Student Discipline Policy

Section 1 - Purpose

(1) The purpose of this policy sets out:

a. the powers and processes by which a student of Melbourne Polytechnic may be disciplined by Melbourne Polytechnic for engaging in misconduct; and
b. the processes by which a student can appeal Melbourne Polytechnic's decisions regarding discipline.

(2) This policy should be read in conjunction with the Student Code of Conduct Guidelines.

(3) This policy has transition implementation phases as outlined in clauses 10 and 11.

Section 2 - Scope

(4) This policy applies to all Melbourne Polytechnic students undertaking:

a. any Melbourne Polytechnic activity, whether on campus, off campus or online;
b. workplace based training where the breach of this policy relates to the student's academic study rather than the employment conditions of the placement/traineeship; and
c. study abroad or exchange programs, where a student must also comply with the policies, rules and procedures of the host institution where they are studying.

Section 3 - Policy

Policy Statement

(5) Melbourne Polytechnic is committed to promoting an inclusive learning environment that ensures students have access to positive learning experiences, are respected and respectful, feel valued and safe and benefit from campus life. Melbourne Polytechnic will not accept any behaviour or action that impairs or disrupts students and/or staff undertaking an activity, breaching the academic integrity of Melbourne Polytechnic's programs, or diminishes the reputation of Melbourne Polytechnic.

Policy Principles

(6) This policy is underpinned by the following principles:

a. Melbourne Polytechnic's Strategic Vision & Values;
b. natural justice;
c. confidentiality and privacy;
d. procedural fairness;
e. transparency, impartiality and honesty; and

f. right of appeal.

Responding to student misconduct

(7) Melbourne Polytechnic staff members have the authority to issue penalties where allegations of student misconduct have been substantiated or a Melbourne Polytechnic staff member has directly witnessed misconduct by a student, as outlined in Schedule A. In instances of serious misconduct, these may be escalated to the Chief Executive who may establish a discipline committee to hear allegations of misconduct on their behalf.

Misconduct

(8) Misconduct occurs where a student fails to comply or behaves in a manner which does not uphold the expectations conveyed in the Student Code of Conduct Guidelines. If the misconduct is sufficiently serious, Melbourne Polytechnic may deem the misconduct to be 'serious misconduct'. Examples of misconduct and serious misconduct include, but are not limited to:

a. failure to comply with any reasonable instruction of a member of staff of Melbourne Polytechnic, whether pursuant to Melbourne Polytechnic Rules, Policies or generally, including but not limited to:
    i. any instruction given to a student to identify themselves by the production of an identity card or otherwise; or
    ii. any instruction relating to safety of the student or anyone else.
b. wilful or negligent damage to, removal of, or any other wrongful interference with any property of:
    i. Melbourne Polytechnic wheresoever situated; or
    ii. any student, or member of the staff of Melbourne Polytechnic or any other person, firm or corporation within the precincts of Melbourne Polytechnic or in relation to any activity conducted or facilitated by Melbourne Polytechnic.
c. any verbal, physical or threatened assault upon any person within or near the precincts of Melbourne Polytechnic or in relation to any activity conducted or facilitated by Melbourne Polytechnic.
d. any false representation, whether oral or written, on a matter concerning or affecting the student in their capacity as a student at Melbourne Polytechnic.
e. wilful or negligent conduct that adversely affects the due conduct of the business of Melbourne Polytechnic or the work of any person in that person's capacity as a student or member of the staff of Melbourne Polytechnic.
f. wilfully entering any part or precinct of Melbourne Polytechnic, or any other place to which students may have access for the purposes of tuition, when not entitled to do so or, having so entered, refusing to leave when requested to do so.
g. knowingly accessing or publishing any confidential information of or held by Melbourne Polytechnic.
h. conduct within the precincts of Melbourne Polytechnic or in relation to any activity conducted or facilitated by Melbourne Polytechnic that is disorderly, offensive or unreasonably interferes with the comfort or convenience of any other person.
i. conduct within the precincts of Melbourne Polytechnic that constitutes bullying, cyber bullying, harassment, including sexual harassment, or unlawful discrimination.
j. unauthorised or illegal interference with, or access to, electronic resources and/or records or data which are either the property of Melbourne Polytechnic or accessible through Melbourne Polytechnic resources. This includes, but is not limited to, conduct in breach of Melbourne Polytechnic's Student Use of the Melbourne Polytechnic ICT Network or any other Melbourne Polytechnic information technology related policy in place.
k. possessing, using or trafficking any illegal substance on or near the precincts of Melbourne Polytechnic or in relation to any activity conducted or facilitated by Melbourne Polytechnic.
l. failure to pay any fee or charge payable or otherwise observe any fine or penalty imposed under any Melbourne Polytechnic Rules or Policies by the required date.

