

Code of Student Conduct Policy

1.0 Purpose

Bendigo Kangan Institute has a duty of care to provide a safe learning and teaching environment for its community of students and staff. This policy:

- assists students to understand the community of which they have chosen to be a member;
- facilitates a cooperative and productive relationship between staff and students, as well as between students; and
- explains the obligation to observe standards of equity and respect with all members of the BKI community;
- supports and enhances the integrity of Australia's reputation for quality education and support to overseas students.

2.0 Scope

This policy applies to all BKI students, regardless of mode of study delivery, physical presence or geographic location, and at all BKI sites, campuses and auspice and other collaborative relationships. It also applies to all student conduct, whether or not it is related to BKI activity, which is considered to affect adversely the safety, interests or reputation of BKI, its students, employees or on any member of the BKI community.

3.0 Reference

- Children, Youth and Families Act 2005 (Vic) Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations 2007 (Vic) Children's Services Act 1996 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Children's Services Regulations 2009 (Vic)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Information Privacy Act 2000 (Vic)
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 2010 (Vic)
- Health Records Act 2001 (Vic)
- Students Complaints and Grievance Policy
- Student Welfare and Accessibility Policy

4.0 Policy Statement

The learning environment at BKI encourages and supports the participation of students from diverse backgrounds. The environment is one of mutual trust and confidence between students and staff, and between students, where freedom of thought and expression operate in a framework of respect for the rights of others.

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At BKI, we respect, honour and value the following:

- Understanding of others' needs;
- Ethical, courteous and responsible behaviour;
- A clean and safe environment;
- Equal rights for all students, regardless of gender, race, religion, culture, abilities and age;
- Care for the property of others and its return when borrowed;
- Submission of work honestly and attribution of ownership of that work appropriately;
- Positive response to any reasonable instruction from a member of staff;
- Attendance, punctuality, and consistent engagement and participation in the learning environment;
- Compliance with all occupational health and safety requirements;
- Use BKI complaints and grievance procedures and policies to seek redress and resolution;
- Enhancing the opportunities for all students;
- Being a Child Safe Organisation.

4.1 Inappropriate Behaviour

Inappropriate behaviour that **does not meet** the Code of Student Conduct includes, but is not limited to; the following:

- Cheating, including plagiarism or other academic misconduct;
- Bullying (including cyberbullying) assault or intimidation, or threats thereof;
- Inappropriately interfering with, causing wilful or negligent damage to, or theft of BKI property, or the property of any student, member of staff, person, firm or company while within the precincts of BKI;
- Smoking on BKI premises;
- Attending BKI under the adverse influence or in possession of drugs, alcohol and/or any prohibited substance;
- Attending BKI with weapons or items likely to cause intimidation or harm to others;
- Allowing mobile phones to be left on in class;
- Inappropriate use of the Internet;
- Bringing animals onto BKI premises and property (excluding appropriately trained, recognised and registered Assistance Animals) or animals used as part of a course;
- Criminal activity of any sort;
- Harassment (including sexual harassment);
- Offensive language;
- Sexual activity on BKI premises;

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- Student misbehaviour;
- Failure to pay requisite fees as per written agreements;
- Breaching course progression or attendance requirements in keeping with student visa requirements;
- Discriminating against anyone on the grounds of sex, gender identity, sexual orientation, marital status, parental or carer status, pregnancy, breastfeeding, age, physical features, disability, impairment, race, political or religious belief or activity, industrial activity;
- Behaving in an inappropriate manner towards a child who is also an enrolled student or behaving inappropriately towards a child whilst undertaking a BKI work placement.

Should inappropriate behaviour be identified, BKI will work with the student, where appropriate, to provide an opportunity to address, redress and/or change the behaviour. In the event that the student threatens or impacts the safety of themselves, other students or teachers, the student may be immediately suspended from study pending investigation of the behaviour. Possible outcomes of an investigation include:

- Return to learning with or without a behavioural contract being in place;
- Continued suspension from learning for an agreed time; or
- Expulsion.

