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# Code of Conduct (Student) Policy & Procedure

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HIC Policy Number  
STUD004

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CRICOS Number 02790D  
Provider Number 21838

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# Hays International College

CRICOS Number 02790D

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## 1. Purpose of policy

This policy ensures establishing the standards required for all International students while they are enrolled with HIC. The code is designed to explain to students their obligations and responsibilities, and convey principles that will enhance their learning experience when studying at HIC.

## 2. Responsibility

The PEO is responsible for the implementation of this Policy and procedure and to ensure that all staff are aware of its application and implementation requirements. Students are also informed of this policy and procedure at their pre-enrolment, enrolment and orientation.

## 3. Key Features

This policy relates the Code of Conduct for Hays International College (HIC) as outlined in the Student Handbook. The key features of this policy establish that the following standards of behaviour are required by all HIC students at all times:

- Follow all regulations and requirements of Department of Immigration and Border Protection ([www.border.gov.au](http://www.border.gov.au)) regarding your obligations as a student visa holder and Education Services for Overseas Students (ESOS) framework regarding your rights and obligations as an International Student and any HIC rules and regulations.
- Follow all lawful and reasonable directions from HIC staff
- Respect and ensure the safety, comfort and freedom of others
- Demonstrate honest, responsible, courteous and ethical behaviour
- Submit work truthfully and attribute ownership appropriately
- Use all equipment and resources safely, appropriately and legitimately
- Maintain consistent punctuality
- Allow only appropriate materials to be displayed, through appropriate avenues Provide honest and accurate information in all appropriate matters and on request
- Use recognised HIC procedures and processes for complaints, appeals, redress and resolutions
- Follow all occupational health and safety requirements

HIC does not accept the following behaviour by students:-

- Bullying, harassment, assault, intimidation or displaying aggressive or disruptive or ill-mannered behaviour towards others
- Intentionally or recklessly interfering with or misusing anything provided at

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HIC in the interests of health, safety or welfare

- Inappropriately interfering with, or causing willful or negligent damage to the learning environment
  - Copying the work of other and submitting it without acknowledging true ownership
  - Attending classes under influence or in possession of alcohol, drugs or any prohibited substance
  - Attending with weapons or items considered likely to cause harm or intimidate others at any time
  - Smoking within HIC building openings, air-conditioning in-takes, gas storage areas or upon any internal or external areas of HIC
  - Discriminating against anyone on the grounds of: Sex ; Gender identity; Sexual orientation; Lawful sexual activity ; Marital, parental or carer status; Pregnancy; Age; Physical features; Disability; Impairment ; Race ; Political or religious belief or activity ; Industrial activity
- Mobile phones: Students who own and/or use mobile phones must ensure that they are turned off in all classes. Students who fail to observe this rule by talking on a mobile phone or allowing it to ring during class will be asked to leave the room for the remainder of the class.
- Dress code: HIC requires students to maintain an acceptable standard of dress for reasons of safety, hygiene and appearance. Footwear must be worn at all times and thongs or similar open footwear are not permitted to be worn in any HIC facility for occupational health and safety reasons. Some courses have specific clothing requirements during classroom and during their work placement which students must adhere to at all times.

## 4. Definitions

"**Authorised**" means authorised by the Principle Executive Officer or his/her delegate.

"**College campus**" shall mean and include each and every designated area occupied by the Hays International College and all buildings and structures thereon.

"**Committee**" means the Student Discipline Committee, a committee appointed by the Principle Executive Officer (PEO).

"**Principle Executive Officer**" shall be the person appointed by Board as the Principle Executive of Hays International College.

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**"Suspension"** means the exclusion and removal for a specified time period of a person's right to enter, to remain and to participate in all or specified parts of the precincts of the College and all or specified facilities, classes, examinations, assessments and other activities of or under the control of the College and "exclude/suspend" shall have a similar meaning.

**"Cancellation of Enrolment"** means the permanent removal of a person's right to be a Student of the College and to enter and to be in any of the precincts of the College and "expel" and 'expulsion" shall have a similar meaning. For International students this will result in a cancellation of their CoE.

