

Academic and Non-Academic Misconduct Policy and Procedure

Purpose

ELC provides a safe learning and working environment for staff, students, internal and external stakeholders. This policy has been designed to provide guidelines for teachers/trainers facing problems with student with challenging behavior, and establish a procedure for dealing with such students. While there may be misconduct demonstrated that has not been covered by this policy, the most frequent or at risk instances have been included in this policy.

Dealing with Misconduct

Classes may contain students who are challenging for many reasons. These include but are not limited to:

- students who refuse to participate
- students who insist on speaking their mother tongue
- students who sleep in class
- students who may be rude or surly etc

In many of these cases, the matter simply needs to be managed by the trainer. It is not the function of this document to outline classroom management strategies. The determining factor is the seriousness of the effect that the student's behaviour has on other students in the class and on the morale of the class as a whole.

This document concerns dealing with students who demonstrate behaviour that poses a threat to the safety or the learning of other students in the class. These include

- students who commit a criminal act
- students who appear to have mental health issues
- students who continually exhibit anger or other disruptive behaviour
- students who are intoxicated

Steps:

1. When a student demonstrates behaviour as outlined above, the trainer is required to ensure that the class as a whole is on task and clear about directives to maintain current activities.
2. The trainer is to quietly and discreetly remove the student demonstrating disruptive behaviour from the class and go directly to the Academic Manager/Course Coordinator to handle the situation.
3. If the student refuses to leave the classroom with the trainer, a fellow student will be quietly sent to bring the Academic Manager/Course Coordinator to the classroom, who will quietly remove the student to handle the situation.
4. Academic Manager/Course Coordinator will comply with other relevant policies, in determining the correct process that ensures both a safe learning environment and equity for the student.
5. Records of the consultation will be documented and retained on the student file and Student Information Database.

Students who commit a criminal act

Students are identified as committing a criminal act include, but are not limited to the following:

- assault/sexual assault on another student or staff member
- theft from another student or from the school
- consumption of illegal drugs on campus
- attempting to sell illegal drugs on campus
- bullying and intimidation of a student or staff member

Steps:

1. When a student has been identified as committing a criminal act, the student must be sent directly to the Academic Manager/Course Coordinator by the staff or student that is aware of the information.
2. Depending upon the extent of the alleged crime, the Academic Manager/Course Coordinator or with the RTO Manager/Managing Director will handle the situation.
3. Academic Manager/Course Coordinator and RTO Manager/Managing Director will comply with other relevant policies in determining the correct process that ensures both a safe learning environment and equity for the student.
4. Records of the consultation will be documented and retained on the student file and Student Information Database.
5. Where the criminal act places other students and staff at risk, the student will be reported on PRISMS for disciplinary reasons effective immediately. These students will NOT be allowed to return to campus.
6. Academic Manager/Course Coordinator and RTO Manager/Managing Director to contact relevant authorities to proceed further as required by Australian Law.

Students who appear to have mental health issues

Students that exhibit seriously disruptive behaviour and are incapable of understanding the problem that they present, must be reported immediately with discretion and no judgment as mental health issues may be identified only.

Steps:

1. When a student has been identified as demonstrating possible mental health issues, the trainer is to bring this to the attention of the Academic Manager/Course Coordinator.
2. Mental health could be subjective and must be treated confidentially and with respect for the student.
3. Academic Manager/Course Coordinator and RTO Manager/Managing Director will comply with other relevant policies in determining the correct process that ensures both a safe learning environment and equity for the student.
4. Records of the consultation will be documented and retained on the student file and Student Information Database.
5. If there is valid evidence of mental health issues, the extent and the wellbeing of the student cohort, as well as the individual student will be considered in the correct process to follow.

6. At all times during the process the student will have support and be referred to a professional external agency to provide the student with required support.

