations and norms early in the course enables all students to voice their interests and concerns before more dominant class voices emerge. An open discussion amongst class members may be sufficient to generate acceptable norms and reinforce consequences. Class norms should be recorded and distributed to all class members or posted in the classroom for future reference and review.

Below are 'Standard' Class Norms expected of students at all times when engaged in training related activities (either on or off-Campus). Programmes may include programme specific information related to their teaching and learning environment.

The creation and use of class norms seeks to provide students with a clear understanding of what constitutes appropriate conduct and the consequences of inappropriate conduct. Establishing class norms at the outset of a course is an opportunity to provide explicit guidelines for students that meet the specific needs of a diverse range of teaching and learning environments. Agreed and 'published' class norms also provide for greater consistency in responses to classroom management issues by different staff working with the same student group.

Where multiple trainers are involved in the delivery of a class, it is the responsibility of each member of the teaching team to ensure they communicate with other staff to ensure class norms are established, understood and implemented. It may be useful for individual staff to establish specific class norms (in addition to the base norms) that reflect their specific teaching and learning environment. It is suggested that a copy of the class norms be kept in the roll book for quick reference.

### Standard Class Norms

#### Attendance and Punctuality

Students should be on time for their classes, return from breaks at the agreed times and notify the trainer beforehand if they need to leave the class early.

If students cannot attend the class they should contact the lecturer directly or the program office.

Students should follow-up an absence from class by either speaking with the lecturer or obtaining the necessary notes from another student.

People who are regularly late or absent and cannot fulfil the requirements for participation should discuss their options with the trainer.

#### Respectful Communication

##### MUTUAL RESPECT

Students should address each other and the lecturer in a courteous and civil manner at all times.

This means one person speaking at a time and everyone having the right to speak.

It's OK to disagree with an idea but disagree with the idea, not the person. Be aware that the group is made up of diverse cultures, ages and backgrounds - be sensitive and tolerant to differences.

Inappropriate swearing, jokes, and 'put downs' are to be avoided.

The safety and well-being of all students in the class is paramount. No student should feel threatened by another or tolerate unwelcome attention.

What people talk about in class may be personal and confidential and must be respected and not repeated to others outside of class.

## **Effective Participation**

### **CONTRIBUTE**

Students should try to participate effectively and support and encourage the participation of others.

Wearing headphones or using a mobile phone in class is not appropriate.

Students should come to class with the necessary materials and be aware of their responsibilities towards others.

Inattention in class is not grounds for seeking additional attention from the lecturer or other students.

Students with personal problems should refrain from raising them inappropriately but may wish to seek support from learner services.

Negativity can affect the participation and enjoyment of others; feedback is to be constructive.

Genuine complaints should be dealt with through your trainer, Director of Studies, Student Support or admin staff.

## Appendix 1: Request to Conduct a Disciplinary Conference

To: (Name of appropriate Authority Level 2).

The recent behaviour of a student has resulted in me invoking a request for disciplinary action against the student (as detailed below). The student has not complied with the sanction or warning/s given and I now request, in accordance with the Student Code of Behaviour Policy, that you convene a Disciplinary Conference in relation to this issue.

Student Name:

Student ID No:

Enrolment Details i.e. Qualification

First verbal warning issued on (date):

Second verbal warning issued on (date):

Third formal warning issued on (date):

Acts or behaviours witnessed:

Action/Disciplinary Decision supported by Authority Level 1:

Name:

Signature:

Attached:

1. Student Discipline Report/s
2. Formal warning from Head trainer or Operations manager.

## Appendix 2: Student Discipline Report

Student Name:

Student ID No:

### Student Enrolment details:

Qualification:

Date Start:

Date finish:

Date of Incident:

Location of incident:

Time of incident:

Witness/s:

### DETAILS OF INAPPROPRIATE BEHAVIOUR/CONDUCT:

Act or Behaviour Rule/Code/s Breached:

Was the student present at the time the report was filled in?

Yes /  No

### STUDENT'S COMMENTS:

Signature of Student:

### ACTION BY Authority LEVEL 1:

Name:

Signature:

(Authority Level 1 to forward to Authority Level 2)

### ACTION TAKEN BY AUTHORITY LEVEL 2:

Name of Level 2 authority:

Signature of Level 2 authority:

file securely in student file.

