

## 5.4.23: Student Discipline

### Operating Policy and Procedures

#### 1. Policy

It is the policy of the Navitas College of Public Safety (NCPS, or the College) to have a system of student discipline as part of its quality approach to education and training.

#### 2. Purpose

The purpose of this policy is to ensure that NCPS, in discharging its obligations, has a system of student discipline that is reliable and fair, and also provides for avenues of appeal where appropriate.

#### 3. Responsibility

The Dean/Head of College is responsible for compliance with this policy.

#### 4. Guidelines and Definitions

- 4.1 This policy applies to all students undertaking higher education studies at NCPS and to all trainees undertaking VET programs run by NCPS. It also relates to the *Student Code of Conduct* (ND133) that 'applies to all students enrolled in any course offered by NCPS', particularly in relation to this Code's section '2.0 Standards of Behaviour'.

NCPS considers student discipline under two main areas:

- breaches of discipline or general misconduct;
- academic misconduct or cheating, including academic offences such as plagiarism or collusion.

The following definitions apply:

**Assessment session:** means any examination, essay, assignment or other work, in whole or in part, which forms part of a student's higher education assessment or of a trainee's VET assessment;

**Breach of discipline:** acts or circumstances as outlined in section 5.1 below;

**Cheating:** academic misconduct as outlined in section 6.1 below;

**Damage:** the amount of value of any damage to, or loss of, any property, including any costs and expenses of, or incidental to, the repair or replacement of any property damaged or lost;

**Delegate:** a person to whom a senior officer in NCPS grants, or has granted, powers to undertake a specific activity or activities in relation to delivering higher education or VET programs, or to act as a Minute secretary;

**Exceptional circumstances:** where a student or trainee is unable to pay a fine or to fulfill a penalty by circumstances that are beyond his/her control and which extend over a significant period of time. Exceptional circumstances do not include misunderstanding NCPS's policies or a short term inability to pay a fine.

**Expel:** to terminate a student's enrolment;

**Meeting:** any lecture, tutorial, seminar, teaching or training session, or other academic or VET activity undertaken in relation to delivering higher education courses or VET programs and materials in and/or by NCPS;

**Misconduct:** either a breach of discipline (as per Section 5.1) or an act of academic misconduct (as per Section 6.1).

**Officer of the College/NCPS:** any person, whether employed or not by NCPS, who is

authorised to conduct any teaching, assessment or other official College session related to delivering higher education or VET, or in the administration of these;

**Precincts of NCPS:** any buildings, premises, and any other areas in the vicinity thereof, which includes the location of camps, field placements, workshops and any other teaching or study activity controlled or supervised by, or in the temporary possession of, NCPS;

**Quorum:** the number of members necessary for either a meeting of the *Student Discipline Panel* or the *Student Discipline Appeals Board* to proceed.

**Senior NCPS officer:** the Dean/Head of College, the Manager of Study Programs, the Librarian, the Operations Manager, any member of the Academic Council, or any delegate of these officers or members;

**Student:** any person enrolled at NCPS in a higher education course, or who was enrolled in such a course at the time at which he or she is alleged to have committed misconduct;

**Student Discipline Appeals Board:** as outlined in section 9 below;

**Student Discipline Panel:** the Panel as outlined in section 8 below;

**Suspend:** to prohibit a student from entering NCPS precincts, either in whole or in such part as may be prescribed, or attending any teaching or assessment session for a specified period;

**Teaching session:** any activity carried out by NCPS as part of the provision of courses for students in higher education or for trainees in VET, including classes, tutorials, lectures, seminars, laboratory or workshop sessions, external teaching exercises, work placements, etc.;

**Trainee:** any person enrolled at NCPS in a VET program, or who was enrolled at the time in such a program at which he or she is alleged to have committed misconduct;

