

Student Conduct Policy and Procedure

This procedure comes from the following policy: Complaints and Appeals Policy , Standards for Registered Training Organisations (RTOs) 2015 (Standard 8), Legal Compliance and VET Regulator Policy, Privacy and Personal Information Policy, Quality Assurance and Continuous Improvement Policy, ESOS National Code of Practice 2018 Standards 6, 8 and 9

1. Purpose

The purpose of this code is to outline the way in which students of Superior Training Centre are expected to conduct themselves during their participation in training and assessment and outlines students' rights and responsibilities.

2. Definitions

Bullying: the persistent and ongoing ill treatment of a person that victimises, humiliates, undermines or threatens that person.

Criminal offence: an offence deemed harmful not only to the community but also to the community, society and state. It is punishable by law.

Discrimination: occurs when a person treats, or proposes to treat, someone unfavourably because of a personal characteristic protected by law.

Harassment: is repeated, unwelcome and unsolicited behaviour or comments aimed at a person or group that makes that person or group feel offended, humiliated or threatened.

Procedural fairness: a fair and proper procedure appropriate to the circumstances, where decisions are made without bias and are supported by evidence and communicated with reasoned argument.

Restriction: a limit on access to premises and/or facilities and/or services for a defined period.

Sexual assault: when a person is forced, coerced or tricked into sexual acts against their will or without their consent, or if a child or young person under 18 is exposed to sexual activities. Sexual assault is a form of sexual activity without explicit consent. Sexual assault is attempted or actual sexual contact performed without the active, verbal consent and positive physical cooperation of another individual.

Sexual harassment: any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

(Sex Discrimination Act 1984 (Cth) as cited by the Australian Human Rights Commission, 2018) Note: sexual harassment is a form of sex discrimination, can be obvious or indirect, can be physical or verbal, can be repeated or one-off and can be perpetrated by any gender towards any gender.

Suspension: the cancellation of a student's enrolment and the withdrawal for a specified time of the rights and privileges of a student, including the right to re-enrol as a student. Unless otherwise advised, the student has the right to recommence their studies at the end of the suspension.

STC community: students, staff, agents, titleholders, alumni, officers, contractors, volunteers, and other people who are formally involved in a STC-related activity, regardless of the location of that activity.

Victimisation: subjecting a person to some form of detriment because that person has lodged a complaint or is associated with a person who has lodged a complaint, or has had a complaint made against them or is associated with a person who has had a complaint made against them.

Vilification: occurs when a person speaks or writes in an insulting, abusive or defamatory way about or to a person or group. Vilification is commonly associated with the incitement of hatred towards a person due to their race, religion, or beliefs.

3. Scope

This policy applies to all students enrolled in a STC course or subject/s, regardless of their location or mode of study. This policy applies at all STC premises and other locations where STC students are participating in learning or representing STC.

4. Principles

This policy is based on the principle that all members of the STC community benefit from:

- acting honestly and with integrity, demonstrating mutual respect
- the right to be heard in an environment free of bias and unfair treatment
- the proper use of STC facilities and information
- practices that are inclusive and do not unreasonably prevent access to learning
- responsiveness to individual needs, whether they relate to age, gender, cultural or ethnic background, health, sexuality, employment, location or other personal circumstance
- adherence to relevant State and Federal legislation and STC policies and guidelines
- the right to make a complaint without subsequent detriment
- prompt resolution of complaints, according to the principles of procedural fairness.

SECTION A:

5. Student expectations

All students have the right to be treated fairly, to study in a positive and safe learning environment that allows them to reach their full potential, and to have access to clear, consistent and timely information.

6. Code of conduct

Note: The purpose of the Code of Conduct is to provide guidance on the standards of conduct expected of students. It does not address all possible issues concerning the conduct of students but provides a framework of appropriate behaviour. If a circumstance or situation arises which is not expressly covered by the Code, students must comply with the underlying principles of the Code.

- Be treated fairly and with respect to all students and staff
- Study in supportive environment free from harassment, discrimination
- Learn in a healthy and safe environment where the risks to personal health and safety are minimised
- Make appeals about procedural and assessment decisions
- Access the support they need to effectively participate in their training program
- Have access to their personal details and records
- Access the information Superior Training Centre holds about them
- Have their complaints and appeals dealt with fairly, promptly & confidentially
- Receive training, assessment, and support services that meet their individual needs;
- Be given clear and accurate information about their course, training, and assessment
- Provide feedback to Superior Training Centre on the client services

All students, throughout their training and involvement with Superior Training Centre, are expected to:

- Treat all people with fairness and respect and refrain from anything that could offend, embarrass, or threaten others.
- Not harass, victimise, or discriminate against or disrupt others (See below for definition).
- Treat all others and their property with respect.

