



WENTWORTH INSTITUTE OF HIGHER EDUCATION

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| Document: Student Non-academic Misconduct Policy | | |
| Approved by: Wentworth Institute of Higher Education Pty Ltd Board of Directors | Version: 1.0 | Date: 05.20 |

1. Purpose and scope

Students of Wentworth Institute of Higher Education Pty Ltd (“WIN Higher Education”) are entitled to engage in the educational process, free from disruptive or inappropriate behaviours. To this end, WIN Higher Education is committed to ensuring that there are clearly defined standards of behaviour and conduct for all enrolled students so that all students are afforded a safe and productive environment in which to study.

This policy outlines WIN Higher Education’s responses in instances where students do not adhere to these behavioural standards, and allegations of non-academic misconduct are made. The policy applies to all students of WIN Higher Education, in respect of all actions and activities (including inaction or inactivity) relating to, or impacting on, WIN Higher Education or its students and staff or any relevant person involved.

2. Definitions

Non-academic misconduct includes behaviour which is considered a breach of the *Student Code of Conduct* including but not limited to:

- Failure to treat staff or other students or any persons with courtesy, tolerance and respect;
- Behaviour that is unlawful, discriminatory, sexually inappropriate (including sexual assault and sexual harassment), bullying, harassing, invades another’s privacy or causes any person to fear for their personal safety;
- Behaviour that results in a risk to WIN Higher Education’s systems, operations, activities or business; including unauthorised access to confidential student data.
- Behaviour that is a risk to the welfare or health or safety of any individual;
- Behaviour that disrupts another person’s access to or engagement with WIN Higher Education’s services or facilities.

3. Procedure

3.1. Non-academic misconduct

The procedures for dealing with inappropriate behaviour are not intended to be in consecutive steps. Based on the judgment of individuals dealing with claims of inappropriate behaviour, if the situation warrants immediate action, initial steps may be omitted and necessary action taken to remove the student. The steps to be undertaken in the case of non-academic misconduct are as follows:

- The student will be asked by an authorised representative of WIN Higher Education to cease the inappropriate behaviour;
- Where the student does not cease the inappropriate behaviour, they will be asked to leave that environment;
- Where that individual does not leave, a member of the Executive Management Team or security/police may be called to remove that individual from the environment where the inappropriate behaviour has occurred (e.g. classroom, library, common area and so on);
- In all cases of inappropriate behaviour, the Dean will be notified and the details of the incident noted on the student's file;
- Where the alleged inappropriate behaviour is notified by a complainant and no interventions (as described above) occur at that time, the complainant may first consult with the Dean to attempt an informal resolution. The Dean will follow up on such allegations in a timely manner and may meet with the complainant and the respondent to facilitate a resolution. Where the Dean cannot resolve the issue, the complainant may submit a *Formal Grievance* under the WIN Higher Education *Non academic Grievance Handling Policy and Procedure*;
- Where inappropriate behaviour takes place in any external areas to WIN Higher Education, e.g. visiting a company for professional learning and observation, a lecturer or staff accompanying the student(s) is authorised to ask the student to stop such behaviour and/or ask that the student leave the work area. Such incidents will be reported to the Programs Coordinator who will notify the Dean;
- In the event that misconduct has occurred, the Dean will determine the disciplinary actions that will be taken. These may include (but are not limited to):
 - a verbal warning and counselling regarding the misconduct;
 - a written warning that clearly states that the behaviour is inappropriate and outlines/identifies possible consequences including disciplinary action up to and including a suspension of study or cancellation of enrolment in the event of continuation of the misconduct;
 - where the misconduct is deemed serious based on a "reasonable person" standard, immediate disciplinary action up to and including suspension of study or cancellation of enrolment. In the case of an international student, a WIN Higher Education-initiated suspension of study or cancellation of enrolment due to inappropriate behaviour will result in the student being reported to the Department of Home Affairs via PRISMS; and
 - where the misconduct is deemed serious and also a possible offence under criminal law (such as may be the case with Sexual Assault or Sexual Harassment), it may be referred to the appropriate authorities including police. Referral of a case under these circumstances does not preclude WIN Higher Education from dealing with the misconduct as serious through internal misconduct processes nor does the institution's processes substitute for a criminal process.

3.2. Appeals

A student may appeal against a decision made under this policy.

Appeals must be made as per the *Non-academic Grievance Handling Policy and Procedure* and lodged within 10 working days of the student receiving written notification of any disciplinary action taken under this policy.

3.3. Education and awareness

Appropriate training in this policy and procedure will be provided to all staff members.

Students will be informed of this policy during orientation. The policy will also be published on WIN Higher Education's website (www.win.edu.au).

Students who are impacted by inappropriate behaviour will have access to support services through Student Support personnel as appropriate.

Information on any incident involving inappropriate behaviour will be provided to the Dean. The Dean will note all incidents on the student's file.

The Dean may include reports of incidents under this Procedure that result in disciplinary action as part of their report to the Executive Management Team and the Academic Board.

3.4. Student misconduct register

All findings of student academic and non-academic misconduct are recorded in a Student Misconduct Register. This is maintained by the Dean or delegate. A finding is entered on the register whether or not a penalty had been awarded. Access to the Register is limited and records are stored confidentially.

4. Links to other policies and procedures

This policy should be used in conjunction with the following related policies and procedures:

- *Student Sexual Assault and Sexual Harassment Policy;*
- *Non-academic Grievance Handling Policy and Procedure;* and
- *Privacy and Confidentiality Policy.*

STUDENT NON-ACADEMIC MISCONDUCT FLOWCHART