## Appendix 3: Notice of Consideration of Disciplinary Action

*(Send following to student by email)*

Date:

Student ID:

Date of Birth:

Family Name (as per enrolment registration):

Given Name (as per enrolment registration):

Course Code:

Course Title/Name:

Original Start Date:(as per CoE/student agreement)

Finish Date:

Campus/Site:

### Notice of Consideration of Disciplinary Action

I am advising you that I am now considering recommending the taking of disciplinary action in relation to the matters alleged against you. Since the issuing of both informal and formal warnings (copies enclosed), the following behaviours have continued and most recently on the: **<insert date of incident>** you were witnessed:

In order to consider your response to these allegations I am requesting your attendance at a meeting to be held at the following location:

On ...../...../..... at ..... am/pm. You may wish to bring another person with you for support but in accordance with MCOHB Rules, you may not have legal representation. The following MCOHB staff will be present at this meeting:

The meeting will consider all relevant information and decide whether a disciplinary sanction is warranted. Under the MCOHB Student Code of Behaviour, a student may be sanctioned by one or multiple means and/or may be suspended or expelled from enrolment at MCOHB.

If you are unable to attend at the set time or wish to discuss the issue beforehand contact me on phone (03) ..... Alternatively you may submit, in writing, factors you wish to be taken into consideration by me.

A written submission should reach me by: **<insert date>**

Yours sincerely

(Name and Position Title)

Presiding Officer

File copy securely in student file.

## Appendix 4: Student Behaviour Agreement

*(Send following to student by email)*

Date:

Student ID:

Date of Birth:

Family Name (as per enrolment registration):

Given Name (as per enrolment registration):

Course Code:

Course Title/Name:

Original Start Date:(as per CoE/student agreement)

Finish Date:

Campus/Site:

### **This Student Behaviour Agreement:**

describes the inappropriate conduct for which you have been reprimanded

identifies the specific legislation and sanctions which may be enforced for inappropriate conduct

clarifies the accepted expectations of your behaviour at MCOHB.

As a formal reprimand, it provides notice that further proven misconduct may incur disciplinary action which may include suspension or expulsion from MCOHB.

Description of inappropriate conduct and dates of incidents:

This conduct is in breach of MCOHB's Student Code of Behaviour Policy pursuant to MCOHB rules and such student misconduct may result in disciplinary action in accordance with MCOHB's Student Code of Behaviour.

All students enrolling at MCOHB acknowledge MCOHB's Student Code of Behaviour Policy upon registration. By completing and lodging your registration you are deemed to have consented to these conditions. A copy of this policy is also available on MCOHB's Website.

### **AGREED ACTION**

In order to continue attending training at MCOHB it is necessary that you understand and abide by the expected student conduct. Students are required to be respectful in all dealings with other students and staff and not interfere with the ability of others to benefit from study or carry out their duties. In particular you must at all times:

Should you require further information about MCOHB policies and rules or the support services available to students please contact Information Services. With reference to MCOHB's Student Code of Behaviour Policy, your understanding and acceptance of your responsibilities is a prerequisite to attendance in classes or modules of study offered by MCOHB.

## **Student Behaviour Agreement**

AGREED BY ALL PARTIES

I agree to abide by MCOHB's Student Code of Behaviour Policy and desist from the acts of inappropriate conduct expressly detailed in this participation agreement. I am aware that failure to do so may result in further disciplinary action including expulsion or suspension from studies. I further acknowledge that MCOHB is under no obligation to re-schedule the class or educational activity or to compensate or make up for the loss of class attendance by me.

Signature of Student:

Date signed:

Signature of MCOHB Senior Manager:

Date signed:

Position/Title of MCOHB Senior Manager:

## Appendix 5: Notice of Suspension Template

*(send following to student by email)*

Our Ref:

[insert date]

[Student's Name]

[Student's Address]

### **Notice of suspension from MCOHB**

Dear [Student's name],

I advise that I have received no response from you to my letter of [insert date of previous notice] regarding possible disciplinary action. [OR]

I advise that I have considered your representations made to me on [insert date] in response to my letter of [insert date of previous notice].

Having considered all relevant matters, I am writing to inform you that I am suspending you from attendance at (insert campus) for the period [..../..../.... To ..../..../....]

