

Code of Student Conduct Procedure

1.0 Purpose

This procedure is consistent with the legal obligations listed in *Section 4: Policy Reference*. It supports the *Code of Student Conduct Policy* and assists the management and support of students who demonstrate challenging or inappropriate behaviour, misconduct or serious misconduct.

The procedure provides Bendigo Kangan Institute (BKI) staff with guidelines and support to address incidents of student misconduct fairly and promptly, and to propose and impose disciplinary penalties where appropriate.

2.0 Scope

This procedure **may** apply to some students at Corrections campuses. However, in most cases student behaviour is governed by Corrections Victoria Policies and Procedures for reporting and addressing student behaviour issues.

The procedure applies to all other BKI students, regardless of mode of study delivery, physical presence or geographic location, and at all other BKI sites, campuses and auspice and other collaborative relationships.

3.0 Policy 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

Student Code of Conduct Policy

4.0 Procedural Principles

BKI values and promotes a philosophy of education and welfare to positively change behaviour following the identification of misconduct. Within the context of providing a safe, healthy and welcoming environment for all, including BKI staff and visitors, the procedure promotes a discipline process which retains the student at the centre of our focus.

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Teaching staff must consider appropriate restorative approaches and educative consequences depending on the nature of the behaviour and the student's circumstances prior to more serious consequences. When imposing a consequence for unacceptable student behaviour, student-centred values of learning, excellence, equity, respect and relationships must be considered.

The authorised officer of Student Engagement and Retention within the Learner Experience Portfolio is a key stakeholder in providing support and advice for affected students in order to maximise positive educational outcomes.

Only the Chief Executive Officer (CEO) or, in the absence of the CEO, the Chief Learning Officer, by delegation, may impose the following consequences for student behaviour:

- Exclusion
- Expulsion

5.0 Student Behaviour Level Summary

Level	Description
Level 1 – Low	<p>Inappropriate learning and social behaviour of a minor concern, which may be of a repeated nature.</p> <p>The behaviour has minimal impact on others, including fellow students and the teacher.</p>
	<p>Institute response: Student is requested to adopt reasonable and appropriate learning and social behaviours for the situation. Depending on the behaviour, additional penalties may be applied – see Section 7.1</p>
Level 2 – Medium	<p>Inappropriate behaviour or action that is in breach of the Institute's Code of Student Conduct.</p> <p>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.</p> <p>May be a first offence or a repeated Level 1 offence.</p> <p>A pattern of behaviour may be identified which may require further investigation. Investigation should be completed within 3 days of commencement (5 days where other students are involved). Depending on the seriousness of the alleged behaviours, suspension of the student(s) for up to 5 teaching days may be applied by the Education Manager to complete investigation.</p>
	<p>Institute response: Following investigation, a <i>further</i> suspension of the student(s) for up to 5 teaching days may be applied by the Education Manager, depending on severity and nature of behaviours. – see Section 7.2</p>

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Level	Description
Level 3A – High	<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 <p>Inappropriate behaviour or action that interferes with the work, safety or comfort of students or staff and may affect the reputation of the Institute.</p> <p>It may involve either a first offence or repeated Levels 1 or 2 occurrences.</p> <p>A pattern of behaviour may be identified which may require further investigation. Investigation should be completed within 5 days of commencement. Depending on the seriousness of the alleged behaviours, suspension of the student(s) for up to 5 teaching days may be applied by the Education Manager to complete investigation.</p> <p>Level 3A Response is undertaken in the first instance by the teaching staff member who witnessed the behaviour, or by the relevant manager, where the behaviour occurs outside a learning environment. Initially, the student is suspended from the class for the remainder of the day.</p>
Level 3B – Extreme	<p>Misconduct at this level is serious and considered:</p> <ul style="list-style-type: none"> • Dangerous to self or others • A possible criminal act <p>Inappropriate behaviour or actions that interfere with the work, safety or comfort of staff or students, and may affect the reputation of the Institute.</p> <p>It may involve a second offence of 3A or repeated Level 1 or 2 occurrences.</p> <p>Level 3B response is undertaken in the first instance by the teaching staff member who witnessed the behaviour or by the relevant manager, where the behaviour occurs outside a learning environment. Initially, the student should be removed from the class for the remainder of the day.</p> <p>The Education Manager of the course being undertaken by the student should be advised immediately. Security and/or Facilities support may be requested for support.</p>
	<p>Institute response: Suspension up to 10 teaching days may be applied, depending on severity and nature of behaviours, while the incident is being investigated. A Student Misconduct Panel is established to support the investigation process.</p> <p>A further exclusion or suspension of up to 10 teaching days may be applied where an initial assessment by the Student Misconduct Panel is that it is likely that a report to the Chief Executive Officer may include recommendation for long term exclusion or permanent expulsion.</p> <p>Disciplinary action up to and including expulsion may be recommended and applied. – see Section 7.3</p> <p><i>Student may be subject to longer term exclusion or permanent expulsion where appropriate in the view of the Chief Executive Officer.</i></p>

Note: At Level 2 or above, the authorised officer in Student Engagement and Retention must be notified and may offer support and advice to the student, where appropriate and accepted by the affected student.

