



Behaviour and Misconduct

POLICY AND PROCEDURES



Document ID	Behaviour and Misconduct Policy and Procedures
Related Documents	<ul style="list-style-type: none">- Student Code of Conduct;- Course Progress and Intervention Policy and Procedures;- International Student Fees and Refund Policy and Procedures;- Student Complaints and Appeals Policy and Procedures;- Privacy and Data Protection Policy and Procedures;- Access and Equity Policy and Procedures;
Date	01 November, 2017
Date of Next Review	01 November, 2018
Prepared by	Director of Studies
Approved / Authorised by	Principal
Version	1.1
References and Legislation	<ul style="list-style-type: none">- Education Services for Overseas Students Act 2000 (Cth);- Education Services for Overseas Students Regulations 2001;- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.- Standards for Registered Training Organisations (RTOs) 2015.



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BEHAVIOUR AND MISCONDUCT POLICY AND PROCEDURES

1 Purpose

- 1.1 The purpose of this policy and procedures is to provide a fair, equitable and confidential framework and procedure for investigation and resolving alleged cases of misconduct at Richmond School of Business ('the School'). The purpose of this policy and procedures is to:
- a) Promote the principle of mutual respect by informing students of behaviour which the School community considers appropriate;
 - b) Discourage behaviour which the School community considers inappropriate;
 - c) Implement fair and just procedures for dealing with cases of alleged student general misconduct;
 - d) Provide for the imposition and enforcement of decisions for proven student misconduct.
 - e) Comply with the relevant standards of National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 ('the National Code 2018');
 - f) Comply with the relevant standards of the Standards for Registered Training Organisations (RTOs) 2015.

2 Scope

- 2.1 This policy and procedures applies to the behaviour of all students, whilst enrolled, irrespective of their location or the mode of delivery of the program in which they are enrolled.
- 2.2 This includes:
- a) Any activity related to, or undertaken, through the use of School owned, or privately owned, facilities that affect or could affect another person's ability to pursue studies, research, or activities in relation to the School;
 - b) Activity on- or off-campus, including online activity; and
 - c) Any conduct, whether related or unrelated to School activity, that has, or is likely to have, an effect on the School or on any member of the School community.

3 Policy Statement

- 3.1 The School is committed to the welfare of its students and to ensure that appropriate support is available to all students and to ease the transition into life and study in Australia.
- 3.2 The School is committed to providing a safe teaching and learning environment for the School community.
- 3.3 The School encourages all students to read this Code carefully.
- 3.4 The School does not tolerate any behaviour which diminishes the academic reputation of the School, impairs the ability of students to participate in any legitimate School activity or disrupts the peace or good order of the School.



- 3.5** The School investigates and deals with incidents of behavioural misconduct among its student community in a consistent manner, affording natural justice and applying penalties which are appropriate, fair and just.
- 3.6** A particular action or behaviour may be deemed inappropriate by the effect on the recipient, independent of the intentions of the perpetrator.

4 General Behaviour and Misconduct Principles

The School expects students to behave in a way that:

- a) allows reasonable freedom to others to pursue their studies, duties and other lawful activities in the School, on its campus and sites, and to participate in the life of the School;
- b) promotes a safe and inclusive learning environment, by refraining from any actions which might reasonably be perceived as unsafe, intimidating, discriminating, harassing or bullying to other members of the School community; and
- c) ensures the proper use of School facilities, information and the property of other persons on its campus and sites.

5 Policy

5.1 Provision of Information

Students are provided information on the Behaviour and Misconduct Policy and Procedures during the participant induction / orientation process, in the Student Handbook, and on the School's website.

5.2 General Behavioural Misconduct

- a) Misconduct is an act or omission committed by a student which occurs on School's property, or involves the use of School resources including computer resources, or otherwise involves the student's relationship with the School community where the student's behaviour is inconsistent with the expectations stated in the Student Code of Conduct.
- b) Behavioural Misconduct (Non-Academic Misconduct) can be defined as any action or conduct by students enrolled at the School relating to people or property which does not meet the School's standards. Behavioural misconduct includes but is not limited to:
 - I. swearing, using obscenities, or making offensive remarks or gestures,
 - II. behaviour that could offend, embarrass, intimidate, or threaten others,
 - III. bullying, aggressive, threatening, and abusive behaviour, including using social networking websites and the School's webpages and forums to make threatening or derogatory statements about any member of the School community,
 - IV. engaging in sexual harassment,



- V. making only false statements in regard to their student status, representation as a student, and entitlement as a student;
- VI. Continuous and/or belligerent interruptions to the trainer whilst delivering the program content;
- VII. Smoking in non-smoking areas;
- VIII. Being disrespectful to other participants;
- IX. Harassment;
- X. Using offensive language;
- XI. Sexual harassment;
- XII. Bullying;
- XIII. Acting in an unsafe manner that places themselves and/or others at risk;
- XIV. Refusing to participate when required in group activities;
- XV. Continued absence at required times;
- XVI. Breaching any State or Commonwealth laws;
- XVII. Breaching any School non-academic policies;
- XVIII. Wilful damage, wrongfully dealing with or interference with property of any member of the School community, where the replacement or repair value is less than \$500;
- XIX. Failing to comply with any direction, order or penalty made or imposed under this procedure.