Students who exhibit anger or other disruptive behaviour

Types of behaviour in this category may include but not limited to:

- racist behaviour
- constant and unremitting demands for attention via inappropriate questions, etc.
- disrupting the trainer's right to teach and the students right to learn

Steps:

1. Disruptive behaviour is dealt with early before it has time to seriously affect the class.
2. The disciplinary process is not to become a long series of counselling sessions in between, which the student continues to disrupt the class for a long time
3. The trainer must inform the student privately that his/her behaviour is inappropriate, and disrupts the trainer's right to teach and student's right to learn.
4. Where the student responds positively, the trainer will document the counselling session and retain a signed copy on the student's file and Student Information Database.
5. Where the student maintains the disruptive behaviour, the student must meet with the Academic Manager/Course Coordinator.
6. In instances where the disruptive behaviour continues, the student will be reported on PRISM for disciplinary reasons.

Students who are intoxicated or under the influence of drugs

ELC forbids any student or staff member to enter any ELC campus whilst under the influence of alcohol or drugs. A student who is intoxicated, or who appears to be under the influence of drugs will be sent home immediately.

Steps:

1. The teacher\trainer identifies a student as intoxicated or under the influence of drugs and quietly removes the student from class.
2. Depending upon the extent of intoxication, the student will be sent home unaccompanied or accompanied by two ELC staff members to ensure student safety.
3. The student must meet with the Academic Manager/Course Coordinator the following scheduled class day prior to class commencement.
4. The student will be reminded that entering ELC campus under the influence of alcohol or under the influence of drugs is forbidden
5. A student who is repeatedly intoxicated will be terminated with CoE cancelled on PRISMS for disciplinary reasons.
6. Where a student is involved in drugs, relevant authorities may be contacted to deal with the situation.

At all stages, students have the right to access ELC appeals process and have a support person with them during consultation.

Dealing with Academic Misconduct

Plagiarism:

- a) The trainer receives a student assignment, test etc. with evidence of plagiarism including, but not limited to, the following:
 - i. Work submitted was either entirely or partially done by a person other than the person submitting the assignment
 - ii. Does not reference the original author leading to misrepresentation of ideas/concepts
 - iii. Whole work has been copied from another student assignment, article, website, etc.
 - iv. Writing style lacks consistency indicating multiple authors with no reference to the original author
- a) The trainer must collect all evidence of the breach. Evidence includes:
 - i. student submitted work
 - ii. evidence of plagiarism
- b) In cases of a serious breach with verifiable evidence, the trainer must first consult the Course Coordinator to decide upon a possible course of action.
- c) The Course Coordinator formally writes to the student to attend an interview. The letter to the student must include:
 - i. details of the alleged academic misconduct under investigation
 - ii. summary of evidence of plagiarism
 - iii. provide the student with the opportunity to have a representative attend the interview
 - iv. day, date, time, location and representative ELC staff involved in the interview
- d) In cases where more than one student is involved and evidence indicates possible collusion with other students, they will also receive a formal letter to attend an interview conducted on the same day. The interview will not be held at the same time as other students involved in the allegation.
- e) During the interview, the following process will occur:
 - i. Trainer will provide student with details and evidence of alleged plagiarism
 - ii. Student will have an opportunity to present their case with evidence
 - iii. Interview notes must include the issue, discussion and actions required with timeframes
 - iv. Course Coordinator, trainer and student all sign the interview form
 - v. Signed copies for both the student and ELC
- f) In cases of collusion, all students suspected of involvement will be interviewed separately by the same representative ELC staff following the stated formal interview procedures.
- g) Representative ELC staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections Confirming Allegations and Allegations Not Warranted.

- h) In cases where termination of a student(s) studies has been recommended, final approval must be gained from ELC Academic Manager/Course Coordinator and RTO Manager/Managing Director.
- i) The outcome of the investigation and resulting actions will be formally communicated to the student in writing within 10 working days.
- j) Students may appeal any decision in writing and activate the appeals process
- k) Where a student has requested an appeal, the same interview process will be implemented. The Academic Manager/Course Coordinator will refer the matter to the RTO Manager/Managing Director to ensure that students have an opportunity for independent appeal.
- l) All letters, interview notes and evidence of plagiarism must be placed on the student file with notes included on database.