**"Misconduct"** means any conduct that is prejudicial to the good order and discipline of the College, impairs the reasonable freedom of other persons to pursue their studies or research or work at the College or to participate in the life of the College, or is likely to bring the College into unjustified disrepute and without limiting the generality of the foregoing includes –

- Failure to comply with any reasonable instruction of a member of the Board or staff of the College whether pursuant to the College Code of Conduct or generally, including:
  - i. any instruction given to a student to identify him/herself by the production of an identity card or otherwise; or
  - ii. any instruction relating to safety.
- Willful or negligent damage to or removal of or any other wrongful interference with any property of the Board wheresoever's situated; or
  - i. of any student or member of the staff of the College within the precincts of the College; or
  - ii. of any person, firm or corporation within the precincts of the College.
- Any assault upon any person within or near the precincts of the College.
- Any willful false representation whether oral or written on a matter concerning or affecting the student in his/her capacity as a student.
- Grossly negligent or willful conduct that adversely affects the due conduct of the business of the Board, or the College or the work of any person in that person's capacity as a student or member of the staff of the College.
- Willfully entering any part of the precincts of the College or any other place to which students may have access for the purposes of tuition when not entitled to do so or having so entered refusing to leave when requested to do so.
- Willful failure to comply with:
  - i. In any College Rule or point within the Code of Conduct; or
  - ii. Any rule, order or authorised notice,
  - iii. in or relating to the whole or any part of the precincts of the College.

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- Knowingly publishing any confidential information of or held by the College.
- Conduct within the precincts of the College that is disorderly or interferes with the comfort or convenience of any person who is acting lawfully and entitled to be present.
- Conduct within the precincts of the College that constitutes bullying, harassment or sexual harassment and which continues after the student has been clearly advised of the nature of the offending behaviours, conduct or language. Bullying is unwarranted victimisation of another person to demean or belittle them in any form, whether it is physical, emotional or spiritual. Harassment is any unwelcomed or unreciprocated behaviour that is reasonably likely in all the circumstances to offend, insult, humiliate or intimidate another person. Sexual harassment is any unwelcomed and unreciprocated conduct of a sexual nature that is reasonably likely in all the circumstances to offend, insult, humiliate or intimidate another person.
- Unauthorised or illegal interference with or access to any computer resources *and/or* records or data. which are either the property of the College or accessible through College resources, as defined in the College Network Access Policy or other College computer access policy in place from time to time.
- Willfully cheating or attempting to cheat or knowingly assisting any other student to cheat or attempt to cheat at or in respect of any examination, assessment, assignment or other means of assessment conducted by or on behalf of the College.
- Possessing, using or trafficking a Drug of Addiction or Drug of Dependence within the meaning of the Crimes Act 1958 or the Drugs Poisons and Controlled Substances Act 1981 or any Act in substitution thereof.
- Failure by or within the required date or period to pay or otherwise to observe any fine or other penalty imposed under any Rules
- Failure by or within the required date or period to pay any fee or charge payable under any Rules

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- Conviction of a criminal offence committed within the precincts of the College or in any way related to the College or any student or member of the staff.

**“Precincts of the College”** means and includes all College campuses and all places and buildings outside College campuses used by the College for the purposes of the College, whether occupied by the College solely or in conjunction with or by others, and all places to which a student or students have access from time to time for the purpose of tuition, study or in connection with any educational program of the College or for student services or for social or recreational purposes.

## PROCEDURES

### **DISCIPLINARY POWERS OF THE PRINCIPLE EXECUTIVE OFFICER (PEO), DIRECTORS, ASSOCIATE DIRECTORS, COORDINATORS, HEADS OF DEPARTMENT, MEMBERS OF THE TRAINING STAFF AND MEMBERS OF THE ADMINISTRATION STAFF**

**2.1** The Board has delegated power, subject to this Policy, to the PEO, Directors, Associate Directors, Coordinators, Heads of each Department, Members of the Teaching and Training Staff, and Members of the Administration Staff to impose summarily any other penalties hereunder prescribed where, in the opinion of the PEO, Directors, Associate Directors, Coordinators, Heads of each Department, Members of the Teaching and Training Staff, and Members of the Administration Staff (as the case may be), a student is guilty of Misconduct and the imposition of a penalty is warranted.