6 Serious Misconduct

- 6.1** Serious Misconduct is misconduct where the student has displayed wilful or deliberate behaviour that is inconsistent with the values stated in the Student Code of Conduct and the General Behavioural Misconduct listed above, which may cause serious or imminent risk to the student, others and property of the School, and which may impact on the reputation, viability and integrity of the academic standards of the School.
- 6.2** The following conduct may be treated as Serious Misconduct, if it occurs while the student is enrolled at the School:
 - a) A repeat of behaviour of the same or similar nature where the first incidence of that behaviour has been dealt with under the terms of these procedures as Behavioural Misconduct,
 - b) Committing any act or making any omission which has the capacity to endanger the safety or health of any member of the School community where there is a real risk of serious bodily harm to members of the School community,
 - c) Wilful damage, wrongfully dealing with or interference with property of any member of the School community where the replacement or repair value is greater than \$500,
 - d) Any type of fraud, including fraudulent representation of grades or awards for prior learning including through the unauthorised use of any School name, seal or trademarks,
 - e) Tampering with and/or making a fraudulent representation involving any medical certificate where the original certificate was tampered with, stolen or not issued in favour of the student,



- f) Any other type of fraudulent documentation provided to the School in order to favour the student,
- g) Bringing a knife or other weapon on to School, work placement or excursion premises,
- h) Any act or omission which leads to a conviction for a breach of the Criminal Code, the Drugs Misuse Act or any other State or Federal legislation for which the penalty may include imprisonment and where the injured party is a member of the School community, or in the case of the *Drugs Misuse Act* the offence occurred on or involved the use of School property.

7 Procedure

7.1 First Response

- a) Any staff member who observes behavioural misconduct occurring on-campus, online in relation to a School unit of competency, course or program:
 - I. monitors the student's behaviour, completes the Student Misconduct Report, and forwards the Report to the relevant Manager and/or the School Principal;
 - II. may immediately notify the Police, if the situation requires, and then inform the relevant Manager and/or the School Principal; and
 - III. may immediately isolate the student and request the student to stop the misconduct and, if necessary, seek assistance from other staff members. Also, if necessary, notifies the relevant Manager and/or the School Principal, who will determine whether the Police need to be informed.
- b) Any member of the teaching staff or any senior staff member may, in respect to any misconduct committed, in a class, laboratory, library, facility or premises under their management control, immediately suspend the student from attendance in that environment for a period not exceeding 24 hours in the first instance, if that student does not comply with an instruction to cease the misconduct and/or poses a health and safety risk to anyone and/or severely disrupts the ability of everyone around them to continue with the scheduled activity. In this situation, they must also complete and send the Student Misconduct Report to the relevant Manager and/or the School Principal, detailing the circumstances of the misconduct.
- c) Following the receipt of a Student Misconduct Report, the relevant Manager:
 - I. shall, if possible, speak to the student directly about the matter seeking the student's version of events. If the student requires assistance in undertaking any part of the disciplinary process because of language or literacy barriers, disability or any other issue, Student Services will provide the appropriate support,
 - II. may modify or dismiss the charge, and document this on the Student Misconduct Report (and forward to the School Principal),
 - III. may suspend the student for up to three days, if required,
 - IV. may issue a formal written warning that will be placed on the student's file for the duration of their studies, and/or
 - V. may recommend the matter to the School Principal for further action be taken under this procedure.



- d) If a decision is made to monitor the student's behaviour, the student shall be advised verbally of such a decision and a formal letter will be given to the student within seven days and a copy of this is to be attached to Student Misconduct Report.

7.2 Investigation and Determination

- a) Depending on the nature of the observed misconduct or misconduct allegations, the student may not be permitted to enter the campus whilst the matter is being investigated,
- b) Any behaviour which could be considered an incidence of misconduct may be dealt with in the first instance by the relevant Manager and/or School Principal. The outcome of this, if misconduct is proven shall be a written warning, and shall provide the student with an opportunity to rectify their behaviour.
- c) All Misconduct and Serious Misconduct offences may be investigated and finally determined alone by the Principle or nominee. The Principle may consult as necessary to ensure all relevant information is received to allow a determination to be made.
- d) Should the Principal, or nominee, consider that misconduct has occurred, the Principal, or nominee, will formally advise the student, in writing, of the allegations and provide the student with an opportunity to answer these allegations in writing, and/or to present their case.
- e) The written advice will include:
 - I. sufficient detail of the allegation/s to allow the student to understand the nature of the alleged misconduct or serious misconduct,
 - II. a list of the range of possible penalties,
 - III. confirmation of the right to answer the allegations in person and the support options available for this,
 - IV. confirmation of the ability to obtain independent advice and support, and
 - V. the required timeframe for the student's response.
- f) Written advice of an allegation of misconduct shall be deemed to be properly served on the student if sent to the student's email address that he or she has provided to the School.
- g) Students are required to provide their response to the allegations in writing. An opportunity to address the Principal, or nominee, will be provided if it is required or requested.
- h) Investigations shall be scheduled as soon as possible after the alleged misconduct is identified, but no earlier than 20 working days and no later than 60 working days from the date of the letter of notification to the student. If the student requires more than 21 days to prepare their case, they may apply to the Principal, or nominee, for an extension.
- i) The Principal, or nominee, shall investigate and determine misconduct matters in a manner affording natural justice and applying penalties which are appropriate, fair and just.