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6.0 Student Behaviour Procedural Steps

Level of Misconduct:

Where staff members have concerns for the safety of themselves or others they must contact Security immediately for assistance.

No	Level of Misconduct	Phases and Steps	Action by:
7.1	Level 1 – Low		
	Inappropriate behaviour of a minor concern. Level 1 relates to minor inappropriate social behaviour which may be of a repeated nature. Number of repetitions = 3 The behaviour has minimal impact on others, including fellow students and the teacher.		
	Behaviour may include but is not limited to:	Action:	
	<ul style="list-style-type: none"> • Littering; • Lateness to class which impacts on the learning outcome; • Refusal to cooperate with a reasonable instruction from a staff member; • Eating or drinking in the classroom; • Minor disruptive behaviour in class or in surrounding areas of classrooms; • Swearing in any language; • Refusal to complete set learning tasks; • Unapproved use of mobile phones in class; • Sending inappropriate social media messages to students or staff; • Bullying or Cyberbullying 	Note: Level 1 behaviour may be an early indicator of a more complex problem. The authorised officer in Student Engagement and Retention must be contacted where student may be at physical, emotional or academic risk. <ol style="list-style-type: none"> 1. Behaviour should be addressed immediately by the staff member who witnesses the behaviour; 2. Verbal warning to the student that disciplinary action may be taken (informal); 3. Check Student ID for confirmation of the student’s identity; 4. Submit written advice of the behaviour of the student to the student’s file – use form: <i>Alleged Breach of Discipline Report</i>. 	All staff, but particularly the staff member who witnessed the behaviour

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No	Level of Misconduct	Phases and Steps	Action by:
7.1	Level 1 – Low		
		Action Options:	
		<ol style="list-style-type: none"> 1. Student reprimanded by the staff member who witnessed the behaviour; 2. Student counselled by teacher 3. Teacher to make a note on student file explaining expected behaviour or use form: <i>Alleged Breach of Discipline Report</i> 	The staff member who witnessed the behaviour; Teacher
		Action Discretion:	
		<ol style="list-style-type: none"> 1. Parental or carer meeting (where possible and age-appropriate) – behaviour contract and review meetings; 2. Devise an appropriate corrective action for student, such as a letter of apology; 3. Counsel student and provide an appropriate assignment; 4. Detention* (where possible and age-appropriate) to catch up on work missed; 5. Where a student's behaviour significantly interferes with the rights of other students to learn or the capacity of a teacher to teach a class or where there is possibility of harm to others, the student may be temporarily removed from regular classroom activities. 6. Suspension for maximum of 1 day. <p>Note:</p> <p>* Detention is intended to be an immediate consequence for inappropriate, irresponsible behaviour. Where appropriate, detention is intended to provide an opportunity for students to reflect on their behaviour without monopolising lesson time or interfering with other students.</p>	Education Manager

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No	Level of Misconduct	Phases and Steps	Action by:
7.1	Level 1 – Low	<ul style="list-style-type: none"> ▪ Students aged 17 or under in Detention must be readily observable and supervised by a member of the teaching staff. ▪ Parents or carers must be notified if detention for students aged 17 or under is to occur before or after normal business hours. ▪ When imposing and/or implementing a Detention, staff must take the following into consideration <ul style="list-style-type: none"> ▪ student’s transport arrangements ▪ undue hardship on parents or carers ▪ the appropriateness of the length, timing and method of detention ▪ the attitude of the student and the effectiveness of detention as a consequence and deterrent of unacceptable behaviour ▪ the nature of the detention space (should be comfortable but uninteresting; should not be punitive or so public that it calls attention to the student) ▪ whether the purpose underlying the detention is consistent with student-centred values of learning, excellence, equity, respect and relationships ▪ other circumstances which may be relevant. 	