I am satisfied that an order of suspension is justified under MCOHB's Student Code of Behaviour (SCoB) (pursuant to the following MCOHB SCoB) in that on [insert date/s] you threatened to or interfered with:

- MCOHB property by (state how) pursuant to (MCOHB SCoB); [OR]
- the safety or wellbeing of a member of MCOHB's community by (state how) pursuant to (MCOHB SCoB) [OR]
- the ability of MCOHB staff to perform their duties by (state how) pursuant to (MCOHB SCoB) [OR]
- the ability of other students to benefit from instruction or pursue studies by (state how) pursuant to (MCOHB SCoB) [OR]
- the good order of the MCOHB by (state how) pursuant to (MCOHB SCoB).

This decision means you will not be able to attend at any campus of MCOHB during this period.

If you disagree with this decision, you may formally appeal by writing to the Director of Studies within 10 working days.

Yours sincerely,

(insert name and title)

## Student Behaviour Procedural Steps

**Levels of Misconduct:**

Where staff members have concerns for the safety of themselves or others they must contact the police immediately for assistance.

<p><b>Level 1 Low risk</b> Inappropriate behaviour of a minor concern. Level 1 relates to minor inappropriate social behaviour which may be of a repeated nature. Number of repetitions = 3 The behaviour has minimal impact on others, including fellow students, trainer and other staff and/or visitors.</p>		
Behaviour may include:	Action:	Action by staff
<ul style="list-style-type: none"> <li>• Littering;</li> <li>• Lateness to class which impacts on the learning outcome;</li> <li>• Refusal to cooperate with a reasonable instruction from a staff member;</li> <li>• Eating or drinking in the classroom;</li> <li>• Minor disruptive behaviour in class or in surrounding areas of classrooms;</li> <li>• Swearing in any language;</li> <li>• Refusal to complete set learning tasks;</li> <li>• Unapproved use of mobile phones in class;</li> <li>• Sending inappropriate social media messages to students or staff,</li> </ul>	<p>Note: Level 1 behaviour may be an early indicator of a more complex problem. The authorised officer in Student Engagement and Retention must be contacted where student may be at physical, emotional or academic risk.</p> <ol style="list-style-type: none"> <li>1. Behaviour should be addressed immediately by the staff member who witnesses the behaviour;</li> <li>2. Verbal warning to the student that disciplinary action may be taken (informal)</li> <li>3. Check Student ID for confirmation of the student's identity;</li> <li>4. Student reprimanded by the staff member who witnessed the behaviour;</li> <li>5. Student counselled by staff member</li> <li>6. Staff member to make a note on student file explaining expected behaviour or use form: Alleged Breach of Discipline Report</li> <li>7. Submit written advice of the behaviour of the student to the student's file use form: Student Discipline Report</li> </ol>	<p>All staff, but particularly the staff member who witnessed the behaviour</p>

**Level 2 Medium risk**

Inappropriate behaviour or actions that are purposefully in breach of the Student Code of Behaviour.

Medium level inappropriate behaviour or action impedes work, safety, or comfort of staff, students or community members and may affect the reputation of the Institute.

Number of repetitions = May be a first offence or a repeat of Level 1 offence

A pattern of behaviour may be identified which may require further investigation. It may be appropriate for the Operations manager or student admin manager to be present at the counselling of the student.

Depending on the type of misconduct, suspension may be applied along with a behavioural contract, and actions for the student to remediate, such as a letter of apology, repairing broken equipment, library time to catch up on overdue work. This remediation work should be related to the misconduct and is applied at the discretion of the Director of Studies.

