Monash College Non-Academic Suspension and Exclusion Procedure

Procedure Title
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Parent Policy
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Preamble
These procedures outline the process for dealing with student misconduct or illnesses, including measures to suspend or exclude the student.

Definitions
In these procedures unless contrary intention appears:

**Director**
The Director of Monash College Diplomas (MCD), the Director of Monash University Foundation Year (MUFY) or the Director of Monash University English Language Centre (MUELC) as specified.

**Extenuating circumstances relating to the welfare of the student**
Are circumstances relating to the student that the relevant Director considers involve a serious risk to the student or any other person, or the property of the College.

**Illness**
An illness or disability, considered by a doctor or psychologist to present risk to the health or safety of the student, to other students and staff, or to property of Monash College and includes notifiable conditions under the Public Health and Wellbeing Act 2008.

**Misconduct**
Any behaviour which is contrary to a policy of Monash College or to generally accepted standards of behaviour and includes the conduct specified in the procedures below.

**Student**
A person who is admitted as a candidate for an award of Monash College and includes a person who is between enrolments; or whose work for the award has been examined or assessed but who has not received the conferral of the award.

**Working days**
Days other than a Sunday or a public holiday under the Public Holidays Act 1993.
For the purposes of these procedures:

- a student who is excluded from Monash College ceases to be a student of the College
- a power to exclude from Monash College includes a power to exclude from the College precincts; and
- a reference to Monash College or to the property or precincts of Monash College includes a reference to the property or precincts of a person or institution, other than Monash College, occupied or used by one or more students in the course of or in relation to academic or practical work forming part of a course of study and a power to suspend or exclude from Monash College includes a like power to suspend or exclude from the property or precincts of any such person or institution.

Without otherwise affecting the operation of these procedures, a person who is excluded from the Monash College remains a student;

- until the expiration of the time allowed by National Code Standard 13.4 for lodging a notice of appeal (20 working days); or
- where a notice of appeal is lodged, until the appeal process is finalised.

Procedure

Misconduct

An act of misconduct means conduct which is contrary to accepted standards of behaviour and includes but is not limited to, conduct by which a student knowingly or recklessly-

- Causes or threatens personal injury or harm of any kind to another person;
- Attacks, harasses, intimidates, stalks or bullies or threatens to attack, harass, intimidate, stalk or bully another person (explanatory note: bully means repeated unreasonable behaviour, whether verbal, physical or written, directed towards another person that creates a risk to health and safety);
- Causes or threatens or behaves in a manner likely to cause damage to, loss of, interference with or obstruction of the use of, the property of Monash College or another person;
- Breaches or contravenes a law of a country in which the student is located for the purposes of a Monash College activity;
- Breaches any rule, instruction or published policy or procedure of Monash College;
- Disrupts the orderly conduct of a Monash College activity;
- Engages in a dishonest or fraudulent activity or makes a dishonest, fraudulent or false statement or representation to another person, in the course of any dealings with Monash College or an officer or staff member of Monash College;
- Fails to comply with a reasonable direction of an officer or staff member of Monash College;
- Fails to comply with a decision, direction or order of a decision maker made under and in accordance with this policy and procedure.
• Is in possession of material contrary to the instructions of the chief examiner or other authorised person in an examination (explanatory note: The instructions of a chief examiner or other authorised person may be provided verbally, in writing or displayed in an examination room or venue);
• Copies or attempts to copy computer software without the permission of Monash College;
• Without appropriate authority, enters a file belonging to another person, the file being on a computer which is property of Monash College, or the property of a student or teacher;
• Breaches the Monash University Acceptable Use of Information Technology Facilities by Students Policy which applies to Monash College students;
• Assists or encourages a student to commit an offence of general misconduct;
• Engages in any other act of general misconduct prescribed.

Exclusion or Suspension for Misconduct

1. A person in the employment of Monash College who has reasonable grounds to believe that an act of misconduct has been committed by a student must report the matter to the relevant Director or their nominee who may, after taking the steps in 2 – 3 of this procedure, inform the student of Monash College’s intention to suspend or exclude the student.