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No	Level of Misconduct	Phases and Steps	Action by
7.2	Level 2 – Medium		
	<p>Inappropriate behaviour or actions that are purposefully in breach of the Institute’s Code of Student Conduct.</p> <p>Medium level inappropriate behaviour or action impedes work, safety, or comfort of staff, students or community members and may affect the reputation of the Institute.</p> <p>Number of repetitions = May be a first offence or a repeat of Level 1 offence</p> <p>A pattern of behaviour may be identified which may require further investigation. It may be appropriate for the authorised officer in Student Engagement and Retention to be engaged for consultation.</p> <p>Depending on the type of misconduct, suspension may be applied along with a behavioural contract, and actions for the student to remediate, such as a letter of apology, repairing broken equipment, library time to catch up on overdue work. This remediation work should be related to the misconduct and is applied at the discretion of the Education Manager.</p>		
	Behaviour may include but is not limited to:	Action:	
	<ul style="list-style-type: none"> • Unacceptable repetition of Level 1; • Smoking on Institute grounds; • Taking photographs without the permission of the subject; • Bringing animals onto campus other than support or assistance animals or as part of student course (i.e. Animal Studies); • Being in an unauthorised area; • Failure to comply with Learning Research Centre borrowing regulations; • Cheating and/or Plagiarism (first instance) • Inappropriate mild sexual activity; • Public display of inappropriate nudity; • Taking inappropriate photos of students and staff without their explicit permission; • Failure to pay a fine within timelines 	<ol style="list-style-type: none"> 1. Misconduct should be addressed in the first instance by the staff member who witness the behaviour and may involve the Education Manager; 2. The student must be offered the opportunity to explain the behaviour immediately. If the student admits to the misconduct, she or he should be informed that the behaviour is unacceptable; 3. The Education Manager of the area responsible for teaching the student should be notified in writing of the details of the breach of code; 4. The student should be advised that they may be suspended from the remainder of the class or for the remainder of the day; 5. Where the student is less than 17 years of age, her or his parents or carers need to be advised and confirm that student will be supervised at home. 6. Misconduct should be noted on the student file; 	<p>The person who witnessed the behaviour</p> <p>Teacher</p> <p>Education Manager</p>

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No	Level of Misconduct	Phases and Steps	Action by
7.2	Level 2 – Medium		
	<ul style="list-style-type: none"> • Gambling within Institute precincts; • Minor damage to property – under \$100 to repair or replace • Viewing or transmission of objectionable material • False representation • Unapproved use of mobile phones in class • Sending inappropriate social media messages to students or staff <p>NOTE: If student is under 18 years of age, and her or his suspension for alleged Level 2 misconduct may lead to additional adverse consequences, such as disengagement from study, physical harm, or eviction from home, the authorised officer in Student Engagement and Retention must be consulted for support to develop an alternative disciplinary strategy.</p>	<ol style="list-style-type: none"> 7. Prepare Alleged Breach of Discipline Report 8. Where necessary, convene a meeting to investigate incident. Attendees should include the Education Manager and teacher (to counsel student regarding behaviour and outline possible consequences of the behaviour) and student’s parents or carers (where the student is under 18); 9. Following the meeting (see 8) prepare a Student Behaviour Contract for a fixed period, with fortnightly reviews to support the student in her or his positive behaviour and ensure the conditions of the contract are being met; 10. Have student sign the Student Behaviour Contract and place a copy on the student file (where student is under 18, a copy should also be provided to the parent or carer); 11. Organise and inform student of date and time of a Return to Study meeting (see 8 and 9) 12. Where the behaviour warrants a more severe penalty, the Education Manager may exclude the student for up to 3 teaching days*. In the case where the student is an apprentice or trainee, the employer must be notified. The student should be given a Notification of Penalty Form and a Discipline Penalty Appeals Form. <p>Action Option: Up to 3 teaching days’ suspension may be applied as well as the above actions. *Up to 5 teaching days’ suspension may be applied where more than one student is involved. Normally, the student is advised of the action outcome within 3 teaching days of the incident.</p>	

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No	Level of Misconduct	Phases and Steps	Action by
7.2	Level 2 – Medium		
7.2.1	If misconduct involves more than 1 student	<p>Respond to behaviour immediately; Contact Security, where immediate physical danger may exist, or Education Manager where there is no immediate physical danger; Control the incident where it is possible and safe to do so; Relocate students whose conduct is alleged to be inappropriate, to an appropriate place for interview; Contact parents or carers where the student involved in the alleged incident is under 18 years of age;</p> <p>Action Option: Up to 5 teaching days' suspension may be applied where more than one student is involved. Normally, the student is advised of the action outcome within 3 teaching days of the incident.</p>	<p>The person who witnessed the behaviour Teacher</p> <p>Education Manager</p>

