

STUDENT NON-ACADEMIC MISCONDUCT POLICY

Policy owner	Education Committee
Policy category	Academic
Policy status	Approved
Approval body	Academic Board
Last amended	14 th November 2023

PURPOSE

The purpose of this policy is to:

- (a) promote the principle of mutual respect by defining student behaviour that is consistent with MIECAT's values;
- (b) discourage behaviour which is at odds with MIECAT's values;
- (c) implement fair and just procedures for managing alleged student misconduct; and
- (d) implement a transparent framework of educative and remedial actions and penalties that may be applied for student misconduct.

SCOPE

This policy applies to all students of MIECAT.

POLICY AND PROCEDURES

1. Principles

MIECAT expects students to behave in a way that:

- 1.1 allows reasonable freedom to others to pursue their studies, research, duties and other lawful activities at MIECAT and to participate in the life of MIECAT;
- 1.2 promotes a safe and inclusive learning environment, by treating other members of the MIECAT community with respect and courtesy, and refraining from any actions which might reasonably be perceived as unsafe, intimidating, discriminating, harassing or bullying;
- 1.3 complies with directions given by MIECAT staff to promote the good order and management of MIECAT;
- 1.4 ensures the proper use of MIECAT facilities, information and property and the property of other persons at MIECAT;
- 1.5 demonstrates a professional manner while undertaking placements, practicums, field trips etc., and maintains the highest standards of professional ethics relevant to the profession or industry for which they are being trained;
- 1.6 complies with all health and safety requirements and instructions given by MIECAT and attend any relevant training if required by MIECAT; and
- 1.7 complies with the policies and procedures of MIECAT.

2. General Misconduct

2.1 General misconduct means misconduct other than academic misconduct and includes, but is not limited to, conduct which:

- breaches any MIECAT policy as published;
- brings MIECAT into disrepute;
- constitutes unlawful or criminal activity on MIECAT premises;
- interferes with, causes damages, or loss of any MIECAT property;
- unreasonably prevents, restricts, or disrupts staff or students from undertaking their normal activities such as speaking at any class, tutorial, seminar or other academic activity;
- constitutes sexual harassment, harassment or discrimination;
- constitutes
 - an attack or threat to attack another;
 - intimidation or threat to intimidate another;

- physical or verbal abuse towards another;
 - offensive language;
 - physical injury or is intended to cause physical injury to another.
- involves the use of forged, falsified or altered documentation;
 - involves concealing, misrepresenting or withholding the whole or part of a student's academic record in order to gain or maintain enrolment;
 - encourages or incites any other person to engage in conduct or behaviour that constitutes general misconduct.
 - divulges confidential or personal information relating to any staff member or student;
 - constitutes a failure to comply with any reasonable request, direction or order given by a person authorised by MIECAT to ensure the safety of any person, the preservation of any property, and the maintenance of good order.

2.2 An allegation of non-academic misconduct may be brought against any student of MIECAT. An allegation may be made by MIECAT staff, students or an external person.

3. Procedures

MIECAT follows a four-step process in these matters: detect, report, investigate, and notify. MIECAT will establish a Non-Academic Misconduct Register that will record warnings and the outcomes of any accusations of non-academic misconduct. A student's involvement in non-academic misconduct will be retained on the register while still enrolled in any course and academic staff will have access to this information when considering any subsequent allegations of non-academic misconduct.

3.1 Detect: All MIECAT staff and students will be made aware of the policies in relation to misconduct. Where a staff member believes an instance of non-academic misconduct has occurred they will put the matter to the student involved. Depending of the severity of the misconduct, academic staff or any manager have the authority to take action to end a class or activity or temporarily exclude student/s from MIECAT while the matter is being investigated.

- 3.2 Report: The staff member will report the details related to the alleged incident, in writing, to the appropriate course coordinator. The course coordinator will contact the student and identify the specific type of misconduct and all details related to the alleged incident.
- 3.3 Investigate: If the course coordinator believes that a serious breach of the policy has occurred the course coordinator will investigate the matter further and report to the Education Committee with their findings and a recommendation of any further action under MIECAT's policies.
- 3.4 Notify: The course coordinator's review will be submitted to the Education Committee. The student will be notified in writing by the Chair of the Education Committee of decisions in relation to the instance of alleged non-academic misconduct within fourteen days. The student will also be informed of the MIECAT Student Grievance Handling and Resolution Policy should they wish to pursue the matter further.

RESPONSIBILITY FOR IMPLEMENTATION

Course Co-ordinators, Academic Access Coordinator, Education Committee, all MIECAT staff.

KEY STAKEHOLDERS

All students and staff at MIECAT

SUPPORTING DOCUMENTS

Racial Discrimination Act 1975 (Commonwealth)

Sex Discrimination Act 1984 (Commonwealth)

Age Discrimination Act 2004 (Commonwealth)

Australian Human Rights Commission Act 1986 (Commonwealth)

Equal Opportunity for Women in the Workplace Act 1999 (Commonwealth)

Disability Discrimination Act 1992 (Commonwealth)

Workplace Gender Equality Act 2012 (Commonwealth)

Fair Work Act 2009 (Commonwealth)

Equal Opportunity Act 2010 (Victoria)

Racial and Religious Tolerance Act 2001 (Victoria)

Charter of Human Rights and Responsibilities Act 2006 (Victoria)

United Nations Convention on the Rights of Persons with Disabilities

MIECAT Complaints Register

MIECAT Student Grievance Handling and Resolution Policy

MIECAT Non-Academic Misconduct Register

VERSION HISTORY

Date of Issue	Version	Author	Summary of changes
8 th May 2023	1.0	J. Mitchell	Draft for approval
23 rd May 2023	1.0	J. Mitchell	Approved by Academic Board
14 th November 2023	1.1	J. Brooks-Dowsett	Section 3 Procedures updated, reviewed by Education Committee.
21 st May 2024	1.1	J. Brooks-Dowsett	Approved by Academic Board

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