- Respect the opinions and backgrounds of others.
- Follow all safety policies and procedures as directed by staff.
- Report any perceived safety risks as they become known.
- Not bring into any premises being used for training purposes, any articles or items that may threaten the safety of self or others.
- Notify us if any of their personal, address, or other contact details change.
- Provide relevant and accurate information to Superior Training Centre in a timely manner.
- Approach their course with due personal commitment and integrity.
- Complete all assessment tasks, learning activities, and assignments honestly and without plagiarism or infringing on Copyright.
- Hand in all assessment tasks, assignments, and other evidence of their work with a completed and signed cover sheet.
- Make regular contact with their Educator (Trainer / Assessor)
- Come prepared with all textbooks and standards needed
- Prepare appropriately for all assessment tasks and training sessions.
- Notify Superior Training Centre if any difficulties arise as part of their involvement in the course.
- Notify Superior Training Centre if they are unable to attend a training session for any reason at least 12 hours prior to the commencement of the activity.
- Make payments for their training within agreed timeframes, where relevant
- For international students, comply with their student visa requirements under the ESOS Act

Academic Misconduct

Academic misconduct includes:

Plagiarism

Plagiarism is the act of misrepresenting as one's own original work the ideas, interpretations, words or creative works of another. These include published and unpublished documents, designs, music, sounds, images, photographs, computer codes and ideas gained through working in a group. These ideas, interpretations, words or works may be found in print and/or electronic media.

Plagiarism includes the following:

- Copying from another student
- Handing in another person's work with or without the author's knowledge
- Copying an entire source and presenting it as your own
- Copying sections from a source without appropriate acknowledgement
- Paraphrasing material from a source without appropriate acknowledgement
- Constant non-submission of assessments by their due dates.

Cheating

Cheating includes the following:

- Providing or receiving information from other students
- Copying from another student
- Bringing in unauthorized material to open-book in-class assessments
- Using unauthorised material in open-book in-class assessments
- Failing to follow Trainers' instructions on conduct during assessments.
- Plagiarism or cheating may result in a NOT Satisfactory or NOT Competent result for the unit and/or suspension or cancellation of enrolment.

Non-Academic Misconduct

Non-academic misconduct includes but is not limited to the following:

- Behave in a manner that tarnishes the STC's reputation and name

- Steal STC or other students' property
- Damage STC or other students' property
- Engage in unlawful activities on STC premises
- Misuse STC equipment
- Threaten, bully, harass, abuse, discriminate or vilify STC staff members or students
- Disrupt classes and fail to follow Trainers' and other STC staffs' reasonable directions
- Falsify Medical Certificates and other documents
- Physical fighting on STC grounds, in class and anywhere else on STC premises
- Provide STC with false documents e.g. Qualifications, Statements of Attainment, References
- Alcohol intoxication
- Being in possession of illicit drugs
- Being under the influence of illicit drugs

Forging Documents

If a student forges any documents, e.g. work placement timesheets, logbooks, supervisor report signatures, dates, medical certificates etc. they will be subject to instant dismissal from the course. Academic and non-academic misconduct offences may result in the termination of a student's enrolment.

Student Behaviour

STC reserves the right to instantly terminate any student who participates in unlawful activity and will report any such behaviour to the legal authorities.

Harassment, Victimisation or Bullying

Superior Training Centre is committed to providing all people with an environment free from all forms of harassment, victimisation, and bullying. Superior Training Centre will not tolerate any behaviour that harms, intimidates, threatens, victimises, offends, degrades or humiliates another person.

Anti-discrimination law defines harassment as any form of behaviour that you do not want, that offends, humiliates, or intimidates you and that creates a hostile environment. Examples of harassment are making fun of someone, spreading rumours, offensive jokes, ignoring someone, etc. Victimisation is where a person is treated unfairly because they have made a discrimination complaint.

Bullying is verbal, physical, social, or psychological abuse by a staff member or student. Bullying falls under health and safety legislation. If you at any time feel that you are being harassed, victimized, or bullied by a staff member or student, you should attempt to peacefully communicate the problem to them. If the problem continues, you should lodge a complaint as per Superior Training Centre Complaints and Appeals procedure.