Cheating during tests

- a) Cheating includes but is not limited to evidence of:
 - i. Communicating during an examination, including verbal or written
 - ii. Bringing in unauthorised information into an examination room including written and electronic sources of information.
 - iii. Leaving examination papers exposed for others to view.
 - iv. Persistent attempts to view other students' examination papers
 - v. Receiving unauthorised notes, papers etc that relate to the examination
 - vi. Providing unauthorised notes, papers etc that relate to the examination.
- b) The trainer must collect all evidence of cheating. Evidence includes but is not limited to:
 - i. Unauthorised written communication
 - ii. Unauthorised electronic communication
- c) In cases where students have verbally communicated or provided/received unauthorised notes, papers etc that relate to the examination, both students will immediately have their papers and communication retrieved and quietly removed from the test room to ensure stability for the other students still doing the test.
- d) The teacher provides the evidence to the Academic Manager/Course Coordinator as soon as the examination period has finished.
- e) The Academic Manager/Course Coordinator formally writes to the student to attend an interview. The letter to the student must include:
 - i. details of the alleged cheating during the examination
 - ii. provide the student with the opportunity to have a representative attend the interview
 - iii. day, date, time, location and representative ELC staff involved in the interview

- f) In cases where more than one student is involved and evidence indicates possible collusion with other students, they will also receive a formal letter to attend an interview conducted on the same day. The interview will not be held at the same time as other students involved in the allegation.
- g) During the interview, the following process will occur:
 - i. Representative ELC staff will provide student with details & evidence of alleged cheating
 - ii. Student will have an opportunity to present their case with evidence
 - iii. Interview notes must include the issue, discussion and actions required with timeframes
 - iv. Representative ELC staff and student both sign the interview form
 - v. Signed copies for both the student and ELC
- h) In cases of collusion, all students suspected of involvement in cheating during the examination will be interviewed separately by the same representative ELC staff following the same interview procedures.
- i) Representative ELC staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections Confirming Allegations and Allegations Not Warranted.
- j) In cases where termination of a student(s) studies has been recommended, final approval must be gained from the Academic Manager/Course Coordinator and RTO Manager/Managing Director.
- k) The outcome of the investigation and resulting actions will be formally communicated to the student in writing within 10 working days.
- l) Students may appeal any decision in writing to the Academic Manager/Course Coordinator (per industry) within 10 working days.
- m) Where a student has requested an appeal, the same interview process will be implemented. The RTO Manager/Managing Director will appoint representative ELC staff that have not been involved in the process to ensure that students have an opportunity for independent appeal.
- n) All letters, interview notes and evidence of cheating must be placed on the student file with notes included on the database.

Tampering

- a) Tampering includes but is not limited to evidence of unauthorised tampering of:
 - i. Test papers
 - ii. Class work
 - iii. grades

- iv. class records
- b) The trainer/teacher must collect all evidence of tampering.
- c) In cases of a serious breach with verifiable evidence, the trainer must first consult the Academic Manager/Course Coordinator to decide upon possible course of action and representative ELC staff.
- d) The Academic Manager/Course Coordinator formally writes to the student to attend an interview. The letter to the student must include:
 - i. details of the alleged tampering under investigation
 - ii. summary of evidence of tampering
 - iii. provide the student with the opportunity to have a representative attend the interview
 - iv. day, date, time, location and representative ELC staff involved in the interview
- e) In cases where more than one student is involved and evidence indicates possible collusion with other students, they will also receive a formal letter to attend an interview conducted on the same day. The interview will not be at the same time as other students involved in the allegation.
- f) During the interview, the following process will occur:
 - i. Trainer will provide student with details & evidence of alleged tampering
 - ii. Student will have an opportunity to present their case with evidence
 - iii. Interview notes must include the issue, discussion and actions required with timeframes
 - iv. Academic Manager/Course Coordinator, trainer and student all sign the interview form
 - v. Signed copies for both the student and ELC.
- g) Representative ELC staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections Confirming Allegations and Allegations Not Warranted.
- h) In cases where representative ELC staff is comprised of trainers, they will meet with the Academic Manager/Course Coordinator - to present the degree of the breach and recommended course of action based on confirmation of allegation prior to gaining the Academic Manager/Course Coordinator approval for implementation.
- i) In cases where termination of a student(s) studies has been recommended, final approval must be gained from the Academic Manager/Course Coordinator and RTO Manager/Managing Director.
- j) The outcome of the investigation and resulting actions will be formally communicated to the student in writing within 10 working days.
- k) Students may appeal any decision in writing to the Academic Manager/Course Coordinator within 10 working days.