Behaviour may include:	Action:	Action by staff
<ul style="list-style-type: none"> <li>• Unacceptable repetition of Level 1;</li> <li>• Smoking on campus grounds;</li> <li>• Taking photographs without the permission of the subject;</li> <li>• Bringing animals onto campus other than support or assistance animals or as part of student course (i.e. Animal Studies);</li> <li>• Being in an unauthorised area;</li> <li>• Failure to comply with Learning Research Centre borrowing regulations;</li> <li>• Cheating and/or Plagiarism (first instance)</li> <li>• Inappropriate mild sexual activity;</li> <li>• Public display of inappropriate nudity;</li> <li>• Taking inappropriate photos of students and staff without their explicit permission;</li> <li>• Failure to pay a fine within timelines.</li> </ul>	<p>Misconduct should be addressed in the first instance by the staff member who witness the behaviour and may involve the Director of Studies;</p> <p>The student must be offered the opportunity to explain the behaviour immediately. If the student admits to the misconduct, she or he should be informed that the behaviour is unacceptable;</p> <p>The Head trainer of the area responsible for training the student should be notified in writing of the details of the breach of code;</p> <p>The student should be advised that they may be suspended from the remainder of the class or for the remainder of the day;</p> <p>Misconduct should be noted on the student file; Student Discipline Report.</p>	<p>The person who witnessed the behaviour</p> <p>Trainer</p> <p>Director of Studies</p>

**Level 2 Medium risk**

Behaviour may include:	Action:	Action by staff
<ul style="list-style-type: none"> <li>• Gambling within Institute precincts;</li> <li>• Minor damage to property under \$100 to repair or replace</li> </ul>	<p>Where necessary, convene a meeting to investigate incident. Attendees should include the Head trainer and trainer (to counsel student regarding behaviour and outline possible</p>	

<ul style="list-style-type: none"> <li>• Viewing or transmission of objectionable material</li> <li>• False representation</li> <li>• Unapproved use of mobile phones in class</li> <li>• Sending inappropriate social media messages to students or staff</li> </ul>	<p>consequences of the behaviour) and student's parents or carers (where the student is under 18);</p> <p>Following the meeting prepare a Student Behaviour Agreement for a fixed period, with fortnightly reviews to support the student in her or his positive behaviour and ensure the conditions of the contract are being met;</p> <p>Have student sign the Student Behaviour Agreement and place a copy on the student file (where student is under 18, a copy should also be provided to the parent or carer);</p> <p>Organise and inform student of date and time of a Return to Study meeting.</p> <p>Where the behaviour warrants a more severe penalty, the Director of Studies may exclude the student for up to 3 teaching days*. In the case where the student is an apprentice or trainee, the employer must be notified. The student should be given a Notification of Penalty Form and a Discipline Penalty Appeals Form.</p> <p><b>Action Option:</b></p> <p>Up to 3 teaching days suspension may be applied as well as the above actions. *Up to 5 teaching days suspension may be applied where more than one student is involved.</p> <p>Normally, the student is advised of the action outcome within 3 teaching days of the incident.</p>	
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Level 2 Medium risk		
Behaviour may include:	Action:	Action by staff
If misconduct involves more than 1 student	<p>Respond to behaviour immediately;</p> <p>Contact Security, where immediate physical danger may exist, or Education Manager where there is no immediate physical danger;</p> <p>Control the incident where it is possible and safe to do so;</p> <p>Relocate students whose conduct is alleged to be inappropriate to an appropriate place for interview;</p> <p><b>Action Option:</b></p>	<p>The person who witnessed the behaviour</p> <p>Trainer</p> <p>Director of Studies</p>

	<p>Up to 5 teaching days suspension may be applied where more than one student is involved.</p> <p>Normally, the student is advised of the action outcome within 3 teaching days of the incident.</p>	
<p>Where incident is not witnessed by staff member, but complaints made by students or other witness(es).</p> <p>Investigation is required</p> <p>Suspension up to 5 days may be applied to conduct interviews for investigation</p>	<p>Teacher takes written statement(s) from witness(es)</p> <p>Discuss with Head trainer</p> <p>Head trainer to meet with student to discuss the complaint and provide an opportunity to respond</p> <p>Conduct post meeting investigation where necessary</p> <p>Head trainer determines appropriate response and notifies student of any disciplinary action verbally and in writing (email and/or registered mail)</p> <p>If no disciplinary action required as a result of a false claim by witnesses, move to disciplinary action for False Representation</p> <p><b>Action Option:</b></p> <p>Up to 5 teaching days suspension may be applied where more than one student is involved. Normally, the student is advised of the action outcome within 3 teaching days of the incident.</p>	<p>Trainer</p> <p>Head trainer</p>

### Level 3A High risk

Misconduct at this level is very serious, but NOT:

- Dangerous to self or others;
- A possible criminal act

Level 3A behaviour involves inappropriate behaviour or action which interferes with the work, safety or comfort of staff or students and may affect the reputation of the RTO. Level 3A Response is undertaken in the first instance by the teaching staff member who witnessed the behaviour, or by the relevant manager, where the behaviour occurs outside a learning environment.