Classroom Behaviour

- Students should always respect their trainers and fellow students and not participate in any misconduct.
- Students are requested not to speak in languages other than English in the classroom.
- The use of inappropriate language/swearing is not permitted anywhere in the STC and most specifically will not be tolerated in the classroom.
- Students and staff should leave rooms neat and tidy.
- Students are not to enter in the staff areas.

Mobile Phones

Mobile phones must be switched OFF at all times and not used in classrooms unless directed. They disrupt trainers, lessons, and students' concentration. Please be considerate to all. If students continue to leave their mobile phones switched on, the STC reserves the right to confiscate the phones until the end of the day and/or ask the student to leave the class.

Confiscated phones may be collected from the RTO Manager. Please note, if students need to be contacted as a matter of urgency, messages will be brought into class by STC staff.

Smoking or Vaping

STC is a smoke free zone. Students wishing to smoke or vape must do so outside and away from the front door. Amendments to the Smoke-free Environment ACT 2000 and Smoke-free Environment Regulation 2007 make it an offence to smoke within four (4) metres of the doorway to any public building (Jan 2013). Local council officers are authorised to issue on the spot fines for breaches of these regulations.

1. Work Health and Safety

Under the Occupational Health and Safety Act 2004, Superior Training Centre must provide a safe environment for staff and students, as well as providing information to staff and students in relation to health and safety.

Superior Training Centre has policies and procedures in place to ensure your safety and, on commencement of your course, you will be provided with information about health and safety.

- As a student you also have a responsibility to follow instructions and rules and to behave in ways that are safe which do not endanger the health and safety of others. Always ensure that you:
- Immediately report hazards to your trainers
- Seek assistance from a member of staff if you become ill or injured on campus
- Only assist another person who is ill or injured if it is safe to do so. Call a member of staff for assistance
- Complete an incident report as required
- Ensure you are familiar with Superior Training Centre emergency evacuation procedures and, in the case of an emergency, follow the instructions given to you
- Do not leave bags or personal belongings lying around where someone else could trip over them
- Do not smoke or drink alcohol on the premises
- Observe basic hygiene practices such as hand washing before handling and eating food

Some courses may require you to use dangerous, hazardous, and volatile substances. You will be given instructions on their safe handling. In the interest of health and safety, you must not interfere with, or misuse, any of these materials, and you must abide by the wearing of protective clothing and equipment if required to do so. Certain courses require the wearing of a uniform and/or Personal Protective Equipment (PPE) and clothing during classes, that you may need to supply. Entry into the class will be refused, unless specified protective clothing and/or uniform is worn. Some courses may also specify mandatory equipment requirements (MER), and students must obtain these to enable their participation in classes and/or the completion of the course. Information on the requirements in this area will be given during enrolment or class. STC has a duty to ensure the health, safety, and welfare of all employees, students, other workers, and visitors.

At enrolment, you will be informed of any course requirements that you will need to provide, such as protective clothing and equipment (PPE). Close-toed footwear should always be worn while at STC. During an orientation session at your first attendance, you will be given information on what to do in case of an emergency, or if you are injured and require first aid.

- Know and observe details of emergency response and evacuation plans
- Do not undertake activities which may cause injury to self or others
- Be responsible for your own actions
- No smoking or vaping at the training and assessment facilities or offices
- Report all potential hazards, accidents and near misses to the RTO staff
- No consumption of alcohol within training and assessment facilities or during the conduct of training and assessment
- Keep training and assessment areas neat and tidy at all times
- Seek assistance if you volunteer to lift items e.g. move furniture in a training area
- Observe hygiene standards particularly in eating and bathroom areas.

The Work Health and Safety Act is strongly enforced Australia-wide. It means that you cannot be placed at risk through anything that you may be asked to do by Superior Training Centre.

Should you be asked to do anything you feel is unsafe:

- Stop
- Advise the trainer of your worries and do not proceed
- Advise the trainer if you see anyone else doing anything unsafe

It is the STC's responsibility to ensure you are in a safe learning and working environment and must not allow any work to be done that is unsafe.

