



## Student Code of Conduct

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<b>Approving authority</b>	Academic Board
<b>Contact Officer</b>	Registrar
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<b>Related Documents</b>	Diversity and Equity Policy Student Academic Misconduct Policy Student Academic Misconduct Procedure Student Complaint and Appeal Policy Student Complaint and Appeal Procedure

### 1. Purpose

This **Code of Conduct** articulates and supports the expectation of the Australian Institute of Higher Education Pty Ltd ('the Institute') that all students will behave in a mature and responsible manner and show respect for all other students and all Institute staff at all times.

In the event of a student's breach of this Code, the Institute may take disciplinary action if a student's conduct is found to be unsatisfactory in line with the values of the Institute as embodied within this Code.

### 2. Principles

The key principles informing this Code are:

- that compliance with this Code will foster and maintain staff, student, and public trust and confidence in the integrity and professionalism of the Institute;
- that as representatives of the Institute, students are expected to set an example for other students and conduct themselves appropriately to the wider community; and
- that students share the responsibility of maintaining and promoting a safe and harmonious environment which enhances the learning experience.

### 3. Context

This Policy has been developed to provide a clear statement of the Institutes expectations of students in respect of academic matters and personal behaviour.

### 4. Scope

This Policy applies to all students at the Institute.

## 5. Definitions

See the *AIH Glossary of Terms* for definitions.

## 6. Policy Details

### 6.1 Overview

Students are expected to be aware of and comply with this Code as well as the policies and procedures of the Institute that may apply to them while they are enrolled or engaged by the Institute. In particular:

- 6.1.1** Students at all times must avoid all circumstances and situations that may arise which can lead to a student breaching the terms of this Code and to other terms proscribed by the Institute's policies and procedures.
- 6.1.2** Students are not to conspire and/or incite other students to commit acts that are deemed as misconduct pursuant to this Code. This includes any face to face, electronic or social media communication.
- 6.1.3** Students are required to carry their student cards with them at all times while they are on the premises of the Institute for identification purposes. In circumstances where a Student is asked to produce their student card to an official of the Institute, including security personnel or staff, and is unable to do so, the Student may be requested to comply with a direction to leave the premises of the Institute.

### 6.2 Academic Misconduct and Examinations

- 6.2.1** Students of the Institute are to conduct themselves respectfully and responsibly while in class. Any disruptive conduct will not be tolerated and students will be asked to leave the classroom if they continually interrupt the lecturer or other students.
- 6.2.2** During any period of examinations, students are to observe and follow the procedures outlined on the file cover sheet for that specific examination or assessment and the relevant examination rules as communicated or directed by examination supervisors.
- 6.2.3** Students are to hand up any materials or equipment that can be used for cheating prior to any examination or assessable tasks or keep these materials in a closed bag under your desk. If students are caught using these materials and equipment in any way this will be deemed as cheating and the matter will be deliberated further for misconduct.
- 6.2.4** If a student is found to be disrupting an examination and/or disrupting their fellow students while undertaking an examination in any way they may, at the sole discretion of the examination supervisors, be directed to leave the examination room. If a student is removed or directed to leave an examination room for disruptive conduct, that student may not be able to complete the examination and will not be given special consideration for an incomplete examination. Any decision relating to a final mark for an examination or the provision of an opportunity to re-sit an examination will be made by the Executive Dean or his/her nominee.
- 6.2.5** If a student does not have his/her student ID card or other form of photo identification (such as a driver's licence or passport) at the exam, he/she will be able to sit the exam, but a photograph or other form of identification will be taken at the end of the exam and a student will have 72 hours to provide his/her student ID or other form of photo ID (such as

driver's licence or passport).

**6.2.6** Any acts committed by any student while enrolled or affiliated with the Institute in any way that are considered by the Institute to be cheating, plagiarism, academic dishonesty, fraudulent behaviour, or any other type of deception that is not considered to be in the spirit of academic honesty or authentic production of individual work, will not be tolerated and will be subject to disciplinary action and applicable sanctions as determined appropriate by the Executive Dean.

**6.2.7** Refer to the *Student Academic Misconduct Policy* and associated Procedure for further details.

## 6.3 Respect for Others

The students and staff of the Institute are expected to promote, maintain and embody the values of the Institute at all times. Students are expected to behave in an appropriate and responsible manner and within the interests of the Institute, and to respect and abide by all Institute rules and policies. In particular, students must:

- not steal, or take someone else's possessions without permission;
- not compromise the physical or psychological safety of others at the Institute;
- deal honestly and fairly;
- dress appropriately while on Institute premises, so as not to cause offence

Students acknowledge that they are expected to comply with all applicable laws while on the premises of the Institute. In the event that any student causes harm to any other person while on the premises of the Institute, the matter may be reported to the appropriate local authorities.