#### **2.1.1 The Principle Executive Officer (PEO)**

- (i) Where the misconduct is such that, in the opinion of the PEO and or the PEO, warrants such action- Cancel the student’s enrolment or impose any other penalty prescribed in (ii), (iii) or (iv).
- (ii) Demand compensation from the student.
- (iii) Suspend the student for a specified time period
- (iv) Impose a fine not exceeding \$550 .00. (Local students only)
- (v) Reprimand the student

#### **2.1.2 A Director**

Each of the powers contained in (i), (ii), (iii), (iv) and (v) of 2.1.1

#### **2.1.3 An Manager or Coordinator**

- (i) Recommend to suspend the student for a specified time period – only after the implementation of a warning process
- (ii) Reprimand the student.

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## 2.1.4 Any Member of the Training Staff

- (i) For Misconduct generally, exclude the student from the precincts of the College for a period of up to one working day or, particularly exclude the student from the remainder of any class or next class, training session or tutorial for which the staff person has responsibility. If a student has been excluded from any class on more than two occasions the student will, upon exclusion for Misconduct on a subsequent offence, automatically be referred to the relevant Coordinator of Department and to Student Services for action – non-compliance of Code of Conduct, which may include exclusion from the precincts of the College.
- (ii) Reprimand the student.

## 2.1.5 The Member of the Administration Staff Present at the Time

Exclude the student from the use of the facility for the remainder of the day.

## 3 REFERRAL FOR FURTHER DISCIPLINARY ACTION

- 3.1 When any staff member under sub-clauses 2.1.4 to 2.1.5 considers that in addition to any other summary penalty which he/she may impose, the alleged Misconduct of a student is such as to warrant reference to Student Services and the Department Coordinator for further disciplinary action and / or intervention, he/she shall do so.
- 3.2 When a Manager or Coordinator considers that in addition to any other summary penalty which he/she may impose, the alleged Misconduct of a student is such as to warrant reference to the PEO (as the case may be) for further disciplinary action, he/she shall do so.

## 4 MISCONDUCT RELATED TO STUDENT ASSESSMENT

- 4.1 For Misconduct related to assessment in a subject the Director of Studies, after consultation with the Coordinator of the Department concerned, may grade the student as NYC in that subject or may vary the student's assessment in that subject.
- 4.2 Where a penalty is imposed under sub-clause 4.1, the student shall be given written notice by the Director of Studies of such penalty. Unless the student concerned, within five (5) business days of receipt of such notice, gives notice in writing to the Director of Studies of appeal against such penalty, the Director of Studies shall formally notify the student of NYC in the unit and adjust the student's record accordingly.

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## 5 COMPENSATION FOR DAMAGE

- 5.1 The Board, Committee or the PEO may, in addition to any other penalty imposed, require a student to pay to the College compensation for damage to Board property caused by him/her.
- 5.2 The certificate of the Director of Finance as to the value of the property damaged shall be conclusive.

## 6 REVIEWS BY THE PRINCIPLE EXECUTIVE OFFICER

- 6.1 Subject to clause 13 any student upon whom a summary penalty has been imposed under sub-clauses 2.1 .2 to 2.1.4 (inclusive), may request in writing the PEO or his/her delegate to review the summary penalty imposed. Such request must be given within five (5) business days of receipt of notification of the penalty.
- 6.2 All such reviews under sub-clause 7.1 shall be undertaken and determined by the PEO or his/her delegate as soon as reasonably convenient.
- 6.3 The decision of the PEO or his/her delegate on review of the penalty imposed shall be final.

## 7 APPEALS

- 7.1 Subject to clause 13 any student upon whom a penalty has been imposed under sub-clause 2.1 .1 may appeal through the college's complaints and appeals process.
- 7.2 All appeals under sub-clause 8.1 shall be heard and determined by the PEO as soon as reasonably convenient.