Clothing and Footwear

- STC is considered a construction workplace due to the nature of study and that students may be required to undertake practical training.
- Students are required to wear the STC High Vis shirt or similar long-sleeved shirt to all classes.
- Students must wear closed toe leather shoes and preferably steel capped work boots.
- Students must have PPE such as safety glasses and rated gloves for the work carried out (consult with your trainer)
- Some equipment will be given out by STC e.g. welding protection helmets and gloves
- Failure to have safe clothing and PPE are grounds for refusal to enter workshops and participate in lessons or assessments.

Fire safety

- STC will undertake to communicate the procedures involved in evacuation and the location of fire equipment to students at each facility; and to users of the office at least twice each year.
- All users of a training and assessment facility need to be familiar with the location of all EXITS and fire extinguishers. Users **will consult available maps to determine location.**
- It is the user's responsibility to understand fire drill procedures displayed around the premises.
- Users are asked to attend any sessions on fire safety procedures and the use of fire safety devices.

Computer – Bring Your Own Device

- Students must supply their own device – an internet connect laptop or minimum 7 inch tablet to be able to login and complete tasks on the Learning Management System (LMS)
- Extended periods of work with computers can result in general fatigue and eye strain. Repetitive tasks and incorrect posture will result in consistent aches and pains.

Lifting

- Students, trainers and assessors are encouraged not to lift anything related to the training and assessment provided by STC unless they do so voluntarily and taking all responsibility for any injury caused.
- Never attempt to lift anything that is beyond your capacity.
- Always bend the knees and keep the back straight when picking up items.
- If you have experienced back problems in the past, do not attempt to lift heavy objects at all. Ask someone else to do it for you.
- Use a trolley where appropriate. A trolley is available at each campus.

Work and study areas

- Always ensure that all work areas are clean and clear of clutter so as to avoid the danger of accident by tripping or falling over.
- Place all rubbish in the bins provided.

First aid

- Provision for first aid is available where training is delivered.
- All accidents must be reported to STC staff.
- The accident and any aid administered must be recorded by staff involved

Sick Leave

- Students that have symptoms of Covid-19 or flu should stay at home and notify the staff of STC.
- Students who feel they are unable to undertake any aspect of the qualification because of illness are required to submit a sick certificate from a registered medical provider to Superior Training Centre Pty Ltd.
- While missed assessments and deadlines will be entered onto the class rolls, these must be made up for before a certificate or qualification will be issued.

Staff Responsibilities For Access/ Equity & Equal Opportunity Issues

Superior Training Centre Pty Ltd has Student Services and you should direct all problems and information requests: they will refer issue to the best person.

The General Manager acts as the access and equity officer for Superior Training Centre Pty Ltd so if you are experiencing any harassment or discrimination, refer the matter to the General Manager in writing. Superior Training Centre Pty Ltd:

- Aims to ensure that access to employment and training is available regardless of gender, socioeconomic background, disability, ethnic origin, age or race.
- Delivers training services in a non-discriminatory, open and respectful manner.
- Ensures staff are appropriately skilled in access and equity issues, including

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- cultural awareness and sensitivity to the requirements of students with special needs.
- Provides facilities updated to provide reasonable access to students of all levels of mobility, and physical and intellectual capacity.
 - Conducts client selection for training opportunities in a manner that includes and reflects the diverse client population.
 - Actively encourages the participation of students from traditionally disadvantaged groups and helps those most disadvantaged.
 - Provides culturally inclusive language, literacy and numeracy advice and assistance that assists students in meeting personal training goals.
 - Is accountable for its performance in adhering to the principles of this policy and welcomes feedback as part of its quality improvement system.
 - Requires staff and students to comply with access and equity requirements always.

Superior Training Centre provides equal opportunity in education. Each of our staff members has responsibility for access and equity issues for all students with whom they train and work. They are expected to act in accordance with our Code of Practice, and all our students are made aware of their rights and responsibilities through this Student Handbook.

Section B: Managing complaints of misconduct

***Note:** Complaints of misconduct by students will be dealt with under this policy. Complaints of misconduct by staff will be dealt with under the relevant Human Resources policy.*

***Note:** This policy does not prevent complaints of unfair treatment being made directly to an external body such as the Commonwealth Equal Opportunity Commission or the Office of Ombudsman (in the relevant State). If STC receives notification that a complaint is the subject of formal external enquiry or legal action, internal processes may be suspended until external action is completed.*

7. Misconduct resolution

STC acknowledges the right of all members of the STC community to make a complaint and aims to resolve such complaints fairly and promptly, wherever possible resolving conflict at the local level and maintaining working relations.