**VET:** vocational education and training.

## 5. Breach of discipline

- 5.1 A student or trainee will have committed a disciplinary offence if the student or trainee engages in one or more of the following breaches of discipline:
- (a) disobeys any reasonable order or direction given to him/her by a senior NCPS officer or an officer of the College where the officer has reasonable cause to believe that the order or direction is necessary:
    - (i) to ensure the safety of the student or trainee or any other person;
    - (ii) to prevent damage to NCPS property or premises;
    - (iii) for the proper performance of the officer's duties regarding the custody, maintenance or use of any of NCPS's property, premises or precincts;
  - (b) obstructs or interferes with the proper use of any of NCPS's facilities by any member of the College;
  - (c) behaves in a manner which is disorderly or detrimental to the interests and good repute of NCPS or engages in conduct which disrupts a class or session;
  - (d) harasses any person on any grounds, including, but not limited to, ethnicity, cultural background, disability, gender, sexual preference, marital status, age, or religious or political belief;
  - (e) intimidates or attempts to intimidate any person;
  - (f) intentionally, wilfully, recklessly or negligently engages in conduct which causes, or may cause, bodily injury to any person;
  - (g) intentionally, wilfully, recklessly or negligently causes damage to, or without authority removes or wrongfully interferes with, any property:
    - (i) of NCPS or of any member of the College or of any person, firm or corporation in the course of them undertaking activities at NCPS;

- (ii) of a student or officer of the College;
- (h) copies or attempts to copy any copyright material including computer software, without the permission of NCPS and in breach of the *Copyright Act*;
- (i) engages in improper use of any of NCPS's facilities or equipment;
- (j) publishes in any way whatsoever any confidential information of, or held by, NCPS;
- (k) engages in any false representation, whether oral or written, of any matter concerning or affecting the student in his or her capacity as a student;
- (l) fails by the required date, or within the required period, to pay any fine or to observe any penalty imposed by NCPS;
- (m) engages in any other conduct, whether within or outside the precincts of NCPS, that may be prejudicial to the good order and discipline of NCPS and/or is likely to bring NCPS into disrepute;
- (n) engages in any conduct that is contrary to section '2.0 Standards of Behaviour' in the NCPS's *Student Code of Conduct*.

#### 5.2 **Possible misconduct by student or trainee**

(a) Any Senior Officer of NCPS or any Officer of the College who believes that a student is committing, or has committed, misconduct under Section 5.1 must immediately inform the student or trainee and must advise the Dean/Head of College in writing at the first practicable opportunity;

(b) Any student or trainee informed of alleged misconduct under sub-section (a) may continue his/her studies or training, unless the Dean/Head of College invokes section 12.1.

#### 5.3 **Suspending a student or trainee**

(a) In the absence of the Dean/Head of College, any Senior Officer of NCPS may suspend a student or trainee if he/she is acting in an improper way as per Section 5.1.

5.4 A student or trainee will be informed in writing of any charge of misconduct as soon as practicable.

### 6. **Academic misconduct (cheating)**

6.1 A student or trainee will have committed a disciplinary offence if the student or trainee cheats or attempts to cheat by:

- (a) impersonating, or allowing himself or herself to be impersonated by any person, in, or for the purposes of, any assessment session;
- (b) plagiarising or otherwise submitting the work of another person as the student's or trainee's own work;
- (c) colluding with other students in relation to completing academic assessments and passing this work off as exclusively one's own;
- (d) taking into, or using in connection with, any assessment session any material other than material specifically permitted by the instructions for that assessment;
- (e) obtaining from, or giving to, another person during any assessment session any information relating to that session or any part of it without approval of the supervisor of that session;
- (f) behaving in any manner that is, in the opinion of an NCPS officer or delegate, intended to provide a misleading basis for assessment.

#### 6.2 **Possible academic misconduct by student or trainee**

(a) Any person in charge of any supervised assessment session who believes that a student has committed any academic misconduct under Section 6.1 must immediately inform the student or trainee and must advise the Manager of Study Programs or the VET Manager in writing at the first practicable opportunity;

(b) Any student or trainee informed of alleged academic misconduct under sub-section (a) may complete that assessment session, unless the Dean/Head of College invokes section 12.1.

