Learner Conduct Management Procedure Box Hill Institute, CAE

Related Policy	Learner Conduct Management

Procedure	**Responsibility**
1. Informal Process The following informal process occurs when a teacher or other staff member attempts to resolve a student conduct management issue directly with a learner: a) Request a Learner Identification card where the identity of the person is not known b) Convene an interview with the learner concerned c) Seek an undertaking from the learner to cease or modify the behaviour or misconduct d) Inform the learner of the services of Student Life, and make a referral if appropriate e) Keep a written record of the interview including who was in attendance, a description of the concerning behaviour and the outcome. Where the matter cannot be resolved between the teacher or other staff member and the learner, or if the learner initially agrees to certain undertakings that appear to resolve the matter but fails to fulfil those undertakings: a) Brief the relevant course co-coordinator/Course Manager on the relevant issues and provide them with the written documentation of what has occurred, including records of interviews and agreed outcomes b) Refer the learner to the course co-coordinator/Course Manager c) Convene an interview with the learner concerned d) Inform the learner of the informal and formal steps of the procedure e) Where a learner is under 18, the parent/guardian of a learner may be contacted to inform them of the situation and explain the process. f) Seek a further undertaking from the learner to cease or modify the behaviour or misconduct. This undertaking may take the form of requesting the learner to enter into a written Learner Commitment. g) Keep a written record of the interview including who was in attendance, a description of the concerning behaviour and the outcome h) Inform relevant staff of the outcome of the interview in accordance with the Privacy Act i) Brief the relevant Dean / Head if necessary	Teacher or other staff member Staff member Staff member Course oordinator / Course Manager

2. Formal Process The formal process commences when a teacher, other staff member, course coordinator and/or Course Manager formally involves their Dean / Head / Course Manager in an attempt to resolve a student conduct management issue.	Dean / Head / Course Manager
Where matters are considered to be of a serious nature they should be referred immediately to the relevant Dean/ Head who may choose to consult with the Executive General Manager, Adult Learning for advice and support	Course coordinator / Course Manager
The Dean / Head should: a) Contact and inform the parents/guardians of the learner of the situation and process if the learner is under 18 b) Convene an interview with the learner concerned, requesting the attendance of the parents/guardians if the learner is under 18. c) Communicate the formal phases of the process d) Inform the learner of the right to have a support person present during the process either from officers of the Student Activities and Recreation Committees (SARC) section of Student Life or another person of their choice e) Inform the learner of other services of Student Life and make a referral if appropriate f) May exclude the learner for a period of up to five (5) working days from all or sections of the Institute/CAE, and notify the Executive General Manager, Adult Learning, and in the case of international students the Executive Manager, International Services . g) Seek an undertaking from the learner to change or modify the inappropriate behaviour or misconduct. This may take the form of the learner entering into a Learner Commitment. h) Keep all records of interview, outlines of recommendations and copies of Learner Commitments if appropriate. Liaise with relevant staff and keep them appraised of the outcome according to the principles of the Privacy Act	Dean / Head
Where the matter cannot be resolved between the Dean / Head and the learner, or if the learner initially agrees to certain undertakings that appear to resolve the matter but fails to fulfil those undertakings or the matter is of a serious nature the Executive General Manager, Adult Learning should be briefed and all records supplied.	Dean / Head / Course Manager
The Executive General Manager, Adult Learning may: a) Instigate an independent investigation of the matter. b) Identify an Investigator in consultation with the Dean / Head and brief them regarding the material facts and the conditions by which the investigation should be conducted. c) Exclude the learner from all or a section of the Institute/CAE for a period of up to ten (10) working days d) Determine an appropriate outcome which may include establishing and agreeing on undertakings with the learner (s) which may include • entering into a new or revised Learner Commitment	Exec. General Manager, Adult Learning

• Ordering the learner to compensate the Institute/CAE for damages or loss of property caused by the learner • Withholding the learner's results until outstanding debts to the Institute/CAE have been paid • Recommend to the Executive Director, Academic Affairs (VET & Higher Education) that the learner be temporarily or permanently excluded from the Institute/CAE and their enrolment terminated. The Executive Director, Academic Affairs (VET & Higher Education) will: a) Review the recommendation to exclude the learner by consulting the file pertaining to the matter, and, where the misconduct warrants such action, exclude the learner from Institute/CAE for a defined period or terminate the enrolment; b) The Executive Director, Academic Affairs (VET & Higher Education) may also withhold learner's results until any outstanding debt to the Institute/CAE has been paid.	Executive Director, Academic Affairs (VET & Higher Education)
• **Appealing a Decision(internal)** • Learners may appeal against a penalty decision to suspend an enrolment for a period greater than ten (10) working days, or cancel an enrolment and /or make restitution if they believe that: • The Institute/CAE did not follow the procedure, and/or • Personal bias or bad faith was involved in making the decision, and/or • The learner was discriminated against (as specified by the Victorian Equal Opportunity Act 2010 or the Australian Sex Discrimination Act 1984). • Local learners have five (5) working days and International learners have twenty (20) working days from being notified of a penalty within which to lodge an appeal. Learners wishing to lodge an appeal: • Must put the appeal in writing and send with the Notice of Appeal Form to the Institute/CAE Registrar • May consult with Student Life or a person of their choosing (non-legal) to assist in the preparation of their appeal. • The Registrar will submit the appeal to the Chief Executive Officer (CEO) for their consideration. • The CEO , on receiving an appeal will: Nominate and have brief prepared for a person independent of the management and staff of the Institute/CAE to investigate the matter and make a recommendation. • Write to the learner; acknowledging the appeal and the investigation process notifying them that they may be required to appear before an appeals hearing, giving at least five (5) days notice, and noting that the learner(s) have the right to (non legal) support at the hearing. • Note in the correspondence to the learner that a hearing will proceed and a determination may be made despite failure of learner concerned to appear at the appointed time • Make a determination after receiving the recommendation of the independent investigator. The decision of the CEO is final. There is no further appeal against a the decision of the CEO to any other officer or body within the Institute/CAE	Learners Learners Registrar Chief Executive Officer

• The Institute/CAE will not report the suspension or termination of an International student's enrolment on PRISMs until the appeals process has been completed.	
3. Appealing a Decision(external) a) Complaints about administrative actions and decision of the Institute/CAE can be made to the Victorian Ombudsman. The Ombudsman is generally, the office of last resort. b) It should be noted that the Ombudsman may request that all the steps outlined in this procedure are followed, before accepting a complaint. c) International students also have the right to contact the Commonwealth Department of Education in relation to grievances under the ESOS Act.	Learner

Approval Body	CEO under delegation from the Institute Board
Document ID	PROSA12A
31/8/2018	Minor administrative changes: current position titles and legislation