m. any other unlawful act committed within the precincts of Melbourne Polytechnic or in relation to any activity conducted or facilitated by Melbourne Polytechnic or in any way related to Melbourne Polytechnic or any student or member of the staff of Melbourne Polytechnic.

Academic Misconduct

(9) Academic misconduct occurs where a student seeks an unfair academic advantage for themselves or others by cheating in any form.

(10) Up until 30th June 2023, matters of academic misconduct will be addressed under the:

a. Student Discipline Policy and the Student Discipline Procedure for all VET and Foundation courses; and the
b. Student Academic Integrity (HE) Policy and the Student Academic Integrity (HE) Procedure for all Higher Education courses.

(11) From 1st July 2023, all suspected breaches of academic integrity will be addressed in accordance with the Academic Integrity Policy and the Academic Integrity (Student) Procedure, unless the Chief Executive is the only person with the authority to administer the appropriate penalty to the student in connection with the student's breach of the Academic Integrity Policy, in which case the matter will be dealt with by the Chief Executive under this Policy.

Imposing penalties

(12) A Melbourne Polytechnic staff member may impose a penalty in accordance with their authority as outlined in Schedule A, where they are satisfied that it is more likely than not that a student has engaged in misconduct (the balance of probabilities) and that the imposition of a penalty is warranted.

(13) The imposition of a summary penalty (that is, a penalty imposed immediately without a process such as an investigation being conducted) may be warranted where:

a. it is necessary and reasonable for immediate action to be taken against a student in relation to misconduct or alleged misconduct by that student; or
b. the person imposing the penalty does not consider that an investigation is necessary or that an investigation would be unreasonable in the circumstances.

(14) A student will only be suspended where the Melbourne Polytechnic staff member considers this to be necessary to maintain good order, for instance where the student's behaviour disrupts the functioning of Melbourne Polytechnic or poses a risk to any person or property.

(15) When imposing a penalty against a student in accordance with this Policy, the Melbourne Polytechnic staff member imposing the penalty may take the following factors into account when deciding on the severity of the penalty:

a. the age and/or maturity of the student;
b. the harm, discomfort or offence caused to others by the misconduct;
c. the value of any damage that has resulted from the misconduct;
d. the risk that the misconduct posed to the health and safety of any other persons;
e. the damage or disruption or the risk of damage or disruption to the operations of Melbourne Polytechnic or the reputation of Melbourne Polytechnic and its staff and students;
f. any remorse, or lack thereof, shown by the student in relation to the misconduct;
g. the appropriateness and availability of other preventative and corrective actions, for example attendance by

the student at training regarding appropriate behaviour, and/or academic integrity;

h. the need to deter other students from engaging in misconduct;
i. any other relevant factor.

Referral for further disciplinary action

(16) A Melbourne Polytechnic staff member may impose a penalty on a student who has been found to have engaged in misconduct and then refer the student to the appropriate Manager, Director or Executive Director for further disciplinary action if they consider it appropriate to do so.

(17) A Manager or Director may impose a penalty on a student who has been found to have engaged in serious misconduct and then refer the student to the Chief Executive or an Executive Director for further disciplinary action if they consider it appropriate to do so.

Reporting and recording of penalties

(18) All penalties issues by an Authorised Person outlined in Schedule A are required to be reported within one working day of the date the penalty was issued, or as soon as practicable afterwards as prescribed within the Student Discipline Procedure.