#### 6.3 **Suspending a student or trainee**

- (a) Any person in charge of any teaching or assessment session may suspend a student or trainee from that session if the student or trainee is interfering in any way with the proper conduct of the session;
  - (b) Any person in charge of any meeting conducted by, at, or for, NCPS may suspend a student or trainee from that meeting if the student or trainee is interfering in any way with the proper conduct of the meeting.
- 6.4 A student or trainee will be informed in writing of any charge of academic misconduct (cheating) as soon as practicable.
7. **Hearings**
- 7.1 A charge of misconduct (either a breach of discipline or academic misconduct (cheating)) will be referred to the Dean/Head of College in the first instance who will either:
- (a) hear the charge and determine an outcome; or
  - (b) refer the charge to the Student Discipline Panel for resolution, rectification or restitution.
- 7.2 Where the Dean/Head of College hears a charge and finds the student or trainee guilty of the charge, the Dean/Head of College may:
- (a) reprimand the student;
  - (b) require the student or trainee to pay the cost of any damage;
  - (c) suspend the student or trainee for a period not exceeding fourteen days;
  - (d) if academic misconduct (cheating), record a fail for the subject(s) concerned; or
  - (e) impose such combination of these penalties as may be considered appropriate.
- 7.3 In the event of an external party (e.g. the Police) being involved in investigating possible or alleged criminal activity by a student or trainee, the Dean/Head of College may extend the period of any suspension until any or all external investigations and/or court, criminal or civil proceedings are completed. (See also section 12.)
- 7.4 After the completion of any or all external investigations and/or court, criminal or civil proceedings, the Dean/Head of College will review the student's or trainee's case and determine whether to re-hear the case or refer it to the Student Discipline Panel for resolution, rectification or restitution.
- 7.5 A student or trainee may appeal a decision made by the Dean/Head of College in relation to misconduct (either a breach of discipline or academic misconduct (cheating)). To do so, the student must submit a request in writing to the Student Discipline Panel, which will consider the matter in accordance with its rules as outlined in section 8 below.
8. **Student Discipline Panel**
- 8.1 There will be a Student Discipline Panel ('the Panel') that will be constituted as required to determine and/or to resolve a charge of misconduct that the Dean/Head of College is unwilling or unable to resolve, or to deal with any appeal by a student against a decision made by the Dean/Head of College in relation to a charge of misconduct.
- NCPS's Academic Council will appoint members of the Student Discipline Panel. These members will comprise:
- (1) either a barrister and solicitor, or an academic or former academic, or a current or former VET trainer, or a former practitioner in the criminal justice community, which person will chair the hearing;
  - (2) an independent person external to NCPS and not involved in the matter(s) in question;
  - (3) the Dean/Head of College or the Manager of Study Programs, or their respective delegate, which person, or his/her delegate, will act as Minute secretary.
- In the event of an appeal by a student against a decision made by the

Dean/Head of College in relation to a charge of misconduct, the Manager of Study Programs, or a nominee of the Academic Council, shall automatically sit in place of the Dean/Head of College.