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No	Level of Misconduct	Phases and Steps	Action by
7.2	Level 2 – Medium		
7.2.2	Where incident is not witnessed by staff member, but complaints made by students or other witness(es). Investigation is required Suspension up to 5 days may be applied to conduct interviews for investigation	<ol style="list-style-type: none"> 1. Teacher takes written statement(s) from witness(es) 2. Discuss with Education Manager 3. Education Manager to meet with student (and parent or carer if under 18 years of age) to discuss the complaint and provide an opportunity to respond 4. Conduct post meeting investigation where necessary 5. Education Manager determines appropriate response and notifies student of any disciplinary action verbally and in writing (email and/or registered mail) 6. If no disciplinary action required as a result of a false claim by witnesses, move to disciplinary action for False Representation <p>Action Option: Up to 5 teaching days' suspension may be applied where more than one student is involved. Normally, the student is advised of the action outcome within 3 teaching days of the incident.</p>	Teacher Education Manager

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No	Level of Misconduct	Phases and Steps	Action by
7.3	Level 3A – High		
	<p>Misconduct at this level is very serious, but NOT:</p> <ul style="list-style-type: none"> • Dangerous to self or others; • A possible criminal act <p>Level 3A behaviour involves inappropriate behaviour or action which interferes with the work, safety or comfort of staff or students and may affect the reputation of the Institute. Level 3A Response is undertaken in the first instance by the teaching staff member who witnessed the behaviour, or by the relevant manager, where the behaviour occurs outside a learning environment.</p> <p>Number of repetitions = May involve a first offence or repeated Level 1 and/or Level 2 occurrences</p> <p>The student should be removed from the class for the remainder of the day with an option to suspend for up to 7 teaching days The staff member should involve the Education Manager.</p> <p>Where the staff member identifies a pattern of behaviour that may require further investigation, it is appropriate for the authorised officer in Student Engagement and Retention to be engaged for consultation and support for the student. Investigation should be completed within 5 days of commencement. Depending on the seriousness of the alleged behaviours, suspension of the student(s) for up to 5 teaching days may be applied by the Education Manager to complete investigation.</p>		
	Behaviour may include but is not limited to:	Action:	
	<ul style="list-style-type: none"> • Repetition of level 1 or 2 or a total of 3 suspensions at level 1 and/or 2 • Viewing and transmitting objectionable materials on any type of technology or social media • False, misleading or incomplete information • Publishing confidential information of the Institute such as examination papers 	<ol style="list-style-type: none"> 1. Respond to behaviour immediately 2. Contact Education Manager 3. Control the incident where it is possible and safe to do so 4. Relocate students for interview to appropriate space where it is possible and safe to do so 5. Contact parents or carers where student(s) are under 18 years of age 	The person who witnessed the behaviour

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No	Level of Misconduct	Phases and Steps	Action by
7.3	Level 3A – High	<p>Where the incident does not involve criminal activity, a Student Misconduct Panel should be set up immediately to begin an investigation of the incident. The Student Misconduct Panel should comprise the Registrar, or nominee who will act as Chair. The student will be given an opportunity to explain the behaviour. If the student admits to the misconduct, she or he should be informed of the seriousness of their behaviour and possible consequences. The student may request a support person to attend this meeting from:</p> <ul style="list-style-type: none"> • Manager, Student Engagement and Retention, or nominee • Family member or friend • If an International student, then a member of the International Department. <p>Refer to Education Manager Guide (Appendix A)</p> <p>Action Option: Up to 7 teaching days’ suspension may be applied while investigating if further action is required. Normally, the student is advised of the action outcome within 5 teaching days of the incident. Student may be suspended for up to 10 days.</p>	<p>Teacher</p> <p>Education Manager</p> <p>Registrar,</p> <p>Manager, Student Engagement and Retention (as required)</p>

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No	Level of Misconduct	Phases and Steps	Action by
7.3	Level 3B – Extreme	<p>Misconduct at this level is very serious and considered</p> <ul style="list-style-type: none"> • dangerous to self or others • a possible criminal act. <p>Level 3B behaviours interfere with the work, safety or comfort of staff, students or the community and may affect the reputation of the Institute.</p> <p>Number of repetitions = May involve a second offence of 3A or repeated level 1 or 2 occurrences</p> <p>Level 3B response is undertaken in the first instance by the teaching staff member who witnessed the behaviour or by the relevant manager, where the behaviour occurs outside a learning environment. Initially, the student should be removed from the class for the remainder of the day.</p> <p>The Education Manager of the course being undertaken by the student should be advised immediately. Security and/or Facilities support may be requested for support. The student should be suspended for the remainder of the day.</p> <p>NOTE: If student is under 18 years of age, the authorised officer in Student Engagement and Retention must be consulted for support and advice of the student. If student is under 18 and discloses a concern that she or he is likely to be harmed, the processes for Child Safety must be followed, including mandatory reporting.</p> <p>Suspension of up to 10 teaching days may be applied, depending on severity and nature of behaviours and a behavioural contract applied which may include required actions for the student to undertake satisfactorily before re-entry. A further exclusion or suspension of up to 10 teaching days may be applied where an initial assessment by the Student Misconduct Panel is that it is likely that a report to the Chief Executive Officer may include recommendation for long term exclusion or permanent expulsion.</p> <p><i>Student may be subject to longer term exclusion or permanent expulsion where appropriate in the view of the Chief Executive Officer following investigation.</i></p>	