Number of repetitions = May involve a first offence or repeated Level 1 and/or Level 2 occurrences

The student should be removed from the class for the remainder of the day with an option to suspend for up to 7 teaching days

The staff member should involve the Head trainer.

Where the staff member identifies a pattern of behaviour that may require further investigation, it is appropriate for the authorised officer in Student Engagement and Retention to be engaged for consultation and support for the student. Investigation should be completed within 5 days of commencement. Depending on the seriousness of the alleged behaviours, suspension of the student(s) for up to 5 teaching days may be applied by the Head trainer to complete investigation.

Behaviour may include:	Action:	Action by staff
Repetition of level 1 or 2 or a total of 3 suspensions at level 1 and/or 2 Viewing and transmitting objectionable materials on any type of technology or social media False, misleading or incomplete information Publishing confidential information of the Institute such as examination papers Negligent behaviour that causes damage to equipment, property, signage, grounds, buildings or garden	Respond to behaviour immediately Contact Head trainer Control the incident where it is possible and safe to do so Relocate students for interview to appropriate space where it is possible and safe to do so Where the incident does not involve criminal activity, a Student Misconduct Panel should be set up immediately to begin an investigation of the incident. The Student Misconduct Panel should comprise the Director of Studies, or nominee who will act as Chair. The student will be given an opportunity to explain the behaviour. If the student admits to the misconduct, she or he should be informed of the seriousness of their behaviour and possible consequences. The student may request a support person to attend this meeting from: Family member or friend Another student Staff member <b>Action Option:</b>	The person who witnessed the behaviour Trainer Head trainer Director of Studies

	<p>Up to 7 teaching days suspension may be applied while investigating if further action is required.</p> <p>Normally, the student is advised of the action outcome within 5 teaching days of the incident.</p> <p>Student may be suspended for up to 10 days.</p>	
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### Level 3B Extreme

Misconduct at this level is very serious and considered

- dangerous to self or others
- a possible criminal act.

Level 3B behaviours interfere with the work, safety or comfort of staff, students or the community and may affect the reputation of MCOHB.

Number of repetitions = May involve a second offence of 3A or repeated level 1 or 2 occurrences

Level 3B response is undertaken in the first instance by the teaching staff member who witnessed the behaviour or by the relevant manager, where the behaviour occurs outside a learning environment. Initially, the student should be removed from the class for the remainder of the day.

The Head trainer of the course being undertaken by the student should be advised immediately. Police support may be requested for support. The student should be suspended for the remainder of the day.

Suspension of up to 10 teaching days may be applied, depending on severity and nature of behaviours and a behavioural contract applied which may include required actions for the student to undertake satisfactorily before re-entry. A further exclusion or suspension of up to 10 teaching days may be applied where an initial assessment by the Student Misconduct Panel is that it is likely that a report to the Chief Executive Officer may include recommendation for long term exclusion or permanent expulsion.

Student may be subject to longer term exclusion or permanent expulsion where appropriate in the view of the Chief Executive Officer following investigation.

Behaviour may include:	Action:	Action by staff
<p>Property damage:</p> <ul style="list-style-type: none"><li>• Theft of RTO property / personal Property</li><li>• Deliberate damage to Institute property</li><li>• Damage to property, accidental but serious damage</li><li>• Dangerous driving in car park</li><li>• Damage to, RTO, staff or student vehicles or property</li></ul> <p><b>Drugs and Alcohol</b></p> <ul style="list-style-type: none"><li>• Student is intoxicated – drugs and/or alcohol</li><li>• Student seen taking drugs and/or alcohol on campus</li><li>• Seeking to purchase drugs on campus</li><li>• Selling drugs on campus</li></ul> <p><b>Personal Assault</b></p> <ul style="list-style-type: none"><li>• Assault on campus, pushing and/or punching</li><li>• Assault with weapon</li></ul>	<p>Where the incident involves criminal activity the Police should be informed by one of the following; Head trainer, Operations manager, Director of Studies.</p> <p>a Student Misconduct Panel should be set up immediately to consider recommending to the Chief Executive Officer a financial penalty for recovery or repair of damages</p> <p>Where a financial penalty is to be applied, the certification of damage value by the CEO shall be conclusive and fully documented;</p> <p>Student must be formally notified in writing of any action/penalty taken as a result of their misconduct</p> <p>Student may be excluded or suspended from the Institute for up to 10 teaching days, depending on severity and nature of behaviours, while the incident is being investigated.</p> <p>A further exclusion or suspension of up to 10 teaching days may be applied where an initial assessment by the Student Misconduct Panel is that it is likely that a report to the Chief</p>	<p>The person who witnessed the behaviour</p> <p>Trainer</p> <p>Head trainer</p> <p>Director of Studies</p> <p>CEO</p>

