

# DISCIPLINARY POLICY AND PROCEDURE

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## Table of Contents

<b>1.12. Disciplinary Policy and Procedure</b>	<b>3</b>
<b>Policy Content</b>	<b>3</b>
<b>Policy Statement</b>	<b>3</b>
<b>Scope</b>	<b>3</b>
<b>1.12.1. Compliance with Code of Conduct and Initial Disciplinary Considerations</b>	<b>3</b>
<b>1.12.2. Student Disciplinary Procedure</b>	<b>4</b>
<b>1.12.3. Temporary Suspension</b>	<b>6</b>
<b>1.12.4. Expulsion</b>	<b>7</b>
<b>1.12.5. Reporting to the Department of Home Affairs (DOHA)</b>	<b>8</b>
<b>Roles and Responsibilities</b>	<b>9</b>
<b>Continuous Improvement</b>	<b>11</b>
<b>Confidentiality and Privacy Statement</b>	<b>11</b>
<b>Retention of Records</b>	<b>11</b>
<b>Publication and Communication</b>	<b>12</b>

## 1.12. Disciplinary Policy and Procedure

### Policy Content

Aspect	Details
Regulator	Australian Skills Quality Authority (ASQA)
Standards Referenced	
Legislation / Requirements	

### Policy Statement

The RTO is committed to maintaining a respectful, safe, and inclusive learning environment. This policy outlines how the RTO addresses any student misconduct, inappropriate behaviour, breach of Code of Conduct, or actions that violate academic integrity. This includes clear steps for identifying, managing, and resolving behavioural and academic misconduct, as well as the rights of students to procedural fairness.

### Scope

This policy applies to:

- All current, prospective, and former students
- All staff members involved in student management and support
- Third parties delivering services on behalf of the RTO

#### 1.12.1. Compliance with Code of Conduct and Initial Disciplinary Considerations

- All students enrolled with the RTO must strictly always follow the RTO'S Code of Conduct. This includes maintaining respectful, lawful, and appropriate behaviour on campus, during training, assessments, online sessions, and at any RTO-related events or excursions.
- Trainers, assessors, and student support staff are required to actively observe and monitor student behaviour. If any student displays misconduct—such as being disruptive in class, behaving aggressively, ignoring safety protocols, showing disrespect to staff or fellow students, or violating RTO property rules—the incident must be formally identified.

- **Failure to attend scheduled classes regularly without an approved reason (e.g. medical certificate or approved leave) is monitored as a breach of academic obligations. For international students, poor attendance can trigger visa compliance issues, which must be managed under the Attendance and Course Progression Monitoring Policies.**
- **If a student engages in unsafe, illegal, or disruptive behaviour, such as activating fire alarms without cause, threatening others, or damaging property, staff must immediately escalate the matter. The student may be asked to leave the class or the premises immediately for safety or operational reasons.**
- **In the case of serious misconduct, such as theft, violence, sexual harassment, or drug use, the student can be suspended immediately while an investigation takes place. These behaviours are considered severe breaches of both the Code of Conduct and relevant legislation.**
- **If criminal behaviour is identified, such as assault, theft, or endangering others, the matter will be reported to the police or relevant authorities without delay. The RTO will not intervene in criminal investigations and will fully cooperate with legal procedures.**
- **For international students, if the misconduct leads to suspension, expulsion, or course non-compliance, the RTO will report the situation through the PRISMS system to the Department of Home Affairs (DOHA), which may affect the student's visa status. Students are notified of this risk as part of the misconduct handling process.**

### 1.12.2. Student Disciplinary Procedure

- **When a student breaches the Code of Conduct, the issue must be addressed through a formal disciplinary process. This process is designed to ensure fairness, confidentiality, and consistency in how student behaviour is managed across the organisation.**
- **The Student Services Officer (SSO) is the first point of contact for behavioural matters. The SSO will organise a face-to-face meeting with the student as soon as practicable to discuss the incident. The student is provided the opportunity to explain their version of events, submit any supporting evidence, and ask questions.**
- **If the behaviour is minor misconduct, such as a one-time disruption or rule breach without malicious intent, the SSO will explain why the behaviour is unacceptable, issue a verbal or written warning, and**

remind the student of their responsibilities under the Code of Conduct. Support services, such as counselling or academic help, may also be offered.