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No	Level of Misconduct	Phases and Steps	Action by
7.3	Level 3B – Extreme		
	Behaviour may include:	Action:	
	<p>Property damage:</p> <ul style="list-style-type: none"> • Theft of Institute property / personal Property • Deliberate damage to Institute property • Damage to property – accidental but serious damage • Dangerous driving in car park • Damage to staff or student vehicles or property 	<ol style="list-style-type: none"> 1. Where the incident involves criminal activity the Police should be informed by <i>one</i> of Education Manager; Registrar; Manager, Service Delivery; or the authorised Security Officer. 2. a Student Misconduct Panel should be set up immediately to consider recommending to the Chief Executive Officer a financial penalty for recovery or repair of damages 3. Where a financial penalty is to be applied, the certification of damage value by the CEO shall be conclusive and fully documented; 4. Student must be formally notified in writing of any action/penalty taken as a result of their misconduct <p>Refer to Education Manager Guidelines (Appendix A)</p> <p>Student may be excluded or suspended from the Institute for up to 10 teaching days, depending on severity and nature of behaviours, while the incident is being investigated.</p> <p>A further exclusion or suspension of up to 10 teaching days may be applied where an initial assessment by the Student Misconduct Panel is that it is likely that a report to the Chief Executive Officer may include recommendation for long term exclusion or permanent expulsion.</p> <p>Disciplinary action up to and including expulsion may be recommended and applied.</p> <p>Notes:</p> <p>Where students under 17 years of age are subject to long term exclusion or permanent expulsion, additional notification to Department of Education Transition Officers for the appropriate region is required for transition process. This notification will be undertaken by the Manager, Student Engagement and Retention.</p> <p>All recommendations arising from behaviours at Level 3B and above should be referred to the Chief Executive Officer for consideration and approval.</p>	<p>The person who witnessed the behaviour</p> <p>Teacher</p> <p>Education Manager</p> <p>Registrar</p> <p>Manager, Student Engagement and Retention</p>

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No	Level of Misconduct	Phases and Steps	Action by
7.3	Level 3B – Extreme		
	Drugs and Alcohol <ul style="list-style-type: none"> • Student is intoxicated – drugs and/or alcohol • Student seen taking drugs and/or alcohol on campus** • Seeking to purchase drugs on campus** • Selling drugs on campus** 	As above ** Note – allegations in regard to asterisked matters are referred directly to the Police. Internal process may follow additionally.	As above
	Personal Assault <ul style="list-style-type: none"> • Assault on campus, pushing and/or punching** • Assault with weapon** • Carrying or concealing a dangerous weapon** • Bullying and harassment • Cyber bullying and harassment • Sexual exposure or sexual assault** 	As above ** Note – allegations in regard to asterisked matters are referred directly to the Police. Internal process may follow additionally.	As above
7.3.1	High level misconduct or criminal activity	Reported immediately to: <ol style="list-style-type: none"> 1. Security provider 2. Education Manager If Education Manager is not on site contact an available peer Education Manager, Director, or Executive Director.	The person who witnessed the behaviour
7.3.2	If student is behaving in an irrational or agitated way.	<ol style="list-style-type: none"> 1. Call Security for assistance immediately 2. Follow instructions provided by Security 3. May need to call Police 000 4. May need Ambulance 000 5. Contact Line Manager as soon as possible and safe to do so 	The person who witnessed the behaviour
7.3.3	If student is calm remove to appropriate office location	<ol style="list-style-type: none"> 1. Contact Education Manager 2. Provide Education Manager with a brief verbal summary of incident. 	The person who witnessed the behaviour Teacher

