

Policy Owner: College Director and Principal, Associate Principal
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1. INTENT

- 1.1. This Policy outlines ACBT behavioral expectations of its Students; and the approach ACBT takes when identifying and addressing Student Misconduct.
- 1.2. Student Academic Misconduct is addressed in the *Academic Integrity Policy* and *Academic Misconduct Procedures*.

2. ORGANISATIONAL SCOPE

- 2.1 This Policy applies to all Students at ACBT and its Partner Providers.

3. DEFINITIONS:

- 3.1 The *Glossary of Policy Terms* applies to this Policy.

4. POLICY CONTENT:

Principles

- 4.1 ACBTs goal is to provide a high-quality learning experience in a scholarly, safe, inclusive and respectful environment, and to continuously improve the quality of its Courses and services to Students.
- 4.2 The College is committed to providing all Students with equivalent opportunities, and promoting an environment free of racial, sexual, religious, cultural, physical and other discrimination.
- 4.3 The College expects Students to commit to their studies and contribute to College life in the manner set out in this Policy.

Student Conduct

- 4.4 ACBT is committed to the value of **Integrity**. ACBT Students are expected to:
- a) provide information to the College which is accurate, current, complete and not misleading;
 - b) meet their financial obligations to the College including timely payment of fees, charges and other costs associated with Enrolment;
 - c) act honestly, fairly and ethically in the preparation, conduct and submission of academic work;
 - d) respect the privacy of others and not unreasonably disclose the College's confidential information or intellectual property to others; and
 - e) act in accordance with College policies and procedures as they apply to Students.
- 4.5 ACBT is committed to the value of **Respect**. ACBT Students are expected to:
- a) treat all members of the College Community respectfully and courteously;
 - b) not engage in any behaviour which would be considered Harassment, intimidation, victimisation or Bullying;
 - c) not engage in any adverse Discriminatory behaviour on grounds such as gender, race, ethnicity, sexuality, religion, age, disability, or political conviction;
 - d) respect the importance of professional boundaries between staff and students;
 - e) be responsible in all forms of social media including maintaining respect for the social media audience and having an understanding of the *Internet and Digital Communications Policy*; and
 - f) respect and use responsibly the College's facilities and equipment, as well as respecting the rights and property of other Students and third parties engaged by the College.
- 4.6 ACBT is committed to the value of **Rational Inquiry**. ACBT Students are expected to:
- a) maintain a cooperative and collaborative approach when dealing with the College Community and allow others to communicate openly and voice alternative points of view;
 - b) comply with all College and relevant third-party Health and Safety requirements, and take care that their words and actions do not adversely affect the health and safety of other people; and
 - c) when providing feedback, provide constructive and non-discriminatory feedback on College teaching and services so that ACBT can undertake continuous improvement.
- 4.7 The College is committed to the value of **Personal Excellence**. ACBT Students are expected to:
- a) actively engage with their learning and strive for excellence by attending classes, online forums, placements and work-integrated learning activities, and meeting obligations to themselves and other Students and staff, including by making contributions to group work and meeting Course requirements;
 - b) seek to engage positively with the College and the wider community;

- c) represent the College to others in a responsible and respectful manner;
- d) stay up to date with College communications; and
- e) consider the actions and behaviours of other Students and Staff and be willing to communicate any concerns to the College.

Student Misconduct

- 4.7 Student Misconduct is any conduct by a Student (other than Academic Breach or Academic Misconduct) on College Premises or in connection with a College-related activity that:
- a) breaches any written law of the state, territory or country in which the relevant College Premises or activity is located or is connected with, to the extent the breach will or may affect the College;
 - b) breaches, or is deemed or stated to be Misconduct under College Policies and procedures;
 - c) causes or is likely to cause a disruption or an adverse effect to any College proceeding, ceremony or activity;
 - d) brings the College into disrepute;
 - e) interferes with the reasonable freedom of College Staff, Student and visitors to pursue their studies, duties and other lawful activities;
 - f) contravenes any lawful direction given by a College Staff member or representative, including a direction to leave or refrain from entering a College Premises or activity;
 - g) interferes with the freedom of movement or expression of any College Staff, Student or visitor invited by the College;
 - h) obstructs or defers, or attempts to obstruct or defer, any College Staff member or representative from performing their duties (including bribery);
 - i) unreasonably discloses confidential information or Intellectual Property in the College's possession or control;
 - j) damages, or is likely to damage, or is considered wrongful dealing with, any property or facility in the College's possession or control, or in the possession or control of a person at a College Premises;
 - k) constitutes a misuse of information technology facilities and software belonging, leased or licensed to the College;
 - l) constitutes a threat, assault, attempt to assault, Harassment, Sexual Harassment, Sexual Assault, vilification, Victimisation or unlawful Discrimination towards any College Staff member, Student or visitor, or any other person at a College Premises or connected with an activity;
 - m) is misleading or dishonest and is in connection with a Student's Enrolment or studies (including impersonation and forgery);