<ul style="list-style-type: none"> <li>• Carrying or concealing a dangerous weapon</li> <li>• Bullying and harassment</li> <li>• Cyber bullying and harassment</li> <li>• Sexual exposure or sexual assault</li> </ul>	<p>Executive Officer may include recommendation for long term exclusion or permanent expulsion.</p> <p>Disciplinary action up to and including expulsion may be recommended and applied.</p>	
<p>High level misconduct or criminal activity</p>	<p>Reported immediately to</p> <ul style="list-style-type: none"> <li>• Director of Studies</li> <li>• CEO</li> <li>• Police</li> </ul>	<p>The person who witnessed the behaviour</p> <p>Trainer</p> <p>Head trainer</p> <p>Director of Studies</p> <p>CEO</p>
<p>If student is behaving in an irrational or agitated way.</p>	<p>May need to call Police 000</p> <p>May need Ambulance 000</p> <p>Contact Line Manager as soon as possible and safe to do so.</p>	<p>The person who witnessed the behaviour</p> <p>Trainer</p> <p>Head trainer</p>
<p>If student is calm remove to appropriate office location</p>	<p>Contact Head trainer or Director of Studies</p> <p>Provide with a brief verbal summary of incident.</p>	<p>The person who witnessed the behaviour</p> <p>Trainer</p>

<b>Level 3B Extreme</b>		
<b>Behaviour may include:</b>	<b>Action:</b>	<b>Action by staff</b>
Explain to student the seriousness of the incident that suspension will be enforced.	Control the incident where it is possible and safe to do so Relocate student(s) for interview where it is possible and safe to do so Calm student(s) Counsel student on behaviour and consequences Consult with Director of Studies and discuss appropriate action	The person who witnessed the behaviour Trainer Head trainer Director of Studies
All paperwork to be filed and copy of suspension letter sent to the following departments: Teaching Department electronically with Head trainer Student admin/Records	Student Records to add note to student file Teaching Department student file Notify relevant training staff and student admin staff	Head trainer Operation manager Admin manager Director of Studies
If expulsion is recommended	Written notice requesting the student attend a meeting and/or notice of the penalty A report and briefing to be provided by the Chair of the Student Misconduct Panel to the Chief Executive Officer, including, inter alia: <ul style="list-style-type: none"> <li>• details of the alleged Breach of Discipline and findings</li> <li>• notification of any previous behaviour contracts from Student File</li> <li>• recommendation of Penalty, including conditions to be enforced</li> </ul> Written notice informing student of the penalty applied, including advice of the student's Right to Appeal. The Right to Appeal is the student's right to respond in writing to the CEO to explain and provide any supporting evidence to seek overturn of the decision. The Appeal must be submitted within five (5) teaching days of the date of the correspondence advising the initial decision. Head trainer to confirm to the student admin manager a variation of the student's assessment or grade to record a Fail	Director of Studies CEO

	in any subject in which misconduct in relation to assessment of that subject has occurred.	
If preclusion is recommended	<p>Written notice requesting the student attend a meeting and/or notice of the penalty sent via registered mail.</p> <p>A report and briefing to be provided by the Chair of the Student Misconduct Panel to the Chief Executive Officer, including, inter alia:</p> <ul style="list-style-type: none"> <li>• details of the alleged Breach of Discipline and findings</li> <li>• notification of any previous behaviour contracts from Student File</li> <li>• recommendation of Penalty, including conditions to be enforced</li> </ul> <p>Written notice informing student of the penalty applied, including advice of the student's Right to Appeal. The Right to Appeal is the student's right to respond in writing to the CEO to explain and provide any supporting evidence to seek overturn of the decision. The Appeal must be submitted within five (5) teaching days of the date of the correspondence advising the initial decision.</p> <p>Head trainer to confirm to the student admin manager a variation of the student's assessment or grade to record a Fail in any subject in which misconduct in relation to assessment of that subject has occurred.</p>	Director of Studies CEO