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No	Level of Misconduct	Phases and Steps	Action by
7.3	Level 3B – Extreme		
7.3.4	<p>Explain to student the seriousness of the incident that suspension will be enforced.</p> <p>NOTE: If student is less than 18 years of age, and her or his suspension for alleged Level 3 misconduct may lead to additional adverse consequences, such as disengagement from study, physical harm, or eviction from home, the authorised officer in Student Engagement and Retention must be consulted for support to develop an alternative disciplinary strategy.</p> <p>If student is under 18 and discloses a concern that she or he is likely to be harmed, the processes for Child Safety must be followed, including mandatory reporting.</p>	<p>Control the incident where it is possible and safe to do so</p> <p>Relocate student(s) for interview where it is possible and safe to do so</p> <p>Calm student(s)</p> <p>Counsel student on behaviour and consequences Contact parents or carers if student is under 18</p> <p>Consult with Education Manager and discuss appropriate action</p> <p>Consult with the authorised officer in Student Engagement and Retention where required</p> <p>Refer to Education Manager Guidelines (Attachment A)</p>	<p>The person who witnessed the behaviour</p> <p>Teacher</p> <p>Education Manager</p>
7.3.5	<p>All paperwork to be filed and copy of suspension letter sent to the following departments:</p> <ol style="list-style-type: none"> Teaching Department electronically with Education Manager Registrar / Student Records Security provider 	<ol style="list-style-type: none"> Student Records to add note to student file Copy to Security provider Teaching Department student file Notify relevant teaching staff 	Education Manager
7.3.6	If expulsion is recommended	<ol style="list-style-type: none"> Written notice requesting the student attend a meeting and/or notice of the penalty A report and briefing to be provided by the Chair of the Student Misconduct Panel (the Registrar) to the Chief Executive Officer, including, inter alia: <ul style="list-style-type: none"> details of the alleged Breach of Discipline and findings notification of any previous behaviour contracts from Student File recommendation of Penalty, including conditions to be enforced 	Registrar CEO

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No	Level of Misconduct	Phases and Steps	Action by
7.3	Level 3B – Extreme		
		<p>3. Written notice informing student of the penalty applied, including advice of the student's Right to Appeal. The Right to Appeal is the student's right to respond in writing to the CEO to explain and provide any supporting evidence to seek overturn of the decision. The Appeal must be submitted within five (5) teaching days of the date of the correspondence advising the initial decision.</p> <p>Education Manager to confirm to the Registrar a variation of the student's assessment or grade to record a Fail in any subject in which misconduct in relation to assessment of that subject has occurred.</p>	
7.3.7	If preclusion is recommended	<p>1. Written notice requesting the student attend a meeting and/or notice of the penalty sent via registered mail.</p> <p>2. A report and briefing to be provided by the Chair of the Student Misconduct Panel (the Registrar) to the Chief Executive Officer, including, inter alia:</p> <ul style="list-style-type: none"> • details of the alleged Breach of Discipline and findings • notification of any previous behaviour contracts from Student File • recommendation of Penalty, including conditions to be enforced <p>3. Written notice informing student of the penalty applied, including advice of the student's Right to Appeal. The Right to Appeal is the student's right to respond in writing to the CEO to explain and provide any supporting evidence to seek overturn of the decision. The Appeal must be submitted within five (5) teaching days of the date of the correspondence advising the initial decision.</p> <p>4. Education Manager to confirm to the Registrar a variation of the student's assessment or grade to record a Fail in any subject in which misconduct in relation to assessment of that subject has occurred</p>	Chair of the Student Misconduct Panel
7.3.8	<p>Notification of outcome to be sent to the following: Teaching Department</p> <ul style="list-style-type: none"> • Registrar / Student Records • Student Engagement and Retention • Security provider (where expulsion is applied) 	<p>1. Central Registry for Student Records</p> <p>2. Student Engagement and Retention</p> <p>3. Security provider (where expulsion is applied)</p>	Education Manager

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No	Level of Misconduct	Phases and Steps	Action by
7.3	Level 3B – Extreme		
	<p>Note: Where students under 17 years of age are subject to long term exclusion or permanent expulsion, additional notification to Department of Education Transition Officers for the appropriate region is required for transition process. This notification will be undertaken by the Manager, Student Engagement and Retention.</p>		

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7.0 Re-entry following Exclusion or Prohibition – Procedural Steps

Suspension, exclusion, and revocation of a prohibition follow the same process; however, strategies employed upon re-entry must be tailored to the individual student, teaching and professional staff, learning requirements and context of the return.

At the end of a suspension or exclusion period, or upon revocation of an expulsion or prohibition, the Education Manager must organise a re-entry meeting with the student (and student's parents or carers where the student is less than 18 years of age).

The purpose of a re-entry meeting is to ensure a mutual understanding between the student, parents or carers and teaching and professional staff for the future direction of the student's learning and expected behaviour. It should include documented support strategies that will be employed through the BKI Student Behaviour Contract. Where appropriate, the authorised officer of Student Engagement and Retention is included in the meeting.

A Student Behaviour Contract may be negotiated as a condition of the Re-entry.

At the re-entry meeting, student(s) will be offered the opportunity to raise any concerns about returning to study, and may request specific academic or other support. Reasonable requests will be supported wherever possible. Advice will be provided by the Education Manager about how to catch up on missed work. Agreement will be reached about an appropriate re-entry date and time.