## 6.4 Respect for Property

At all times, students of the Institute are to respect and maintain the property of the Institute. Students are not permitted to:

- damage or destroy property;
- cause pollution;
- vandalise any part of the premises, property, resources or facilities of the Institute;
- put up obscene or derogatory signs, or signs which depict illegal material.

In addition, students must ensure that they do not compromise or hinder the experience of others, or use of the Institute's property, resources and facilities.

## 6.5 Freedom of Expression

The Institute acknowledges and encourages creativity, innovative thought and intellectual opinion on matters that are relevant to the Institute and the wider community. This Code does not seek to hinder the right of its students from expressing themselves but instead aims to educate the student on the need to freely communicate and express themselves within the limits of the law and the values of the Institute. In expressing any opinion, students are at all times expected to be respectful of the views of other students and staff. The Institute aims to encourage a safe and inclusive environment for all.

## 6.6 Harassment

Physical or verbal abuse, bullying, improper influence and/or intimidation committed by a student upon others within the Institute is unacceptable and will be deemed as serious misconduct. Students are not to engage in any

violent, threatening or offensive conduct, behaviour or language while on the premises of the Institute, and must understand and acknowledge that in addition to the Institute's policies and procedures, students are at all times bound to comply with all relevant and applicable laws and law enforcement authorities.

Students must not make false, trivial or uncorroborated allegations to the Institute or to external authorities as a means to harass another student or staff member or for the purpose of achieving an ulterior motive. Harassment includes any acts of abuse, intimidation and bullying against a person who may be associated with the Institute. This may include an associate of the Institute or an associate of a student or staff member of the Institute. Any victimising conduct against a third party will result in disciplinary action.

Sexual harassment, in any form, is prohibited by the Institute. Sexual harassment is any unwelcome conduct of a sexual nature, including, but not limited to, unwelcome sexual advances, persistent questions relating to a person's sexual orientation or sex life, or unwelcome requests for sex or sexual favours. Such conduct is considered unacceptable.

Students are prohibited from inciting or encouraging others to take part in any conduct that could reasonably be considered misconduct under this Code or any other policy or procedure of the Institute against another student, staff or associate of the Institute.

Any student found to have engaged in misconduct that amounts to harassment or sexual harassment may not only face disciplinary action by the Institute but may also be reported to the appropriate authorities.

## 6.7 Discrimination

Students are prohibited from all types of discrimination, which includes antagonising or singling out any person or group of persons for any purpose or on any ground of discrimination. Students are prohibited from publically inciting or encouraging any other person to take part in conduct that is discriminating against any other student, staff member or associate of the Institute.

Disclosing the personal details of an individual such as a student's sexual orientation, health conditions or religious beliefs to others in circumstances where that individual has not authorised or given permission for such disclosure will be deemed to be misconduct.

Any student found to have engaged in misconduct under this section of the Code or conduct that amounts to discrimination may not only face disciplinary action by the Institute but also may be reported to the appropriate authorities.

## 6.8 Drugs and Alcohol

Under no circumstances are students permitted to have in their possession **any** illicit drug or alcoholic substance while on the premises of the Institute. Consumption, distribution or the creation of illicit drugs or alcoholic substances while on the premises of the Institute is strictly prohibited and any such conduct will be subject to disciplinary action as well as reporting to the appropriate authorities for investigation. Any activities relating to the consumption, distribution or creation of illicit drugs or alcohol are strictly prohibited by the Institute. Students are expected to refrain from encouraging other students or associates to engage in such activities on the premises of the Institute.

Where any substances are given to another student, staff member or associate, whether accidentally or intentionally without their knowledge or consent, the matter will be referred for disciplinary action and intervention by the appropriate authorities.

Medication that is prescribed by a medical practitioner or that is available over the counter of a licensed chemist is permitted to be in the possession of students while on the premises of the Institute. It is not appropriate, however, for students to provide their personal medications to any other member of the Institute.

## 6.9 Weapons and Firearms

Weapons or dangerous instruments of any kind in the possession of any student are strictly prohibited while on the premises of the Institute. If any weapon or dangerous instrument is found in the possession of any student, the appropriate authorities will be notified to deal with the matter and to arrange for the removal of both the item/s and the relevant student(s) from the premises of the Institute.

