Student Discipline Procedure

Section 1 - Purpose

(1) The purpose of this procedure sets out the processes by which a student:

a. may be disciplined by Melbourne Polytechnic for engaging in misconduct; and
b. how they can appeal Melbourne Polytechnic's decisions regarding discipline.

(2) This procedure has transition implementation phases as outlined in clauses 5 and 6.

Section 2 - Scope

(3) 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 the student discipline 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 - Procedure

(4) Where a Melbourne Polytechnic staff member, student or a member of the public makes an allegation of misconduct by a student, or where a Melbourne Polytechnic staff member observes misconduct by a student, Melbourne Polytechnic can take varying degrees of disciplinary action against students that, except in cases of serious misconduct, are intended to be corrective rather than punitive.

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

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

(6) 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.

Observing Student Misconduct

(7) An Authorised Person as outlined in Schedule A of the Student Discipline Policy who observes misconduct by a student may:

a. impose a summary penalty within the scope of their authority if the misconduct only justifies a summary penalty;
b. refer the allegations to another Melbourne Polytechnic staff member for consideration (for example, Program Manager, Manager of Student Services etc).

Responding to an Allegation of Student Misconduct

(8) An Authorised Person as outlined in Schedule A of the Student Discipline Policy who receives an allegation of student misconduct will acknowledge to the person their allegation has been received and:

a. assess the veracity of the allegations; and
b. determine whether to:
    i. dismiss the allegation on the basis that it is frivolous, vexatious or has no basis in fact;
    ii. impose a summary penalty within the scope of their authority if the misconduct only justifies a summary penalty;
    iii. conduct appropriate inquiries (which may include an investigation) into the allegations; or
    iv. refer the allegations to another Melbourne Polytechnic staff member for consideration (for example, Academic Director, Manager Student Services etc) or escalate to a more senior staff member considering the seriousness or complexity of the allegations.

(9) An Authorised Person may suspend a student while conducting appropriate inquiries if that is within the scope of their authority and the suspension is necessary to ensure the health and safety of Melbourne Polytechnic employees, students and/or members of the public.

(10) Any allegation of serious misconduct which might warrant expulsion or a severe penalty must be notified to the Chief Executive.

(11) Where the misconduct only justifies a summary penalty or the circumstances don't otherwise warrant an investigation, it is not necessary to investigate the matter formally.

Investigating an Allegation of Student Misconduct

(12) If an Authorised Person determines that it is appropriate to investigate an allegation of misconduct by a student, they should determine whether to:

a. conduct the investigation themselves;
b. refer or escalate to another Melbourne Polytechnic staff member to conduct the investigation; or
c. engage an external investigator to conduct the investigation.

(13) Investigations will be conducted in accordance with the principles of natural justice and procedural fairness, with the student provided with notice of the details of the allegations, have the opportunity to have a support person or advocate present and have the opportunity to respond to the allegations.

(14) Once the investigation is complete, the Authorised Person who investigated the allegations or referred the allegations for investigation should:

a. make a finding in relation to the allegations (including whether the allegations of misconduct are substantiated in whole or in part); and
b. if the allegations of misconduct are substantiated, considering any mitigating factors, issue a penalty to the student if appropriate; and
c. notify the student in writing of any findings and/or penalties to be issued.

(15) Where it is determined that they do not have the delegated authority to issue the penalty that they deem appropriate in relation to the finding, the Authorised Peron must refer their finding to a more senior Melbourne Polytechnic staff member who does have the delegated authority to issue the appropriate penalty.

Convening a Disciplinary Committee

(16) Where an allegation of misconduct has been referred to the Chief Executive, they may at their absolute discretion establish a Disciplinary Committee to hear the matter. The Committee may be comprised of any number of Melbourne Polytechnic staff members or external appointees, as decided by the Chief Executive and may issue a penalty that is consistent with their authority as outlined in Schedule A of the Student Discipline Policy.

(17) The Committee will have the power to decide how it conducts any hearings and will not be bound by the rules of evidence but will afford the student natural justice and procedural fairness. The student can request to have a support person or advocate present at any hearings. Where the student is represented by an advocate, the Committee may obtain legal assistance for the purposes of conducting the hearing and deciding the matter.

(18) The Committee will inform the student of the allegations and the Committee will have discretion to call witnesses as it deems necessary.

(19) The Committee will inform the student of the evidence that supports the allegations against them and will give the student the opportunity to respond in writing or appear in person.

(20) The student may ask for permission for other people to give evidence on their behalf. The Committee has discretion to allow other people to give evidence.

(21) After hearing the matter, the Committee will make a finding and then determine an appropriate penalty if the allegations against the student are substantiated and will notify the student in writing of any findings and/or penalties to be issued.

Appealing a Decision

(22) 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.

(23) On receipt of the appeal, the Chief Executive:

a. will acknowledge in writing the student's request for an appeal of the initial determination; and
b. decide to hear the appeal themselves or delegate their authority to hear and decide the appeal to a disciplinary committee;

(24) Where the Chief Executive delegates their authority to hear and decide the appeal to a Disciplinary Committee, the Disciplinary Committee may, at its sole discretion, hear the matter anew or on specific grounds of appeal.

(25) Where a Disciplinary Committee has made an initial finding and issued a penalty:

a. the student may appeal the determination on the grounds that either the finding is incorrect (in whole or part) or the penalty too harsh (or both) by giving written notice to the Chief Executive within ten (10) business days of the date of the initial determination; and
b. the Chief Executive will hear and decide any such appeals.

(26) The outcome of any such appeal will be final, with no further internal appeal avenues available within Melbourne Polytechnic.

(27) If a student is dissatisfied with the outcome of any disciplinary processes as set out in this procedure, they may choose to appeal the matter to The Victorian Ombudsman.

Recording Disciplinary Outcomes

(28) Where a penalty has been issued by an Authorised Person at the level of Academic Manager, Manager of a Service or higher, these must be reported to the Office of the Executive Director People and Student Success within one working day of the date the penalty was issued, or as soon as practicable afterwards. The Office of Executive Director People and Student Success will keep an ongoing record of all such penalties.

(29) Penalties issued by academic team leaders, lecturers or teachers must be reported to the relevant Academic Manager within one working day of the date the penalty was issued, or as soon as practicable afterwards. The relevant Academic Manager will keep an ongoing record of all such penalties and will forward the details of the penalties to the Academic Director upon request or as otherwise appropriate.

(30) Penalties issued by a student support services staff member must be reported to the relevant Service Manager within one working day of the date the penalty was issued, or as soon as practicable afterwards. The relevant Service Manager will keep an ongoing record of all such penalties and will forward the details of the penalties to the Director upon request or as otherwise appropriate.

Section 4 - Responsibility and Accountability

(31) 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.

(32) 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.

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

(34) 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

(35) Related Melbourne Polytechnic policies and procedures:

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

(36) Related Legislation and Regulation:

a. Education Services for Overseas Students Act 2000
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

(37) For the purpose of this procedure the definitions set out in the Student Discipline Policy will apply.

Status and Details

Status	Current
Effective Date	10th January 2023
Review Date	16th December 2027
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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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