Teaching staff involved in the student's learning activities will be advised of the student's return by the Education Manager, who will also provide them with a copy of the student's Student Behaviour Contract where one has been negotiated as a condition of Re-entry. Teaching staff will also be advised of steps to follow if any further breach of the Code of Student Conduct Policy by the student occurs.

The Education Manager will escort the student to class upon the re-entry.

Should further breach occur:

Where the breach is Level 2 or below, the same procedure outlined in Section 7 of this document should be followed. For repeat breaches at Level 3, the student is suspended immediately, pending investigation by the Student Misconduct Committee and possible recommendation for expulsion and/or prohibition by the Chief Executive Officer. The same procedure outlined in Section 7 will be followed, except in the instance of a repeated Level 3 breach, a recommendation to the Chief Executive Officer will be made for expulsion and/or prohibition. In the case that student, (or parents or carers where a student is less than 18 years old) wish to appeal a decision by BKI, the *Discipline Penalty Appeals* form (below) must be used.

Where a student is expelled and/or prohibited, re-entry is determined by the Chief Executive Officer alone. The CEO may choose to seek recommendation from relevant officers of BKI. Re-entry after expulsion and/or prohibition will be considered only in exceptional circumstances where the student can provide satisfactory evidence that restorative and/or rehabilitation measures have been taken by the student which may reasonably assure the Chief Executive Officer

that the student will exhibit behaviours appropriate to a safe, healthy and welcoming environment for all, including other students, BKI staff, visitors and the community. The final decision rests with the Chief Executive Officer alone, and there is no further internal appeal process following the CEO's decision.

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Rights to Review

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 Registrar, 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 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.

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).

8.0 Definitions

Role	Responsibilities
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 psychically,

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Role	Responsibilities
	<ul style="list-style-type: none"> 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 Chief Academic Officer, 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	A person enrolled at BKI in a course leading to a diploma, certificate, licence or other award; or 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 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	Can include, but is not limited to: <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

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Role	Responsibilities
	<ul style="list-style-type: none"> • 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	<p>Inappropriate learning and social behaviour of a minor concern, which may be of a repeated nature.</p> <p>The behaviour has minimal impact on others, including fellow students and the teacher.</p>
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; • 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.

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9.0 Roles and Responsibilities

Role	Responsibility (Disciplinary Powers)	Level of Behaviour	Reporting requirements
All BKI Professional and Teaching Staff	Reprimand the student	Level 1	Record of the reprimand should be filed at department level on Student File. Repeated reprimands for the same offence should be documented on an <i>Alleged Breach of Discipline Report Form</i> and forwarded to Education Manager for filing on the student's file
All Staff	Reprimand the student	Level 2	Repeated reprimands for the same offence should be documented on an Alleged Breach of Discipline Report Form and forwarded to the Education Manager at Department level. The document should be filed at Department level on Student File.
All BKI Professional and Teaching Staff(in Library locations)	<ul style="list-style-type: none"> Suspend the borrowing rights of a student until outstanding materials are returned to the Library Exclude a student from the Library for the remainder of the day 	Level 2	Offence should be documented and forwarded to the Education Manager of student's Portfolio
All BKI Professional and Teaching Staff		Level 3A	Sent to Education Manager, and to other designated officers depending on outcome of investigation
All BKI Professional and Teaching Staff		Level 3B	Sent to Education Manager, and to other designated officers depending on outcome of investigation

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APPENDIX A

10.0 Guidelines

10.1 General Guidelines for Education Managers:

This disciplinary model is to assist the Education Managers and their teams provide guidance to our students who display inappropriate behaviours. It provides a framework to guide your decision making as to the correct response to a certain situation.

It is not intended to provide every possible scenario or solution, however the list provided are regular items that present and the procedure provides you with the ability to act quickly, ensure safety and security. You can make decisions within a framework that ensures our customers and staff are safe and healthy, participate in a learning environment with typical and expected behaviours. That the experience we all have is positive and rewarding.

Our intention as an education provider is to enable experiential learning, provide an empowering experience of both personal and vocational growth. We are customer driven and therefore assist our students to make good choices, counsel when their choices are misguided and provide boundaries for normalisation, confidence building and a sense of learning safety and security.

On occasions we have students who stretch boundaries, challenge our thinking, challenge authority, bring past experience into a new environment which can be confronting to teaches and may impact on other students right to learning. This is when we need to provide a framework for students so they understand how to manage their behaviour and modify their actions.

We always have the best interests of our students and staff in the front of mind when moving into a process of student behaviour management. We have students who have complex issues which can be displayed in various ways. The way we handle a behaviour situation can assist the student or impact and escalate their issues.