## 6.10 Smoking

Smoking is prohibited in all buildings of the Institute. If Students wish to smoke they may do so within the designated smoking areas, and must ensure they are at least five (5) metres from any doorway while smoking, in accordance with relevant legislative requirements. Students must ensure that when using the designated smoking areas, they do not obstruct or block any access or walk way of other students, staff, associates, or users of the premises and should at all times be mindful of others when using the designated smoking areas.

## 6.11 Illegal Activity

If a student is alleged by a member of staff to have engaged in illegal activity under the laws of any State, Territory or Commonwealth jurisdiction, the matter shall be reported to the police of that jurisdiction for investigation.

## 6.12 Procedure for Allegations of Misconduct

For all suspected acts of misconduct (other than those of an academic nature which are dealt with in accordance of the ***Student Academic Misconduct Policy*** and ***associated Procedure***), the following procedure should be followed:

1. The person(s) who witnessed the act(s) of misconduct must collect any evidence of the breach.
2. The allegation(s) is referred to the Executive Dean and Registrar and any supporting evidence is provided.
3. The student will be notified of the allegation(s) in writing by email by the Executive Dean, Registrar or delegate and asked to attend an interview. The written communication to the student must include:
  - i. details of the alleged incident of misconduct under investigation,
  - ii. a summary of evidence of the alleged incident of misconduct,
  - iii. provision for the student to have a representative attend the interview, and
  - iv. the day, date, time, location and representative Institute staff involved in the interview
4. During the interview, the following will occur:
  - i. Representative Institute staff will provide the student with details and evidence of the alleged incident of misconduct,
  - ii. The student will have an opportunity to present his/her case with evidence,
  - iii. Interview notes will be taken.
5. Representative Institute staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections **6.13 Confirmation of Allegations** and **6.14 Allegations Not Warranted**.

6. In cases where the representative Institute staff does not include the Executive Dean, the representative staff will meet with the Executive Dean to present the degree of the breach and recommend a course of action prior to gaining the Executive Dean's approval for a course of action.
7. The outcome of the investigation and resulting actions will be formally communicated to the student in writing within 10 working days.
8. Students may appeal any decision in writing following the guidelines stated in the ***Student Complaint and Appeal Policy*** and associated Procedure.
9. Where a student has requested an appeal, the same interview process will be implemented; however, the Executive Dean and/or Academic Board will appoint representative Institute staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.
10. All written communication (emails or letters), interview notes and evidence of the alleged incident of misconduct must be placed in the Misconduct Folder stored on a secure drive with notes included in the student files in the Institutes database.

### 6.13 Confirmation of Allegations

- a) Where a penalty is appropriate, the following should be considered and may be taken into account at this stage;
  - i. Any previous findings of misconduct and the penalty/ies imposed;
  - ii. The year or level of study of the student;
  - iii. Any intention behind the conduct, and the level and effect of that intention;
  - iv. Any personal health, family or other factors that contributed to the conduct;
  - v. Matters considered relevant in the particular circumstances.
- b) Where there is confirmation of misconduct, the following penalties may be applied:
  - i. A reprimand
  - ii. A written warning
  - iii. A financial penalty (for damage to property)
  - iv. Remedial educative action
  - v. Rescind an offer of entry into a course (if false or misleading information was provided at the time of admission)
  - vi. Revoke an award (if false or misleading information was provided at the time of admission)
  - vii. Suspension from the course
    - i. Expulsion from the course.
- c) In all cases, details of the academic misconduct will be kept on the student's record/file and recorded in the Misconduct Register.

### 6.14 Allegations Not Warranted

- a) In cases where there is insufficient evidence, or the evidence provided does not support the allegation, no penalty will be imposed; however, information pertaining to the allegation can be kept on the student's record/file.
- b) If the student is again involved in an allegation of misconduct at a later date, then prior allegation(s) will form a valid part of the later investigation and can be included when considering the seriousness of the later breach(es).

## 6.15 Appeals

Students may appeal against a decision made under this Procedure and associated Policy. Appeals must be made as prescribed in the appeals process outlined in the ***Student Complaint and Appeal Procedure***.

## 7. Legislation

Legislation pertaining to this Code includes:

- Federal Anti-Discrimination laws and the Anti-Discrimination Act 1977 (NSW)
- Workplace, Health and Safety legislation that applies in their jurisdiction such as the NSW Work Health Safety Act 2011

## 8. Version Control

This Code has been endorsed by the Australia Institute of Higher Education Academic Board as at February 2017 and is reviewed every 3 years. The Code is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2017-1	Ms. McCoy	Drafted document	22 February 2017	6 March 2017