Expulsion is reserved for the most serious of incidents and is implemented only where the behaviour is assessed by BKI as serious and having a high impact on staff or students.

Where students have a concern for their own or another student's welfare, it is able to be reported to a teacher, or to the Student Engagement and Retention team.

Processes to follow in relation to breaches of the *Code of Student Conduct Policy* are documented in the *Code of Student Conduct Procedure*. Other relevant policies and procedures exist which can further inform students and staff of the steps they can follow in the event of a breach of this policy.

BKI has the following documents accessible via the Kangan Institute and Bendigo TAFE websites:

- Student Welfare and Accessibility Policy;
- Child Safety Policy; and the
- Student Complaints and Grievance Policy.

Associated procedures also exist to inform staff and students of the steps that they can take in order to ensure adherence to BKI expectations in relation to behaviour.

Discipline issues are treated promptly, fairly and with confidentiality and in keeping with the principles of natural justice. Students are given a right of response to an allegation of misconduct or breaches of the Code of Student Conduct provided there is no immediate danger to other students, staff or members of the community.

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4.2 Levels of misconduct/breaches

Where a student has breached the BKI code of Student Conduct there are a number of consequences that can result, depending on the severity of the breach.

The Code of Conduct Procedure categorises behaviour in the following manner;

1. **Low** – Inappropriate learning and social behaviour of a minor concern and can be addressed directly by the teacher/trainer;
2. **Medium** – Inappropriate behaviour that purposefully breaches the BKI Code of Student Conduct – may impede work, safety or comfort of staff, student or community members and may affect the reputation of BKI;
3. **High** – Two levels of misconduct at this stage- both are considered very serious.
Level 3A misconduct – is considered to be very serious but NOT dangerous to self or others, and NOT a criminal act.
Level 3B misconduct – is considered to be very serious and considered dangerous to the student as well as others and a possible criminal act. Such conduct needs to be dealt with immediately and in an urgent manner with security, police or ambulance being notified as required.

4.3 Levels of misconduct and restitution

Consequences for breaching the BKI Code of Student Conduct can vary depending on the severity of the behaviour which caused the breach. Student support and continued engagement in learning are at the forefront of any strategies/consequences which BKI take in relation to student misbehaviour. The outcome that BKI aims to achieve is that the student will cease inappropriate behaviour and complete their course of study successfully.

Behaviour which is determined to be a low level breach may result in the student being provided with a request to adopt reasonable learning and social behaviours as well as being asked to take appropriate corrective action such as apologising to staff and other students. A note may be made on the student's file regarding an alleged breach of discipline.

A more serious breach will result in more severe consequences for the student. If there is a pattern of behaviour which requires investigation and depending on the seriousness of the breach, the student may be suspended by the education manager of the teaching department for up to 5 teaching days whilst the investigation is undertaken. Following the outcome of the investigation and depending on the severity and nature of the behaviour; a further 5 teaching day suspension of the student could be applied.

4.3.1 Younger students and international students

In the case of an international student, who is found to have breached the BKI Code of Student Conduct, if a change to a student's enrolment is made as a result of a breach, it is reported under the requirements of the ESOS Act and the student is advised of the need to seek advice from the Department of Home Affairs regarding their student visa.

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Where a student under the age of 17 is expelled or is subject to long term exclusion, the Department of Education Transition Officer is notified as well as the student's guardians or parents. In the event of a student under the age of 18 is suspended or expelled the students' parents or guardians are notified. Care is taken to consider that if a student is under 18 and his/her suspension could lead to additional adverse consequences such as disengagement from studies, physical harm or eviction from home then the authorised officer in Student Engagement and Retention is advised.

Students who are undertaking VCAL who breach the BKI Code of Conduct and are found to have committed a serious breach which leads to expulsion, may appeal against their expulsion undertaking the process outlined in the Student Complaints and Grievance Policy and Procedure.

4.3.1.1 Re-entry following suspension

Following the suspension of a student for misconduct the Education Manager of the teaching department must organise a re-entry meeting with the student (as well as the student's carers or guardians if the student is under 18 or support person if the student requests that such a support person attend.)