- l) Where a student has requested an appeal, the same interview process will be implemented. The Academic Manager/Course Coordinator will appoint representative ELC staff that have not been involved in the process to ensure that students have an opportunity for independent appeal.
- m) All letters, interview notes and evidence of tampering must be placed on the student file with notes included on the student database.

Confirmation of Allegations

- a) Where there is confirmation of academic misconduct, the following may be applied
 - i. written warning
 - ii. reprimand
 - iii. formal apology if more than one student is involved and coercion is a key factor
 - iv. resubmit work so that it meets required academic standards
 - v. new assessment item
 - vi. resit a different version of the exam
 - vii. adjustment of grade
 - viii. fail grade and the student is required to repeat the unit of study
- b) If it is a student's second major breach, the following may be applied:
 - i. suspension
 - ii. termination of studies
- c) In all cases, details of the academic misconduct will be kept on the student's record/file and the database.

Allegations not warranted

- a) In cases where there is insufficient evidence, no penalty may be imposed but suspicions of academic misconduct can be kept on the student's record/file and database.
- b) If the student is involved in academic misconduct again at a later date, then the first allegations will form a valid part of the investigation and can be regarded with the seriousness of a second breach.

Factors to Consider

The following factors need to be considered when deciding the degree of seriousness of academic misconduct and the level of consequence to be implemented:

- a) Degree of the breach and if it was a major or minor breach
- b) Whether the breach was intentional or unintentional

- c) Course level of the student and what stage of their studies they are at the time of the offence
- d) Consider the implications such as cancelation of student visa under disciplinary grounds
- e) Where there is evidence of collusion, ascertain degree of coercion (if any), leaders, followers, etc.
- f) Extent of remorse shown by the student
- g) History of serious or unsatisfactory course progress patterns
- h) Take into account the cultural background of students, where appropriate
- i) Consequence must be dealt with in relation to the breach to ensure fairness and equity.
- j) Consistent handling to ensure that roles carried out by representative ELC staff is consistent across all cases of academic misconduct.

Reporting Lines

When reporting incidents of academic misconduct, the following lines for reporting are to be implemented:

- a) Plagiarism (minor breach):
 - i. Teacher to Academic Manager/Trainer to Course Coordinator
 - ii. Academic Manager/Course Coordinator interviews student
 - iii. Academic Manager/Course Coordinator back to trainer/invigilator
 - iv. Teacher/Trainer back to student
- b) Plagiarism (major breach):
 - i. Teacher to Academic Manager/Trainer to Course Coordinator
 - ii. Academic Manager/Course Coordinator and lecturer interviews student
 - iii. Academic Manager/Course Coordinator to RTO Manager/ Managing Director/CEO
 - iv. RTO Manager and Managing Director/CEO back to Course Coordinator/Academic Manager
 - v. Academic Manager/Course Coordinator back to trainer/student
- c) Cheating in Tests
 - i. Teacher to Academic Manager/Trainer to Course Coordinator
 - ii. Academic Manager/Course Coordinator interviews student
 - iii. Academic Manager/Course Coordinator back to trainer/invigilator
 - iv. Trainer back to student

Appeals

A student may appeal against a decision made under this policy. Appeals must be made as prescribed in the appeals process outlined in the Student Grievance and Resolution Policy