(19) A record will be kept on a student's file of any findings and penalties that have been issued, and may also result in the outcome being recorded on a student's electronic record in Melbourne Polytechnic's student management system.

Compensation for damage

(20) A penalty imposed on a student may be or include a demand for compensation. Such a demand may require the student to pay to Melbourne Polytechnic compensation for damage to Melbourne Polytechnic property, or damage to other property for which Melbourne Polytechnic is liable, caused as a result of that student's misconduct.

(21) The amount of compensation to be paid as compensation shall be determined in a fair and reasonable manner by the Chief Financial Officer. The Chief Financial Officer shall issue a certificate as to the value of the property damaged as a result of that student's misconduct and the amount of compensation payable.

Notice of penalty and decision

(22) Where a penalty other than a summary penalty is imposed on a student, the Melbourne Polytechnic staff member who imposes the penalty will give the student concerned notice of the penalty in writing that includes:

a. brief details of the misconduct for which the penalty was imposed;
b. a statement of the penalty including particulars of any compensation payable by the student to Melbourne Polytechnic;
c. the date on which the penalty was imposed;
d. the office at and the date by which any fine imposed must be paid (where applicable);
e. a statement that the student may apply to the Executive Director People and Student Success for a deferment of any penalty imposed, including time in which to pay any fine or other monetary sum; and
f. a statement that this Policy confers certain rights of appeal and should therefore be consulted by the student.

(23) Upon determination of any review or appeal against the imposition of any penalty, the student concerned shall, as soon as practicable, be given advice in writing by the Chief Executive or delegate regarding the result of the review or appeal.

Appeals

(24) Where an Authorised Person has made an initial determination and penalty, the student may appeal the determination on the grounds that a finding is incorrect (in whole or part) or penalty is unjust (or both) by giving written notice to the Chief Executive within ten (10) business days of the date of the initial determination as outlined in the Student Discipline Procedures.

(25) The Chief Executive will deal with any appeals in accordance with the Student Discipline Procedure.

Suspension of penalty

(26) Pending the determination of any review or appeal:

a. any penalty imposed upon the student shall, at the Chief Executive or their delegate's discretion, be put off or deferred; and
b. at the Chief Executive or their delegate's discretion, the student shall not be entitled to receive any award.

Section 4 - Responsibility and Accountability

(27) The Chief Executive has responsibility to review disciplinary outcomes or choose to delegate such matters to a disciplinary committee at their discretion. The CE holds the final level of internal appeal available at Melbourne Polytechnic.

(28) The Executive Director People and Student Success is responsible for communicating the expected standards of behaviour required of students at orientation, and for monitoring and reporting discipline outcomes.

(29) All Melbourne Polytechnic staff who are designated as an 'Authorised Person' under this policy are responsible for investigating student disciplinary matters as appropriate, imposing appropriate penalties under the authority they hold and ensuring misconduct is reported to the responsible area within the designated timeframe as outlined in Schedule A.

(30) All students have the responsibility to be aware of the expected standards of behaviour required to be demonstrated whilst studying with Melbourne Polytechnic.

Section 5 - Supporting Documents and Templates

(31) Related Melbourne Polytechnic policies and procedures:

a. Assessment (HE) Policy
b. Assessment (VET) Policy
c. Academic Integrity Policy
d. Academic Integrity Procedures
e. Delegation of Authority Policy
f. Student Academic Integrity (HE) Policy
g. Student Academic Integrity (HE) Procedure
h. Student Code of Conduct Guidelines
i. Student Complaints and Appeals Policy
j. Student Discipline Procedure
k. Information Technology Usage (Students) Policy

(32) Related legislation and regulations:

a. Education Services for Overseas Students (ESOS) Framework
b. Higher Education Standards Framework (Threshold Standards) 2021
c. National Code of Practice for Providers of Education and Training to Overseas Students 2018
d. Standards for Registered Training Organisations (RTOs) 2015
e. Tertiary Education Quality and Standards Agency Act 2011