- 8.2 Where a member of the Panel is unable to attend a hearing, the Dean/Head of College or the Manager of Study Programs can appoint a person of similar standing as a substitute.
- 8.3 The Panel shall keep Minutes. All Minutes of all Panel hearings must be retained for a period of six years.
- 8.4 The quorum for any meeting of the Panel will be all three members or their respective substitute(s) or delegates.
- 8.5 A member of the Panel will not be appointed a member who:
- (a) has had any involvement with the alleged misconduct; or
  - (b) for any other reason it would be inappropriate to be a member to hear the case.
- 8.6 The Panel will hear any charge referred to it.
- 8.7 The Panel will decide any matter by a majority of members present.
- 8.8 Where the Panel hears a charge and finds a student or trainee guilty of the charge, it may:
- (a) where the charge is misconduct via a breach of discipline:
    - (i) reprimand the student or trainee;
    - (ii) require the student or trainee to pay the cost of any damage;
    - (iii) suspend the student or trainee for a period not exceeding twelve months;
    - (iv) expel the student or trainee;
    - (v) impose such other penalty as the Panel may consider appropriate; or
    - (vi) impose such combination of these penalties as the Panel may consider appropriate.
  - (b) where the charge is one of academic misconduct (cheating):
    - (i) record a failure in any assessment session;
    - (ii) require the student or trainee to repeat any assessment session;
    - (iii) cancel any or all results;
    - (iv) suspend the student or trainee for a period not exceeding twelve months;
    - (v) expel the student or trainee;
    - (vi) impose such other penalty as the Panel may consider appropriate;
    - (vii) impose such combination of these penalties as the Panel may consider appropriate.
- 8.9 In all cases where a matter involves academic misconduct (cheating), penalties should include the cancellation of the results of the student in all or any of the examinations, tests, assignments and other means of assessment undertaken by the student at NCPS in the subject or subjects involved.
- 8.10 Any student or trainee against whom a charge of misconduct has been laid will receive, seven days before the date of the hearing:
- (a) written notification of:
    - (i) particulars of the charge, including, where applicable, the name of the complainant;
    - (ii) the date of the hearing;
    - (iii) the place and mode of hearing.
  - (b) a copy of this Student Discipline Policy.

The Dean/Head of College is responsible for facilitating the above processes.

- 8.11 The student or trainee has the right:
- (a) to be heard;

- (b) to make a written submission concerning the charge;
- (c) to be present throughout the hearing;
- (d) to be accompanied at the hearing by another student, an NCPS officer, or by any other person he/she nominates—although such person will not be permitted to make any representations for the student and/or to speak on his/her behalf.

8.12 Where the student or trainee does not attend the hearing and has not submitted to NCPS any reasonable cause for his or her absence, the hearing may proceed and the decision made by the Panel at the hearing will be valid.

8.13 Any student or trainee on whom a penalty has been imposed will be given notice in writing, stating:

- (a) particulars of the offence, including, where applicable, the name of the complainant;
- (b) the date of the determination;
- (c) the penalty imposed;
- (d) that the student or trainee has the right to appeal the decision.

## 9. Student Discipline Appeals Board

9.1 NCPS will have a Student Discipline Appeals Board that will comprise:

- (1) one member of NCPS's Academic Council, who will chair the meeting;
- (2) one student nominated by the appellant;
- (3) one senior NCPS officer who was not a member of the Panel, which person, or his/her delegate, will act as Minute secretary.

No member will be appointed who has had any involvement with this matter previously.

A quorum for any meeting of the Student Discipline Appeals Board will be all three members.

9.2 A student or trainee may appeal to the Student Discipline Appeals Board against any penalty imposed by the Panel on any of the following grounds:

- (a) personal bias or ill will at the hearing;
- (b) a miscarriage of natural justice;
- (c) new evidence that was not available at the time of the hearing and which is inconsistent with the decision appealed against; or
- (d) the penalty was excessive or inappropriate.

9.3 Not later than fourteen days after the determination by the Student Discipline Panel, the student or trainee appealing must provide in writing to the senior NCPS officer on the Student Discipline Appeals Board his/her Notice of Appeal document.

The Notice of Appeal document must state:

- (i) the date of the decision appealed against;
- (ii) the grounds of the appeal, as per section 9.2 above; and
- (iii) the remedy, if any, that the appellant seeks.

9.4 Not later than fourteen days after receiving a student's or a trainee's appeal, the Student Discipline Appeals Board must hear the appeal and either:

- (i) uphold the appeal and overturn the decision of the Panel; or
- (ii) uphold the appeal vary the penalty; or
- (iii) dismiss the appeal and affirm the penalty.