- If the misconduct is serious or repeated, such as harassment, repeated absenteeism, damage to property, or defiance of authority, the SSO must refer the matter to the RTO Manager. The RTO Manager will conduct a second-level meeting with the student to assess the seriousness of the breach.
- After reviewing the case, the RTO Manager and SSO will jointly determine whether disciplinary action is needed. Actions may include a written warning, behavioural contract, temporary suspension, or escalation to expulsion. The decision is based on the nature of the misconduct, student history, and any mitigation provided.
- All meetings must be documented using the Student Interview Form. Meeting notes signed statements (if applicable), and evidence are filed in the student's personal record and uploaded to the Student Management System (SMS).
- A formal outcome letter will be issued to the student outlining:
  - The behaviour of concern
  - Findings from the investigation
  - Any disciplinary action taken
  - Available support services
  - Their right to appeal the decision via the Complaints and Appeals Policy
- Where students choose to appeal, no further disciplinary action is taken until the appeal is resolved unless urgent safety or legal reasons apply.
- Repeat offences or serious breaches may be escalated directly to the PEO, who will determine whether the enrolment should be suspended or cancelled.

### 1.12.3. Temporary Suspension

- If, after investigation, a student's behaviour is found to be significantly disruptive, unsafe, or in breach of the RTO's Code of Conduct, the RTO may enforce a temporary suspension of the student's enrolment.

- The RTO Manager, in consultation with the PEO and relevant Student Support staff, will make the decision to impose a suspension. The circumstances leading to this may include repeated misconduct, non-compliance with behavioural warnings, or actions that pose a risk to other students or staff.
- A temporary suspension:
  - Can last up to a maximum of four (4) weeks.
  - Will be communicated to the student in writing, outlining the reasons for suspension, the effective start and end dates, and conditions that must be met for the student to return.
- During the suspension period:
  - The student is not permitted to attend classes, access campus facilities, or engage in any RTO-related activities.
  - The RTO maintains contact with the student, offering support where required and outlining any steps the student can take to address the behavioural concerns.
- For international students, the RTO will explain that suspension of enrolment may affect their student visa status. The student is advised to contact the Department of Home Affairs (DHA) for advice on visa implications.
- If the suspended student fails to comply with the suspension order (e.g., attending classes without approval), further disciplinary action will be initiated, which may lead to expulsion.
- All documentation related to the suspension including the notification letter, supporting evidence, and internal meeting records will be stored in the student's file and logged in the Student Management System (SMS).

#### 1.12.4. Expulsion

- Expulsion is the most serious disciplinary action taken by the RTO and is considered only after a thorough investigation of a student's behaviour, particularly when:
  - There is a threat to the safety or wellbeing of other students, staff, or stakeholders.

- There has been repeated misconduct despite previous warnings, intervention plans, or temporary suspension.
- The student has committed acts of wilful damage, engaged in violent behaviour, or seriously disrupted learning environments.
- The RTO Manager, in consultation with the PEO, will review all evidence and documentation, including:
  - Interview records,
  - Witness statements (if any),
  - The student's disciplinary history,
  - Risk to the RTO's operations or others' safety.
- A formal meeting is held with the student to provide a final opportunity for them to:
  - Present their side of the story,
  - Respond to the allegations,
  - Provide any mitigating circumstances or supporting evidence.
- If the decision to expel is confirmed:
  - The student will receive a written expulsion notice, outlining:
    - The reason(s) for the expulsion,
    - The effective date of termination,
    - Information on their right to appeal the decision through the Complaints and Appeals process,
    - For international students, the impact on their CoE and visa status, and options to contact the Department of Home Affairs (DHA).
  - A record of the expulsion decision and related documents will be:
    - Logged in the Student Management System (SMS),
    - Filed in the student's records,
    - Flagged for reporting, where applicable.

- The RTO will not refund any tuition or other fees unless required under the relevant refund policy.

#### 1.12.5. Reporting to the Department of Home Affairs (DOHA)

- When an international student is subject to expulsion, suspension, or any disciplinary action that affects their enrolment status, the RTO is legally obligated to notify the Department of Home Affairs (DOHA) via PRISMS (Provider Registration and International Student Management System).
- The reporting must occur only after the following steps have been taken:
  - The student has been formally notified of the decision regarding their enrolment (e.g. suspension or cancellation).
  - The student has been offered access to the internal Complaints and Appeals process, as per Standard 10 of the ESOS National Code.
  - The RTO has either:
    - Completed the complaints and appeals process, or
    - Confirmed in writing that the student did not access the process within the 20-working day period, or
    - The student withdrew from the process before completion.
- Exceptions apply where there are extenuating circumstances, such as:
  - Serious welfare concerns (e.g. the student is at risk of harm),
  - Legal requirements to report immediately,
  - Where the student cannot be contacted after repeated attempts.
- Once a report is made to DOHA:
  - The student's Confirmation of Enrolment (CoE) may be cancelled through PRISMS.
  - The report includes:
    - Reason for cancellation/suspension,
    - Dates of the event and decision,

- Whether the student accessed or completed the appeals process.
- The RTO Compliance Officer or Student Services ensures that:
  - All related records (notices, appeal submissions, meeting notes) are kept securely,
  - The report is made accurately and within 5 working days of the outcome.
- The student is also advised to contact DOHA directly to understand how the report may impact their visa conditions.