It is always appropriate to include Student Engagement and Retention team to assist in helping you with strategies to assist a student with their behaviour.

Student at Welfare Risk

Listen to the student.

If you believe a student's welfare will be at risk by suspending them for a breach of student behaviour consult with Student Engagement and Retention team or your Education Manager. We are teaching with students under 17 and as such have a responsibility to mandatory report any abuse we believe is happening to a student or if they disclose they may be at risk.

If you believe a student is at risk of harm, remain calm and keep the student with you and contact your Education Manager immediately.

You should work with the Student Engagement and Retention team to refer students, work out alternative consequences for their behaviour breach and work on what is behind the inappropriate behaviour. The Student Engagement and Retention team will work with the student and refer to appropriate agencies.

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10.2 Guidelines for investigation of alleged misconduct at level 2 and above

Every situation can be different. Investigation must always be carried out quickly, respectfully and ensure confidentiality.

You can place students in a complicated situation if they provide you with information that provides evidence to support the allegations. Be mindful of this and protect the person who discloses.

- 1) Document the incident on an Alleged Breach of Discipline Report form;
- 2) Interview the student about the allegations of alleged misconduct. The following principles should guide the interview;
 - a. The purpose of the interview is to gain further information about the alleged misconduct
 - b. The student is to be offered a full opportunity to explain his/her behaviour
 - c. The student is to be treated respectfully
 - d. The student is innocent until proven otherwise
 - e. The interview should be conducted in a calm, reasonable and objective manner
 - f. If under the age of 18 Parents/Carer should be contacted or student consulted if a support person can attend and documented.
 - g. A full record of the interview is required to be kept which records:
 - i. Date
 - ii. Those people present at the interview and their role or title
 - iii. Students name, ID and course
 - iv. The questions asked
 - v. The responses given
 - vi. The sequence of events – relevant dates, times places and names of people involved or witnesses
 - vii. Notes should be written in terms of claims and allegations made, not facts e.g. person A state that or person B alleged that
 - h. Interview any witnesses or parties affected by the incident in order to further clarify events, keeping full records of interview as noted above add noting where events are corroborated
 - i. Assemble all the facts relating to the incident. Consider if there is sufficient evidence to confirm misconduct and warrant a penalty or other action
 - j. Seek advice from the Education Manager, Director or Executive Director Studies where the issue is complex
 - k. Student Engagement and Retention Team Manager may need to be consulted for complex issues
 - l. Arrange a meeting with the student to advise them of the outcome of the investigation and explain any behaviour contract, redemption action, support service recommended or penalty together with the appeals process
 - m. Complete reporting requirements.

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10.3 Guidelines for Formal Disciplinary Correspondence

- Details of the misconduct of which the student is being accused;
- Statement of the penalty (if any) applied;
- A copy of the Student Code of Conduct;
- Advise the student of the right to appeal the decision and that the student may wish to consider such action within the provisions of the Student Complaints and Grievance Procedure;
- Advise the student that they may contact the Bendigo Kangan Institute Personal Counsellor for support, advice and information;
- Advise the student that they can attend any requested meetings with a support person if they so desire;
- Provide the student with a copy of the Student Complaints and Grievance Procedure and Student Complaints and Grievance Policy;
- Record incident and any action taken on student file (via notes or copy of Student Disciplinary Action Form);
- Where formal disciplinary action is applied to a student, the person imposing the penalty, to their line manager not later than the next teaching day, shall report it on a Discipline Action Form.

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11.0 Related Documents and Records Management

Title	Doc. ID.	Location
Alleged Breach of Discipline Report Form	N/A	BKI Policies and Procedures Staff Portal
Notification of Penalty Form	N/A	BKI Policies and Procedures Staff Portal
Student – Discipline Penalty Appeals Form	N/A	BKI Policies and Procedures Staff Portal
Student – Behavioural Contract Form	N/A	BKI Policies and Procedures Staff Portal
Child Safety Policy	N/A	BKI Policies and Procedures Staff Portal
Child Safety Procedure	N/A	BKI Policies and Procedures Staff Portal
Mandatory Reporting of Suspected Child Abuse Procedure	N/A	BKI Policies and Procedures Staff Portal

12.0 Version Control and Change History

Ver.	Approved By	Approval Date	Issue Date	Summary of Changes	Next Review Date
1.0	L Bayly	09/12/2016	09/12/2016		Following review of BKI Code of Behaviour Policy, but no later than 30 November 2017
2.0	Board of Studies	28/8/2019	28/8/2019	Changes made to include the VCAL policy and include Corrections Students	01/12/2023