## 8 METHOD OF APPEAL

- 8.1 Any appeal by a student shall be exercised by the student delivering to the office of the PEO or PEO during ordinary office hours and within twenty (20) business days of the date of receipt of notification of the decision appealed against, a written and signed notice of appeal.
- 8.2 A written notice of appeal shall contain:

- (i) the name of the officer or body that made the decision;



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- (ii) brief details of the alleged Misconduct;
- (iii) an outline of the grounds of the appeal;
- (iv) a statement of whether or not the student proposed to appear and to be heard or to provide a written submission or both;
- (v) whether the student wishes to be either represented or have an observer present at the hearing, a statement to that effect, together with the name, address and occupation of either the proposed representative or observer.
- (vi) the number of witnesses to be called by the student to give evidence, together with the names and status of each witness.

## 9 INTERNAL APPEAL COMMITTEE

- 9.1 The Committee shall be formed by the PEO as required.
- 9.2 The Committee shall comprise three (3) members - the Chairperson (appointed under 9.3) and two other members of staff.
- 9.3 The PEO shall appoint a senior management member of staff as Chairperson of the Committee.
- 9.4 The PEO shall appoint a Secretary to the Committee. The Secretary shall not take part in the deliberations of the Committee or vote on any issue.
- 9.5 No person who is directly involved in a matter referred to the Committee may serve as a member or act as Secretary to that Committee which hears the matter.
- 9.6 The Committee shall, subject to this Rule, regulate its own procedure in respect of any hearing.
- 9.7 The decisions of the Committee on any matter shall be by a majority vote, with each member entitled to one vote.

## 10 INTERNAL APPEAL COMMITTEE HEARINGS

- 10.1 The Committee shall when hearing any appeal made to it:
  - 10.1.2 Satisfy itself that the student concerned has been given not less than five (5)

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business day's prior notice in writing of the hearing.

10.1.3 Give the student concerned the right to be heard either orally or in writing or both and the right to hear the evidence given against the student and to question any persons giving evidence against the student and the right to call witnesses and otherwise to produce evidence.

10.2 At the hearing of any appeal before the Committee, the student concerned may be accompanied by either an observer being an enrolled student or a member of the staff of the College or may be represented provided that the representative agrees to comply and continues to comply with the procedures of and with all reasonable directions given by the Committee or its Chairperson from time to time.

10.3 The Committee may proceed to hear and determine any matter of appeal at the notified time notwithstanding the failure of the student concerned to appear or otherwise to exercise any of his/her rights under this Rule.

10.4 A report of all proceedings of the Committee shall be placed before the PEO within three (3) business days after the meeting of the Committee.

## 12. DETERMINATION OF APPEALS

12.1 When determining any appeal, the Committee may:

- (i) uphold the appeal; or
- (ii) dismiss the appeal.

12.2 Should the Committee dismiss the appeal it may either:

- (i) confirm the penalty previously imposed; or
- (ii) recommend to the PEO an alternative penalty in lieu of the penalty previously imposed (see 13 – external appeals process)

12.3 Where an appeal is upheld in whole or in part, opportunity will be given to the student, so far as may be practicable, to make up any academic ground lost during any period of exclusion.

## 13. EXTERNAL APPEALS PROCESS

Where the appeal has been dismissed, the student is able to access the external appeals process – see Complaints and Appeals Policy. The college is not required to await the outcome of any external appeals process.

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**Note:** This code of conduct has been developed to reflect the requirements and obligations of the State and Federal Legislation; including:

- a) Fair Work 2009
- b) Privacy Act 1988
- c) Victorian Equal Opportunity Act 1995
- d) Federal Disability Discrimination Act 1992
- e) Disability Standards for Education 2004

RELATED DOCUMENTS			
<b>ESOS</b>	National Code Part D Standard 2, 3, 8, 9, 10, 11.6, 13		
<b>Standards for Registered Training Organisations 2015</b>	Standard 1.8-2, 3.6, 6		
<b>POLICIES</b>	Complaints and Appeals; Course completion within expected duration ; Course Progress Policy and Procedure ; DIBP Notification Policy and procedure; Deferral, suspension and cancellation policy and procedure; Plagiarism policy and procedure		
<b>Last Updated</b>	Jan 2016	<b>Updated by</b>	SC