

NEC MISCONDUCT POLICY



New England College is the trading name of **New England Institute of Technology Pty Ltd**

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DOCUMENT CONTROL

Version History

Version	Date	Details
V1.0		Archived – due to change in trading name
V2.0	01.02.2016	Archived (updated to new trading name New England College, header, footer, phone number, e-mail id)
V2.1	01.07.2017	Minor updates
V2.2	11.04.2018	Minor updates
V2.3	29.10.2018	Reviewed by External consultant

Review Process:

This policy shall be reviewed annually in compliance with education industry standards.

Next Review Due: **Dec 2019**



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INTRODUCTION

Purpose: The purpose of this policy is to ensure that students at NEC are contributing to a conducive learning environment.

This policy provides a definition of general and academic misconduct so that there can be no misunderstanding as to a student's roles and responsibilities with regard to their general and academic conduct. This policy provides direction to NEC in dealing and managing inappropriate student behaviour.

Outcome: This policy provides definition of misconduct so that there can be no misunderstanding as to a student's roles and responsibilities with regard to their conduct whilst studying with NEC.

Scope: The scope of this policy applies to all students, domestic as well as international.

Overview: The policy aims at providing a safe learning environment for its students and staff, and chooses to recognise excellence and good behaviour. Students are provided with information about what constitutes misconduct, or unacceptable behaviour in the **Student Information Handbook**.

NEC is committed to publishing information about what constitutes student misconduct so that all students and staff members share a joint understanding about what is and is not acceptable behaviour. Detailed procedures have also been developed to ensure instances of alleged misconduct are handled swiftly and fairly, with students having recourse to an appeal process.

NEC reserves the right to involve law enforcement agencies for matters of serious misconduct (e.g. assault, drug use, theft and property damage).

Definition:

Misconduct of a Student/Trainee is any behaviour which:

- Disrupts the learning of others.
- Prevents staff members from performing their duties.
- Endangers the health and safety of staff or students/trainees.
- Interferes with the conduct of New England College (hereafter known as NEC) operations.

The following examples of behaviour would constitute misconduct if a student/trainee participated in the following:

Vandalism / Theft

- Defaced equipment, furniture or fixtures on premises under the control of NEC.
- Was caught stealing



Safety / Hygiene:

- Did not wear appropriate safety clothing or used safety equipment inappropriately
- Refused to follow safety or hygiene regulations

Failure to Comply With Directions:

- Refused to obey emergency procedures
- Smoked a cigarette in a non-smoking designated building
- Refused to obey teacher/supervisor direction when given for safety of class
- Disrupted others learning

Cheating / Plagiarism:

- Was caught cheating in an assessment/examination
- Plagiarised another person's work
- Copying directly from the Internet (websites) – without paraphrasing
- Copying an author's work without paraphrasing

Verbal Abuse:

- Shouted at a member of staff, student or other person
- Used inappropriate or offensive language, signs or body gestures
- Used language to threaten a member of staff

Physical abuse:

- Became involved in a physical argument
- Became involved in a behaviour not appropriate to surroundings
- Used physical threatening actions to intimidate or assault another student or a staff member

Alcohol / Drugs:

Consumption of alcoholic drinks on premises under the control of NEC.

- Intoxicated and disorderly on premises under the control of NEC.
- Engaging in the taking or selling of drugs

Weapons:

- Carried a weapon on their person on premises under the control of NEC.
- Used an object as a weapon to threaten or intimidate another person on premises under the control of NEC.

Exposure / Decency:

- Acted in a lewd way
- Engaged in sexual behaviour



Misconduct is a disciplinary offence and includes but is not limited to:

1. Wilfully obstructing or disrupting any NEC meeting, activity, class or assessment process.
2. Wilfully carrying out behaviour that may be detrimental to the health and safety of other students/trainees or staff.
3. Any form of harassment, whether based on gender, race, age, sexual preference or religious belief.
4. Wilfully damaging, or wrongfully dealing with, any New England College property or the property within premises under the control of New England College personnel.
5. Assaulting or attempting to assault any person within NEC campus.
6. Drunken and disorderly behaviour on premises under the control of NEC
7. Cheating and plagiarism
8. Making a false representation as to a matter affecting student/trainee status
9. Breach any rules relating to conduct of assessment.
10. Any indictable offence which impinges on New England College operations.
11. Possession of prohibited or dangerous articles
12. Breaching Workplace Health & Safety responsibilities.



Disciplinary Action:

Disciplinary action will be taken and the student may be penalised if you act in a way contrary to the student rules as set out in the Student Information Handbook.

The student can appeal against certain penalties.

(Refer to Complaint Procedure and/or Appeal Procedure)

The penalty for the student might then be reduced, removed, or increased.

Consequences of Misconduct:

If the student has acted in, or engaged in any misconduct other than 'Serious Misconduct' the following steps shall be taken.

In the 1st instance (a first offence) a verbal warning shall be issued and counselling shall be provided to the student/trainee advising of the repercussions of their actions should they continue. A record of this verbal warning and counselling shall be documented, dated and signed by the person issuing the warning/counselling and also the student/trainee receiving the disciplinary action and this record shall be placed in the student admin file.

2nd Offence – A Formal written warning will be issued to the student/trainee advising them of impending removal of academic privilege if the behaviour continues and there is a need to discipline a 3rd time. A record of this written warning shall be documented, dated and signed by the Director, the person issuing the warning/counselling and also the student/trainee receiving the disciplinary action and this record shall be placed in the student file.

3rd Offence will result in the removal of academic privilege by NEC. The student/trainee will be advised of the time to attend a meeting with the Director and the person issuing the disciplinary action. The student/trainee will be provided with the reason for this disciplinary action in writing, and any comments the student/trainee makes in relation to the misconduct should be documented. A copy of this record shall be dated and signed by the Director, the person issuing the disciplinary action and also the student/trainee receiving the disciplinary action and this record shall be placed in the student file.

If the student has acted in, or engaged in any '**Serious Misconduct**' the following steps shall be taken:

1. The student / trainee shall be immediately suspended for a minimum of 24 hours from attendance at class or cancelled from the course (if someone's life has been put at risk).
2. The supervisor/trainer shall advise the Director immediately and provide a written statement, which details the circumstance of the student/trainee suspension.
3. The student/trainee will be advised of a time to attend a meeting with the person issuing the disciplinary action and the Director.



4. The student/trainee will be provided with the reason for this disciplinary action in writing, and any comments the student/trainee makes in relation to the misconduct, along with the disciplinary action taken as a result should be documented. A copy of this record shall be dated and signed by the Director, the person issuing the disciplinary action and also the student/trainee receiving the disciplinary action and this record shall be placed in the student file.

5. The student/trainee shall also be advised in relation to their right of appeal against certain penalties.

6. In case of serious misconduct, the authorised officer may call the police.

For example: Instance, where the student attacks the trainers/ students.

7. The Director shall give the student/trainee a reasonable opportunity to be heard in relation to the misconduct and may then either:

- Modify or dismiss the charge
- Reprimand and warn the student/trainee against repetition of the breach of discipline
- Suspend the student/trainee for a period not exceeding 14 days, which shall include any period of suspension.
- Remove Academic Privilege

8. Immediate Cancellation of enrolment, if very serious misconduct is found which may involve putting their own and others' life in danger.