7.3 Student's Response

- a) In the event that a student fails to respond either verbally or in writing to a written advice of an allegation of misconduct within the 20 working days allowed for response in that advice, the Principal, or nominee, may elect to accept such failure to respond as



deemed acceptance of the allegations (i.e. that what is alleged did in fact occur) and a consent to proceed with an investigation and determination.

7.4 Penalties

a) Penalties shall be applied in accordance with the following principles:

- I. to penalise the behaviour in a manner which is fair and just in all of the circumstances,
- II. to allow the student an opportunity to correct offending behaviour, and
- III. to protect and maintain standards of conduct and behaviour in the workplace and the learning environment which allow the School to perform its roles and functions.

7.5 6.26 The following penalties may be applied for instances of Misconduct:

- a) order for compensation or restitution on such terms as are deemed fit and proper,
- b) completion of a behaviour agreement, with or without the requirement that this must be provided prior to enrolling in the next term, course or program,
- c) written warning with reprimand,
- d) mandatory counselling by either the School's counsellors or a professional psychiatrist,
- e) conditions may be placed on enrolment,
- f) entering the student's name on the Behavioural Misconduct Register, and/or
- g) any combination of these penalties.

7.6 The following penalties may be applied for instances of Serious Misconduct:

- a) any penalty that may be applied for instances of Misconduct,
- b) entering details on the student's permanent record,
- c) referral to the Police,
- d) suspension from the School,
- e) banned from re-enrolling at the School,
- f) expulsion from the School, and/or
- g) any combination of these penalties.

8 Records

8.1 Records relating to instances of misconduct and serious misconduct will be maintained in a Behavioural Misconduct Register.

- a) Whenever a student admits or is otherwise found to have committed an act of misconduct and is dealt with under these procedures, that student's name and details of the complaint and any penalty imposed shall be entered in the Behavioural Misconduct Register, which shall be kept and maintained by the Principal, or nominee, for so long as the student remains enrolled at the School and then for a period of 24 months thereafter.



- b) The Behavioural Misconduct Register shall not form part of the student's permanent academic record nor shall it be referred to on the student's academic transcript.
- c) The Behavioural Misconduct Register shall contain details regarding the misconduct offence including a brief outline of the facts, the mitigating factors and the penalty imposed.
- d) Registration of a student's name on the Behavioural Misconduct Register shall be conclusive evidence that the student has previously been dealt with for Misconduct or Serious Misconduct under this procedure.
- e) Access to the Behavioural Misconduct Register shall be restricted to the Office of the Principal.

9 Confidentiality

- 9.1** All information relating to students regarding behavioural misconduct or serious misconduct will be treated as confidential and in accordance with the School's Privacy and Data Protection Policy and Procedures.
- 9.2** The School will maintain confidentiality to ensure that:
 - a) No information will be released without the agreement of the individual or group involved.

10 Appeals

- 10.1** If the student is not satisfied with any decision relating to the incidents of misconduct or serious misconduct, the student has the right to appeal the decision in accordance with the Student Complaints and Appeals Policy and Procedures. In this event, the School will maintain the student's enrolment in the course or courses in which he or she is enrolled to study until the appeals process is completed.
- 10.2** An appeal must be lodged in writing to the Student Support Manager within 20 working days from the date of the decision was taken.
- 10.3** The appeal should include the following details:
 - a) the student's full name (family/surname and first name), student number and contact details,
 - b) the nature of the decision or matter being appealed,
 - c) the basis for the appeal,
 - d) details of the specific outcome sought by the student, and
 - e) copies of all relevant documents.

- 10.4** An appeal may not proceed if:
 - a) no reasonable grounds are stated for the appeal,
 - b) no new or different grounds are stated for the appeal from those already considered by the Principal, or nominee,
 - c) the student has not ensured that they are in a position to receive all notifications from the School. Late or no receipt of official letters will not be accepted as grounds for appeal if changes of address have not been notified and received by the School, or
 - d) the appeal is lodged outside the 20 working day timeline specified above.



11 Further Information and Assistance

- 11.1** Students should seek clarification on any aspects of this Policy and its related Procedures prior to accepting an offer of admission made by the School.
- 11.2** Student assistance is available by contacting School Reception or Student Support.
- 11.3** Students may make an appointment with the Student Support Manager for assistance with their request relating to this Policy and its related Procedures.
- 11.4** Contact details for the School are outlined as follows:

Phone: +61 2 8844 1000

Address: Level 2,
197 Church Street,
PARRAMATTA NSW 2150

Email: admin@rsb.edu.au

NOTE: For definitions and explanation of the terms used in this policy and procedures, please refer to the document titled '***Glossary of Terms.***'