9.5 The Student Discipline Appeals Board shall keep Minutes. All Minutes of all Student Discipline Appeals Board hearings must be retained for a period of six years.

9.6 The student or trainee has the right:

- (a) to be heard;
- (b) to make a written submission concerning the appeal;
- (c) to be accompanied at the hearing by another student, an NCPS officer, or by any other person he/she nominates;

- (d) to be represented by another person;
- (e) to be present throughout the hearing.

- 9.7 Where the student or trainee does not attend the hearing and has not submitted to NCPS any reasonable cause for his or her absence, the hearing may proceed and the decision made by the Student Discipline Appeals Board at the hearing will be valid.
- 9.8 The Student Discipline Appeals Board will notify the student in writing of its decision as per the options listed in Section 9.4.
- 9.9 The decision of the Student Discipline Appeals Board will be final.
- 9.10 Unless the Dean/Head of College or the Manager of Study Programs directs otherwise, pending the hearing of an appeal:
- (a) any order suspending or expelling the appellant from NCPS, either in whole or in part, will remain in effect;
  - (b) any other penalty imposed will be suspended; and
  - (c) the student or trainee may not receive any award of NCPS.

Despite any order of suspension or expulsion being in place, the student or trainee will be able to attend his/her appeal at the NCPS on the allocated date and time.

## 10. **Timeframes**

Other than in exceptional circumstances, any charge or appeal under this policy must be heard within fourteen days of the date of notice of the charge or the date of the notice of the appeal.

## 11. **Other Matters**

- 11.1 The Dean/Head of College, the Student Discipline Panel or the Student Discipline Appeals Board, as the case may be, after hearing any charge or appeal, shall submit to Student Administration a report in writing setting out the particulars of the charge, the decision of the hearing or appeal, and the penalty imposed. This report shall be placed on the file of the student or trainee.
- 11.2 Student Administration shall:
- (i) place the original of the report on the student's or trainee's file;
  - (ii) maintain a register of all such reports; and
  - (iii) take such action as may be necessary with regard to any penalty imposed.
- 11.3 Where any penalty remains unfulfilled by the date prescribed, the student or trainee on whom that penalty was imposed may not:
- (a) re-enrol;
  - (b) receive any statement of results; or
  - (c) receive any award;
- unless, in exceptional circumstances, the Dean/Head of College, decides otherwise.
- 11.4 Any written notice that NCPS is required to give under this Policy will:
- (a) be delivered personally to the student or trainee; or
  - (b) be sent by guaranteed delivery to the student or trainee at the most recent address recorded by NCPS.

Any such notice will be deemed to have been received by the student or trainee two days after the date of the document having left NCPS.

- 11.5 Subject to these policies, the Student Discipline Panel or Student Discipline Appeals Board will regulate its own proceedings and in hearing any case is not bound by rules or practices as to evidence but may inform itself in relation to any matter in such manner as it may consider appropriate.

## 12. **Immediate Suspension**

The Dean/Head of College or the Manager Study Programs may immediately suspend a student or trainee pending a charge and hearing where:

- (a) a crime has possibly or allegedly been committed (see also section 7.3);
- (b) where it is determined that this would be in the interests of NCPS and/or its staff and students and/or in relation to their safety and wellbeing.

13. **Authority**

Authorised by the Dean/Head of College.

**Amendments**

Date	Modified by	Sections amended/added	Approved by ACM (if required)
11/06/08	Christine Ashton	No change, re-approval only from Board	11/06/08
15/08/08	Christine Ashton	Change of title – CEO-General Manager	Minor change
09/11/09	Christine Ashton	Change of name and logo	Minor change
23/08/11	Christopher Snedden	Update to terminology; change to composition of Student Discipline Panel (formerly Student Discipline Tribunal) and Student Discipline Appeals Board	Major change Approved on 20/10/2011