## **Student Code of Behaviour Procedure**

### **Re-entry following Exclusion or Prohibition - Procedural Steps**

Suspension, exclusion, and revocation of a prohibition follow the same process; however, strategies employed upon re-entry must be tailored to the individual student, teaching and professional staff, learning requirements and context of the return.

At the end of a suspension or exclusion period, or upon revocation of an expulsion or prohibition, the Operations manager or Student admin manager must organise a re-entry meeting with the student.

The purpose of a re-entry meeting is to ensure a mutual understanding between the student, parents or carers and teaching and professional staff for the future direction of the student's learning and expected behaviour. It should include documented support strategies that will be employed through MCOHB's Student Behaviour Agreement. Where appropriate, the head trainer is included in the meeting.

#### **A Student Behaviour Contract may be negotiated as a condition of the Re-entry.**

At the re-entry meeting, student(s) will be offered the opportunity to raise any concerns about returning to study and may request specific academic or other support. Reasonable requests will be supported wherever possible. Advice will be provided by the Head trainer about how to catch up on missed work. Agreement will be reached about an appropriate re-entry date and time.

Training staff involved in the student's learning activities will be advised of the student's return by the Head trainer, who will also provide them with a copy of the student's Student Behaviour Agreement where one has been negotiated as a condition of Re-entry. Training staff will also be advised of steps to follow if any further breach of the Student Code of Behaviour Policy by the student occurs.

#### **The Head trainer will escort the student to class upon the re-entry.**

#### ***Should further breach/s occur:***

Where the breach is Level 2 or below, the same procedure outlined above of this document will be followed. For repeat breaches at Level 3, the student is suspended immediately, pending investigation by the Student Misconduct Committee and possible recommendation for expulsion and/or prohibition by the Chief Executive Officer/Director of Studies. The same procedure outlined above will be followed, except in the instance of a repeated Level 3 breach, a recommendation to the Chief Executive Officer/Director of Studies will be made for expulsion and/or prohibition. In the case that student wishes to appeal a decision by MCOHB, the student is to complete and lodge their appeal in accordance with the Complaints and Appeals policy and procedure.

Where a student is expelled and/or prohibited, re-entry is determined by the Chief Executive Officer alone. The CEO may choose to seek recommendation from relevant officers. Re-entry after expulsion and/or prohibition will be considered only in exceptional circumstances where the student can provide satisfactory evidence that restorative and/or rehabilitation measures have been taken by the student which may reasonably assure the Chief Executive Officer that the student will exhibit behaviours appropriate to a safe, healthy and welcoming environment for all, including other students, staff, visitors and the community. The final decision rests with the Chief Executive Officer alone, and there is no further internal appeal process following the CEO's decision.

## **Rights to Review**

Students may appeal against re-entry conditions of exclusion, expulsion or prohibition decision (or any part of the decision).

Applications for review of a post-exclusion re-entry decision, including re-entry conditions, must be made in writing to the Director of Studies, who will review and make a recommendation to the Chief Executive Officer for determination.

Applications for review or revocation of a post-expulsion and/or post-prohibition re-entry decision, including re-entry conditions, must be made in writing to the Chief Executive Officer who will review and make a determination.

Grounds for appeal include:

- did not follow due process
- grounds for expulsion are unfair
- there were demonstrably limited prior interventions and strategies used prior to the decision to expel where the student had a history of behavioural issues
- other extenuating circumstances acceptable to the Chief Executive Officer.

No appeal is accepted against a post-exclusion re-entry decision, including re-entry conditions.

Staff must note that all documentation regarding the circumstances and consequences of a student's behaviour may be obtained by the student when a written request is received and release of the requested documents has been approved by either the Director of Studies or the CEO.