Section 6 - Definitions

(33) For the purpose of this policy the following definitions apply:

a. Academic Integrity: means acting with the values of honesty, trust, fairness, respect and responsibility in learning, teaching and research.
b. Bullying: means repeated, unreasonable behaviour directed towards another person that creates risk to the health and safety of that person.
c. Cheating: means any behaviour which is engaged in by a student or another person on behalf of a student (and/or students or persons acting in collusion) to provide that student or a group of students with an academic advantage to which that student or a group of students is not entitled.
d. Confidential Information: means information of any kind, which, because of its confidential character, is capable of protection by contractual or equitable means, and includes information of a valuable commercial or technical character.
e. Cyberbullying: means any use of information and communication technology (DTE) to support deliberate, repeated, hostile behaviour by an individual or group that is intended to harm others.
f. Expulsion: means the permanent removal of a person's right to be a student of Melbourne Polytechnic and to enter and to be in any of the precincts of Melbourne Polytechnic (“expel” shall have a similar meaning).
g. Harassment: means any unwelcome and unreasonable conduct, whether it be verbal, physical, electronic or otherwise, towards another person in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.
h. Investigation: means a process by which a Melbourne Polytechnic staff member makes reasonable inquiries about the circumstances surrounding the alleged misconduct of a student, conducted in accordance with the principle of procedural fairness.
i. Melbourne Polytechnic Campus: shall mean and include each and every designated area occupied by Melbourne Polytechnic and all buildings and structures thereon.
j. Misconduct: means any conduct that is prejudicial to the good order and discipline of Melbourne Polytechnic, impairs the reasonable freedom of other persons to pursue their studies or research or work at Melbourne Polytechnic or to participate in the life of Melbourne Polytechnic, or is likely to bring Melbourne Polytechnic into unjustified disrepute.
k. Penalty: means expulsion, suspension, demand for compensation, imposition of a fine, re-grading of assessment, reprimand or other similar action.
l. Precincts of Melbourne Polytechnic: means and includes all Melbourne Polytechnic campuses, and all places and buildings outside Melbourne Polytechnic campuses used by Melbourne Polytechnic for the purposes of Melbourne Polytechnic, whether occupied by Melbourne Polytechnic solely or in conjunction with or by others, and all places to which a student or students have access from time to time for the purpose of tuition, study or in connection with any educational program of Melbourne Polytechnic or for student services or for social or recreational purposes.
m. Procedural Fairness: means ensuring that decision-making is fair and reasonable and includes aspects such as:

i. giving all interested parties an opportunity to be heard in an open and fair manner;
ii. acting without bias;
iii. informing a student that allegations of misconduct have been raised in relation to them and the nature of any allegations against them or grounds for adverse comment in respect of them;
iv. providing a student with a reasonable opportunity to respond to allegations of misconduct and present arguments or evidence in his or her defence;
v. providing students with an opportunity to have a support person with them at any student discipline related meeting or hearing;
vi. making all reasonable inquiries into the source of allegations of misconduct relating to a student, including consideration of any relevant Melbourne Polytechnic policies;
vii. ensuring that all relevant parties to a matter are heard;
viii. ensuring that no person undertakes an investigation in relation to a matter which directly involves themselves; and
ix. completing an investigation and other processes without undue delay.

n. Sexual Harassment: means any unwelcomed conduct of a sexual nature (including but not limited to sexual assault), whether it be verbal, physical, electronic or otherwise, towards another person in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.
o. Suspension: means the removal for a specified time period of a person's right to enter, to remain and to participate in all or specified parts of the precincts of Melbourne Polytechnic and all or specified facilities, classes, examinations, tests and other activities of or under the control of Melbourne Polytechnic.

Status and Details

Status	Current
Effective Date	10th January 2023
Review Date	16th December 2027
Approval Authority	Chief Executive
Approval Date	16th December 2022
Expiry Date	Not Applicable
Policy Owner	Cathy Frazer Executive Director People and Student Success
Policy Implementation Officer	Karen Cook Manager Student Services
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