The purpose of such a meeting is so that the student is made fully aware of their obligations and rights as a student as well as the expected behaviour in future. A Student behaviour contract may be negotiated as a condition of re-entry to BKI premises. Academic and other support is offered to the student as needed with the outcome sought of returning the student to being an engaged member of the BKI community.

4.4 Rights to review of BKI decision

Students, (or parents or carers where a student is less than 18 years old) may appeal against re- entry conditions of exclusion, expulsion or prohibition decision (or any part of the decision).

Applications for review of a post-exclusion re-entry decision, including re-entry conditions, must be made in writing to the Chief Learning Officer, who will review and make a recommendation to the Chief Executive Officer for determination.

Applications for review or revocation of a post-expulsion and/or post-prohibition re-entry decision, including re-entry conditions, must be made in writing to the Chief Executive Officer who will review and make a determination.

Grounds for appeal can include:

- BKI did not follow due process
- grounds for expulsion are unfair
- there were demonstrably limited prior interventions and strategies used prior to the decision to expel where the student had a history of behavioural issues
- other extenuating circumstances acceptable to the Chief Executive Officer.

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No appeal is accepted against a post-exclusion re-entry decision, including re-entry conditions.

BKI staff must note that all documentation regarding the circumstances and consequences of a student's behaviour may be obtained by the student, (or parents or carers where a student is less than 18 years old) under the Freedom of Information Act 1982 (Vic) and the Information Privacy Act 2000 (Vic).

Further appeals may be made to an external body following a student's expulsion such as the Victorian Equal Opportunity and Human Rights Commission for instances where a student believes they may have encountered discrimination, other external appeals bodies such as the Victorian Ombudsman may also hear complaints in relation to students.

5.0 Roles and Responsibilities

Role	Responsibilities
All BKI Staff	Provide clear and concise information to students regarding Code of Student Conduct Policy and expectations
Executive Team	The overarching responsibility of ensuring governance and compliance of this policy.
Marketing	Dissemination of Code of Student Conduct Policy information via Student Handbooks, Prospective Student Guide, Website(s) and other communications platforms as applicable.
Student Engagement & Retention	Providing a range of services to support the student to understand the Policies and Procedures of BKI and liaise with internal and external stakeholders to engage the student into BKI student life, including referrals to support staff and services such as counsellors etc.
Teaching Departments During Application, Selection, Training and Assessment:	<p>Providing information about expectations and policies.</p> <p>Providing assistance and referral to Engagement and Retention Services as applicable.</p> <p>Making the Student Code of Conduct⁶ Policy available to applicants and answering any questions that follow.</p>

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6.0 Definitions

Word / Term	Definition
Authorised Officer	Authorised officer means any BKI employee or agent of the Institute;
Child Safe Organisation	BKI is committed to being a child safe and child friendly organisation that recognises, respects and promotes children's rights. It recognises that it has responsibilities in keeping children safe from abuse from those associated with BKI and will ensure that the safety of children is always a priority.
Bullying	<p>Bullying is when people repeatedly and intentionally use words or actions against a person or group of people to cause distress and risk to their wellbeing.</p> <p>The types of repeated behaviour that can constitute bullying are:</p> <ul style="list-style-type: none"> • Keeping someone out of a group (offline and online) • Acting in an unpleasant way near or towards someone • Giving nasty looks, making rude gestures, calling names, being rude and impolite and constantly negative teasing. • Intentionally and repeatedly hurting someone physically, • Harassing someone based on their race, sex, religion, gender or a disability. <p>Types of Bullying can include:</p> <ul style="list-style-type: none"> • Face to Face (involves physical actions such as punching and kicking or direct verbal actions such as name calling and insulting. • Covert Bullying (less direct) Can include things such as excluding people from groups or spreading lies or rumours. • Cyberbullying: Occurs through the use of information or communication technologies such as instant messaging, text messaging, email and social networking sites or forums.
Relevant area	Relevant area means the organisational unit responsible for the student or students at the time when they are alleged to have committed the misconduct. Where this is unclear, the CEO or Executive Director, Learner Experience, under delegation, will nominate a relevant area for the purposes of these regulations;
Written Notice	Formal advice that is provided in person, or sent either by registered mail or by email, to a student's last known registered mail or email address;
Student	<p>A person enrolled at BKI in a course leading to a diploma, certificate, licence or other award; or</p> <p>A person whose study performance is being or is to be assessed by the Institute, notwithstanding that such a person is not enrolled at the</p>