### Roles and Responsibilities

Role	Responsibilities
<b>Chief Executive Officer (PEO)</b>	<ul style="list-style-type: none"> <li>- Ensure organisational compliance with disciplinary procedures and reporting obligations under the ESOS Act and National Code.</li> <li>- Approve suspension, expulsion, and external reporting decisions.</li> <li>- Issue formal notifications to students after final review of serious misconduct.</li> <li>- Submit TPS and PRISMS reports as required.</li> </ul>
<b>RTO Manager</b>	<ul style="list-style-type: none"> <li>- Oversee the implementation and enforcement of the Disciplinary Policy.</li> <li>- Investigate cases referred by Student Support Officers.</li> <li>- Determine the severity of student misconduct and appropriate action.</li> <li>- Conduct meetings with students in cases of serious or repeated breaches.</li> <li>- Record all actions and maintain accurate records of disciplinary cases.</li> </ul>

<b>Student Support Officer (SSO)</b>	<ul style="list-style-type: none"> <li>- Be the first point of contact for behavioural or conduct-related concerns. - Meet with students for initial discussions of misconduct.</li> <li>- Document the incident, student responses, and any support offered.</li> <li>- Escalate serious matters to the RTO Manager for review.</li> <li>- Monitor students placed under intervention due to behavioural concerns.</li> </ul>
<b>Trainers and Assessors</b>	<ul style="list-style-type: none"> <li>- Promote understanding of academic integrity and acceptable behaviour.</li> <li>- Identify and report incidents of plagiarism, cheating, or classroom misconduct.</li> <li>- Ensure students are aware of the Code of Conduct and disciplinary consequences.</li> <li>- Support the detection of academic breaches during assessment.</li> </ul>
<b>Administration Staff</b>	<ul style="list-style-type: none"> <li>- Update the Student Management System (SMS) with relevant disciplinary notes and correspondence.</li> <li>- File disciplinary letters, interview forms, and academic misconduct records.</li> <li>- Ensure access to policies for all staff and students.</li> </ul>
<b>Compliance Officer (if applicable)</b>	<ul style="list-style-type: none"> <li>- Ensure all disciplinary actions and reporting obligations comply with legislative and regulatory frameworks.</li> <li>- Assist in the maintenance and auditing of records related to misconduct.</li> <li>- Ensure policy versions, updates, and training align with current compliance standards.</li> </ul>

## Continuous Improvement

- The RTO regularly reviews all disciplinary incidents, records, and patterns of misconduct as part of its internal continuous improvement system.
- All reported cases, including student feedback and complaints relating to behavioural or academic integrity, are tabled during scheduled Management Review Meetings.
- Recurring issues, trends in misconduct, or policy non-compliance are identified and analysed to determine underlying causes and corrective actions.
- The outcomes of reviews may lead to updates in policy, procedures, staff training, or support strategies.
- Improvements are documented and tracked as part of the RTO's Continuous Improvement Register.

#### Confidentiality and Privacy Statement

- The RTO respects the confidentiality and privacy of all parties involved in disciplinary processes.
- Personal information collected during investigations, including incident details and student records, is handled in accordance with the Privacy Act 1988 and the RTO's Privacy and Confidentiality Policy.
- Only authorised personnel have access to records, and any disclosure is strictly limited to regulatory reporting obligations (e.g., PRISMS, TPS, or police) or where required by law.
- Students and staff can contact the RTO at any time for further information on how their data is managed or to request access to their records.

#### Retention of Records

- All disciplinary documentation, including interview forms, misconduct reports, formal warning letters, and investigation records, is retained in the student's file.
- Electronic records are stored securely within the Student Management System (SMS) with appropriate access controls.

- **Records related to suspension, expulsion, or academic misconduct are retained for a minimum of 2 years after the student ceases to be enrolled, in accordance with SRT0 2025 and ESOS requirements.**
- **Documentation must be complete, accurate, and retrievable for audit or legal purposes if required by regulators.**

### **Publication and Communication**

- **The Disciplinary Policy and Procedure is published and made accessible to all students and staff via:**
  - **The RTO's intranet**
  - **The official website**
  - **Orientation materials**
  - **Student and Staff Handbooks**
- **Updates to this policy are communicated to all staff through internal communications, and all new staff receive a briefing as part of their induction.**
- **Students are made aware of the policy during orientation and upon enrolment, with regular reminders provided through workshops or academic support sessions.**