2. The allegations of misconduct will be presented to the student formally in writing.

3. The student will be given an opportunity to present their version of events at a meeting with the relevant Director or their nominee. The student may be accompanied at the meeting by one person such as a Learning Consultant, counsellor staff member or student at Monash College, or any other person who is not a legal practitioner.

4. After considering any student response, should the Director or their nominee find the student engaged in misconduct, then a decision will be made as to the action Monash College will take to address the misconduct. This includes the ability to suspend or exclude.

5. The student will be notified of the decision in writing and that he or she has 20 working days to access the Monash College Grievance Policy and Procedures to appeal. If the student is suspended or excluded the notice will state that the College intends to notify the Secretary of DEEWR via PRISMS as required under section 19 of the ESOS Act after the time for the appeal has passed or the appeal is decided, whichever is the latter.

6. If the student accesses Monash College’s Grievance Policy and Procedures, the suspension or cancellation of the student’s enrolment will not take effect until this appeal is completed, unless there are extenuating circumstances relating to the welfare of the student.

7. The Director or their nominee may temporarily suspend or exclude a student prior to taking action under steps 2 – 3 in this procedure where he/she forms the view that there is a substantial risk of harm to any person or property by the attendance by the student while the allegation is determined.
Exclusion or Suspension for Illness

8. If a student produces proof of an illness where a medical certificate states that the student is unable to attend classes, the relevant Director may approve the student’s non-attendance at classes for a period of time. If the inability to attend extends beyond the duration of the course, the Director may suspend or cancel the student’s enrolment.

9. A person in the employment of Monash College who has reasonable grounds to believe that a student has an illness as defined in these procedures must report the matter to the relevant Director or their nominee who may after taking the steps in 2-3 of this procedure, inform the student of the College’s intention to suspend or exclude the student.

10. The grounds for a proposed suspension or exclusion will be presented to the student formally in writing.

11. The student will be given an opportunity to present a response to the proposal at a meeting with the relevant Director or their nominee. The student may be accompanied at the meeting by one person such as a Learning Consultant, counsellor, staff member or student at Monash College, or any other person who is not a legal practitioner.

12. After considering any student response, should Monash College decide to suspend or exclude after the meeting, the student will be notified of the decision in writing and that he or she has 20 working days to access the Monash College Grievance Policy and Procedures to appeal. The notice will state that the College intends to notify the Secretary of DEEWR via PRISMS as required under section 19 of the ESOS Act after the time for the appeal has passed or the appeal is decided, whichever is the latter.

13. If the student accesses Monash College’s Grievance Policy and Procedures, the suspension or cancellation of the student’s enrolment will not take effect until this appeal is completed, unless there are extenuating circumstances relating to the welfare of the student.

14. The Director or their nominee may temporarily suspend or exclude a student prior to taking action under steps 2 – 3 of this procedure where he/she forms the view that there is a serious risk of harm to any person or property by the attendance by the student while the matter is determined.

Return to Study after Exclusion or Suspension for Illness

A student who has been excluded or suspended under this policy and procedure for illness may only return to study where Monash College is satisfied on the basis of evidence that the student is fit for study and does not present an unacceptable risk to themselves or others or College property. This discretion is unlikely to be exercised in the case of an exclusion.
**Legislation and Standards**
- Public Health and Wellbeing Act 2008
- Public Holidays Act 1993

**Related Documents/Forms**
- Not applicable.

**Responsibility for implementation**
- Director, Monash College Diplomas (MCD)
- Director, Monash University Foundation Year (MUFY)
- Director, Monash University English Language Centre (MULEC)
- Chief Executive Officer, Monash College Pty Ltd (MCPL)

**Policy Status**
- Revised

**Key Stakeholders**
- Chief Executive Officer, MCPL
- Director, MCD
- Director, MUFY
- Director, MULEC
- Academic Governance Team
- Student Administration Team
- Learning Consultants
- Students

**Approval Body**
- MCPL Executive

**Date Effective**
- August 2012

**Next Review Date**
- August 2015

**Policy Owner**
- Manager, Academic Governance

**Policy Author**
- Manager, Academic Governance

**Contact**
- Manager, Academic Governance

**Change History**

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