8. First offence and/or minor breaches

Where the Head trainer or General Manager considers that the nature of the allegation is such that, if proven, it can be appropriately dealt with without imposing a penalty for significant misconduct as described in this policy, they may determine that the allegation should be investigated and dealt with under a local review and resolution process.

Any student facing allegations of misconduct will be provided with the specific information about the allegations (although not necessarily be shown a complaint verbatim) and be provided with an opportunity to respond and/or provide evidence on the matter.

After investigating, the Academic Manager or Managing Director may make one (or more) of the following determinations:

- that no further action is required
- that the student is directed to cease actions which are subject to the allegation
- that the student is directed to provide a formal apology to the aggrieved party
- that the student provides an undertaking in writing not to repeat the misconduct, or
- that the student be given a written warning.

The student will be advised in writing of the determination and the reasons for reaching the determination.

The Head Trainer may refer an allegation to the General Manager at any time during the

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investigation if it becomes clear that the allegation is too serious or complex to be dealt with at the local level. Failure to resolve the allegation at the local level will also result in the allegation being referred to the General Manager for a determination.

Any student facing allegations of misconduct will be provided with the specific information about the allegations (although not necessarily be shown a complaint verbatim) and be provided with an opportunity to respond and/or provide evidence on the matter.

After investigating, the Managing Director (or delegate) may make one of the following determinations:

- that no further action is required
- that the student is directed to cease actions which are subject to the allegation
- that the student is directed to provide a formal apology to the aggrieved party
- that the student provides an undertaking in writing not to repeat the misconduct, or
- that the student be given a written warning
- that the student pay restitution to the value of repair / replacement costs for property damaged or stolen
- that the student's grade or outcome be adjusted to a fail or Not Yet Satisfactory (where the misconduct involved a form of academic misconduct relating to the subject)
 - **Note:** this may result in non-conferral of a qualification or the revocation of a qualification
- that the student be restricted
 - from all, or a specified portion of, STC premises for a defined period, and/or
 - from use of any STC facility or service for a defined period
- that the student's enrolment be suspended for a defined period
- that the student be excluded from STC for a defined period
- that the student be expelled from STC.

In determining the penalties, the General Manager (or delegate) will take into account:

- the nature and seriousness of the misconduct
- the student's previous record of misconduct and the penalties imposed
- whether there are any mitigating circumstances
- whether the student admits the misconduct and has expressed remorse
- the potential impact on the student, including their capacity to complete their course
- the potential impact on any other students or staff members involved.

The student will be advised in writing of:

- the determination and the reasons for reaching the determination, and
- for international students, that STC will also notify the Secretary of the Department (via PRISMS) of the suspension or exclusion, and that the notification may affect their student visa.

The availability of internal misconduct resolution processes does not preclude STC from referring a student to external authorities.

8.1 Urgent suspension or restriction, pending investigation

The General Manager (or delegate) has the authority to temporarily suspend or restrict a student from all or part of STC's premises or classes or from access to its facilities in urgent circumstances. This includes where there is a threat to the safety of persons or property and if a student is disrupting the use of facilities or participation in activities.

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9. Records of misconduct

A full record will be kept of all stages of misconduct proceedings including all actions, evidence, correspondence, meetings and minutes. These records must be stored on a confidential file. When misconduct is determined to have taken place, a summary of the investigation and determination will be recorded on the student's file.

10. Appeal

Under the Complaints and Appeals procedure, a student may lodge an appeal with the Director against a determination made under this policy within 20 working days of the date of notification of the determination. Appeals can be made on the grounds that:

- there was a lack of procedural fairness in the investigation
- the determination was manifestly unreasonable or cannot be supported by the evidence
- there is new evidence not available at the time of the original investigation.

The outcome of such an appeal will be final.

11. References

Note: this list is not exhaustive and other Acts may apply in some circumstances.

- Commonwealth Racial Discrimination Act 1975, incorporating the Racial Hatred Act 1995
- Commonwealth Sex Discrimination Act 1984
- Commonwealth Human Rights and Equal Opportunity Commission Act 1986 Commonwealth Equal
- Opportunity for Women in the Workplace Act 1999 Commonwealth Age Discrimination Act 2004
- Commonwealth Disability Discrimination Act 1992 Commonwealth Copyright Act 1968 Commonwealth Privacy Act 1988