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Word / Term	Definition
	Institute in a course leading to a, diploma, certificate, licence or other award;
Younger Student	A Student who is under the age of 18 irrespective of which course of study they are undertaking.
International Student	Person who is studying at BKI in accordance with the regulations of the ESOS Act 2000 under a Student Visa;
Student Misconduct Panel	A panel convened to hear and determine allegations of student misconduct;
Unacceptable behaviour/Misconduct	<p>Can include, but is not limited to:</p> <ul style="list-style-type: none"> • refusal to participate in the education program; • disobedience of instructions which regulate the conduct of students; • behaviour which is likely to impede significantly the learning of other students; • behaviour which is detrimental to the health, safety or welfare of the staff, other students or community members; • behaviour which causes or is likely to cause damage including bullying or cyberbullying; • behaviour which is likely to bring BKI into disrepute; • any other behaviour that the CEO determines unacceptable.
Level 1 Misconduct	<ul style="list-style-type: none"> • Inappropriate learning and social behaviour of a minor concern, which may be of a repeated nature. • The behaviour has minimal impact on others, including fellow students and the teacher.
Level 2 Misconduct	<ul style="list-style-type: none"> • Inappropriate behaviour or action that is in breach of the Institute's Code of Student Conduct. • Medium level inappropriate behaviour or action which impedes work, safety or the comfort of staff and/or students and may affect the reputation of the Institute. • May be a first offence or a repeated Level 1 offence.
Level 3A Misconduct	<p>Misconduct at this level is very serious but not:</p> <ul style="list-style-type: none"> • Dangerous to self and others; • A possible criminal act; • Inappropriate behaviour or action that interferes with the work, safety or comfort of students or staff and may affect the reputation of the Institute; • It may involve either a first offence or repeated Levels 1 or 2 occurrences.
Level 3B Misconduct	<p>Misconduct at this level is serious and considered:</p> <ul style="list-style-type: none"> • Dangerous to self or others;

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Word / Term	Definition
	<ul style="list-style-type: none"> • A possible criminal act; • Inappropriate behaviour or actions that interfere with the work, safety or comfort of staff or students, and may affect the reputation of the Institute; • It may involve a second offence of 3A or repeated Level 1 or 2 occurrences.

7.0 Related Documents and Records Management

Title	Doc. ID.	Location
Code of Student Conduct Procedure	N/A	BKI Policies and Procedures Staff Portal

8.0 Version Control and Change History

Ver.	Approved By	Approval Date	Issue Date	Summary of Changes	Next Review Date	Document Owner
1.0	Board	27/10/2014	04/12/2014	The content of this policy originated from Kangan Institute Code of Student Conduct POL 1.3 version 6	31/12/2015	Executive Director Learner Experience
2.0	N/A		22/01/2015	Editorial change: Removal of requirement to only communicate via BKI student email	31/12/2015	Executive Director Learner Experience
3.0	N/A		02/03/2015	Editorial change: Removal of logos from template	31/12/2015	Executive Director Learner Experience
4.0	CEO	12/09/2016	13/09/2016	Major re-write	13/09/2018	Executive Director Learner Experience
5.0	Board of Studies	28/08/2019	28/08/2019	Review taking account of Child Safety Standards	28/02/2023	Chief Learning Officer

9.0 Bendigo Kangan Institute Policy and Procedure Portal Requirements

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Category	Key Words
Teaching and Learning	Conduct, behaviour, misconduct.