- n) includes the use of offensive or discriminatory language against any College Staff member, Student or visitor, or any other person at a College Premises or connected with an activity; or
 - o) constitutes a failure to abide by any Outcome, decision or penalty imposed under any College Policy or Procedure.
- 4.8 Investigations instigated under this Policy must be conducted in accordance with the principles of equity and good conscience and the substantial merits of the case without regard to technicalities or legal forms.
- 4.9 Subject to the requirements of natural justice, those conducting investigations and deciding Student Appeals will not be bound by any rules of evidence and may inform themselves of any matter they believe to be relevant.
- 4.10 When investigating whether an activity constitutes Student Misconduct or when hearing an Appeal against a finding of Student Misconduct:
- a) freedom of speech and freedom of expression shall be permitted where such speech or expression is consistent with like freedoms given to others and the rights of any person affected;
 - b) the burden of proving an allegation of Student Misconduct will rest with the College and the standard of proof is the balance of probabilities;
 - c) the accused must be:
 - given sufficient particulars to enable them to answer the allegation; and
 - provided with an opportunity to be heard (although not necessarily face-to-face or even orally); and
 - d) when a finding of Student Misconduct is made, or an Appeal dismissed, the student must be:
 - notified of the outcome; and
 - provided with sufficient reasons to explain the outcome.
- 4.11 Clauses 4.1-4.3 do not apply to the exercise of summary powers prescribed in Section 4 of the *Student Misconduct Procedures*.

Penalties for Student Misconduct

- 4.12 Penalties that may be imposed for proven Misconduct by Students include any one or all of the following:
- a) fines for any one offence, not exceeding the amount prescribed by the *Student Misconduct Procedures*;
 - b) restitution, not exceeding the amount prescribed in the *Student Misconduct Procedures*, for damage to College property arising out of the commission of a disciplinary offence;
 - c) cancellation or suspension of all or any of a Student's rights and privileges, including suspension from the College or parts of the College; and
 - d) Exclusion from the College.

- 4.13 Students who are not satisfied with a determination of Misconduct by ACBT may Appeal to the Student Appeals Committee – see the *Student Appeals Policy*.
- 4.14 In all other circumstances, time limits established in this Policy and in the *Student Misconduct Procedures* should, where practicable, be complied with provided that;
- a) the College Director and Principal (or nominee) may, upon such terms as they believe to be appropriate, extend or abridge any period of time fixed by a provision made under this Policy or the *Student Misconduct Procedures*, and may do so after the expiration of any such period; and
 - b) no action will be invalidated because a time limit is exceeded.
- 4.15 Any money owed by a Student pursuant to this Policy is payable as a debt and may be recovered by the College.
- 4.16 No academic Award shall be conferred on a Student charged with a breach of obligation under this Policy until after the charge has been dealt with in accordance with this Policy, the *Student Misconduct Procedures*, *Student Appeals Policy* and *Student Appeals Procedures*, unless otherwise decided by the College Director and Principal (or nominee).

5. ACCOUNTABILITIES AND RESPONSIBILITIES

- 5.1 **Students** are expected to conduct themselves in accordance with this Policy and to seek guidance in the event of uncertainty as to their application.
- 5.2 **Staff** members are responsible for ensuring that Student Misconduct is responded to in accordance with the principles outlined in this Policy and acted upon or referred to the appropriate area of the College for resolution.
- 5.3 The **College Director and Principal , Associate Principal** is responsible for the implementation and review of this Policy and the *Student Misconduct Procedures* made under this Policy.

6. RELATED DOCUMENTS:

- 6.1. This Policy is supported by the *Student Misconduct Procedures*.
- 6.2. Other documents related to this Policy include:

Academic Integrity Policy
Bullying, Harassment, Discrimination, Sexual Assault and Sexual Harassment Policy
Fitness to Study Policy
Privacy Policy
Student Wellbeing, Counselling and Support Policy
Student Complaints Policy
Student Appeals Policy

7. CONTACT INFORMATION:

For queries relating to this document please contact:

POLICY OWNER	College Director and Principal
ALL ENQUIRIES CONTACT:	Quality and Compliance Manager
TELEPHONE:	011 2565595
EMAIL ADDRESS:	

8. APPROVAL HISTORY:

POLICY APPROVED BY:	Senior Management Group
DATE POLICY FIRST APPROVED:	June 2017
DATE LAST MODIFIED:	May 2017
REVISION HISTORY:	June 2022. Adoption of a principle-based approach to policy. Creation of separate <i>Student Misconduct Procedures</i> . Title change from <i>Student Misconduct Policy</i> .
NEXT REVISION DUE:	July 2024