

Student Discipline Policy

Introduction

It is the responsibility of all members of staff of the AIFL to maintain an environment where learners are able to learn in peace and safety. The Code of Conduct identifies the expected behaviours of students and visitors/guests to all AIFL flexible learning classes. This procedure deals with the actions that will be taken should one of the above act outside the guidelines in the Code of Conduct or outside any applicable policy of the AIFL or laws of the State or of Australia.

It is intended that the disciplinary policy and procedure will deal with all breaches in a fair and appropriate manner.

The policy and procedure does not assume that in every case an allegation of breach is necessarily mischievous.

A student's access to all flexible learning classrooms will usually only be refused, restricted or removed when the integrity of the AIFL is left vulnerable to State or Federal law. There is a recognition that the security of AIFL systems is of upmost importance for the sake of all AIFL students.

Electronic means of communication are an integral part of Australian Institute of Flexible Learning's (AIFL) academic infrastructure.

Application of the policy

This policy applies throughout the AIFL and across all activities planned by the organisation for the purpose of education and or assessment. It includes places where the education is planned and delivered. The policy and procedure covers students of the AIFL. It is the General Manager of the AIFL's role to enforce this policy and procedure in a fair and proper manner with due regard to the rights of each party involved in any action. Once a matter has been dealt with under this policy and procedure it should have no influence on any other matters between the AIFL and the person concerned. The policy will have applied on an organisation to person basis. It is not to be used against a group of people as a single entity.

Definitions

Discipline refers to sanctions and measures taken by the AIFL towards students guests/visitors who have been deemed by the management of the AIFL to have acted outside the expected standards as expressed in the Code of Conduct and in this document.

Breach of Discipline is an act of a person that falls outside guidelines and policies of the AIFL and applicable laws and regulations. Specifically it refers to:

- Conduct that impairs the reasonable freedom of any person to pursue his or her studies within the AIFL

- Conduct that is prejudicial to the management of the AIFL or any activity that is organised by it
- Conduct that may include assault, alcohol consumption on campus or in education, malicious damage to property of the AIFL or other students, wilful disobedience of an instruction by a staff member, any dishonest or unfair acts in regard to assessment records of study, provision of information to the AIFL regarding enrolment, plagiarism, falsification of records and information, discrimination against other students on the grounds of sex, marital status, sexuality, race, religion, physical or intellectual disability, failure to pay fees, all forms of offensive behaviour including bullying, stealing and vandalism.
- Unauthorised access to system accounts or accounts of other members of the AIFL community.
- Wilful damage or deletions of data without authorised access.
- Successful or unsuccessful attempts to break password files.
- Malicious use of electronic mail, IRC, MUD or other forms of electronic communication to other members of the AIFL community.
- Disruptive actions, via electronic access, to any part of the AIFL LMS systems.
- Unauthorised access (manual or electronic) to student records, human resources, payroll, financial records, or any other access to AIFL systems.
- Any other misconducts which distracts or unduly interferes with the business of the AIFL.
- Any use of the LMS which may violate any state and federal law.
- Any other violation of the Code of Practice

Member of Staff means a person employed or contracted by the AIFL to deliver services to the organisation or students.

Student refers to any person enrolled in a course of study with the AIFL. It includes persons attending a course organised by the RTO for the purposes of training or assessment with an organisation where they are employees.

Report refers to a verbal or written report detailing the alleged breach, time, place, persons involved and witness names if present.

Appeal refers to a submission in writing requesting a review of the disciplinary decision by an independent party.

Resolution Process

If a person suspects another of a breach of this discipline policy or of the code of conduct of the AIFL they should report the matter to the General Manager of the AIFL. The report should be submitted as soon as practicable after the incident. On receiving a report the General Manager and/or the AIFL team should consider the report, and make any inquiries necessary to establish the accuracy of the report.

If the General Manager or AIFL Team does not feel there is a breach of the Code or policy no further action shall be taken.

The General Manager in the first instance will attempt to resolve the matter informally at source. If the General Manager or AIFL Team believes there is a breach of the Code of Conduct, AIFL policy or threatens the integrity of the AIFL or leaves the AIFL vulnerable to legal action, the General Manager can immediately suspend access of the student(s) suspected of the breach. They should in writing, within 5 working days, request the named person to answer to the complaint personally or in writing. The General Manager will notify all stakeholders of the suspected breach. The notification will include reasons for the allegation and explain that the matter is being investigated.

If the Team is satisfied with the response, no further action need be taken. If the Team is not satisfied with the response by the alleged offender a meeting will be arranged and the matter dealt with in person.

All options available to resolve the matter will be considered. In respect of ensuring that all the options are explored the General Manager may seek advice from the Chief Executive at any stage during the informal resolution procedure.

If the matter is identified as a breach of the Code of Practice the General Manager will ensure the student is aware of the Code of Practice, it's purpose, the nature of the breach, why his/her actions were inappropriate and the consequences of further breaches.

If deemed necessary, the General Manager will implement and monitor a series of warnings.

As part of the informal resolution process, the General Manager may;

- Decide that there is not a breach of the Code of Practice at any time.
- Counsel the student without proceeding with further action.
- Decide that a serious breach of the Code of Practice has occurred. The removal of access to the AIFL classrooms and/or LMS will either be confirmed or implemented.

Where the misconduct falls within the scope of the laws of the state or Commonwealth, those laws shall be followed in regard to reporting the alleged offence/s. These rules do not override any laws, regulations or conditions imposed by a higher authority or Government body.

Disciplinary Action

There shall be degrees of disciplinary action taken depending upon the severity of the breach.

The penalties that may be imposed for misconduct are:

- A reprimand and caution (warning):
- Payment of the cost of repairing damaged data, computer and/or network facilities:
- An appropriate period of suspension to classrooms and/or LMS access:
- Prevention of re-enrolment, receiving results.

Appeals

A person accused of a breach and dealt with under this procedure may use the appeals process of the organisation to have an appeal heard by an independent person.

The person must lodge the Appeal within 5 days of notification by the AIFL.

The AIFL will abide by the decision of the independent adjudicator, a conciliator appointed as the independent by the AIFL, should this matter arise. All matters taken to appeal will be recorded in writing and provided to both parties on completion of the process.

Sign-off

Both parties to the disciplinary action will sign off on the agreed action and will abide by the decision. If either part refuses to sign off on the agreed action, expert advice will be received from State Education Authority- Victorian Registration and Qualifications Authority and the issue will be referred to an independent conciliation authority.

Confidentiality

All informal and formal proceedings pursuant to these procedures and all material brought forward in connection with such proceedings shall be treated as confidential.

Laws and Legislation

The AIFL identifies and complies with relevant State or Territory laws including State/Territory legislation where applicable.

The acts relevant to the operation of the AIFL as an RTO are:

- Occupational Health & Safety Act 2004
- The Vocational Education, Training and Employment Act 2000
- Commission for Children and Young People Act 2000
- The Privacy Act 1988
- The Copyright Act 1968
- The Copyright Amendment (Parallel Importation) 2003
- Anti Discrimination Act 1991
- Human rights and equal opportunity (ref site only)