

PROCEDURE

Procedure Title

Non-Academic Student Misconduct Procedure

Parent Policy

Non-Academic Student Misconduct Policy

Preamble

These procedures outline the process for dealing with student or learner non-academic misconduct or illnesses, including measures to suspend or exclude the student or learner.

For the purposes of these procedures;

- a student or learner who is excluded from Monash College ceases to be a student or learner 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 or learners 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 or learner;

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

Definitions

Bully

Bully means repeated unreasonable behavior, whether verbal, physical or written, directed towards another person that creates a risk to health and safety.

Director

Director STEM, Director Humanities, Director English, Director Business, Director, Education Strategy and Industry Development, Head of Student Services.

Exclude

A student or learner who is excluded from Monash College ceases to be a student or learner of Monash College.

Extenuating circumstances relating to the welfare of the student or learner	Circumstances relating to the student or learner that the relevant Director or Head of Student Services considers involve a serious risk to the student, learner or any other person, or the property of Monash College.
Illness	Illness or disability, considered by a doctor or psychologist to present risk to the health or safety of the student or learner, to other students, learners 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.
Harassment	Any behaviour, whether verbal, physical or online, that is unwelcome and could reasonably be expected to make someone else feel offended, humiliated or intimidated.
Sexual Assault	A broad term describing all sexual offences and includes any type of sexual behavior or act that happens without the consent of everyone involved. It can include unwanted kissing, unwanted sex, unwanted touching and rape.
Sexual harassment	Any form of unwelcome sexual behaviour that is offensive, humiliating or intimidating such as sexual comments about someone's appearance.
Sexual consent	Sexual consent is to give permission for a sexual activity to happen or agreement to participate in a sexual activity. Sexual activity without consent is sexual assault.
Power to exclude	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 of the property or precincts of a person or institution, other than Monash College, occupied or used by one or more students or learners 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.
Student/Learner	A person who is enrolled in a Monash College course or program.
Suspension	Suspension is the temporary exclusion for a specific period with a specific start date and a specific end date, determined by a Senior Manager.
Working days	Days other than a Sunday or a public holiday under the Public Holidays Act 1993.

Procedure

Ref	Steps	Responsibility
1.	<p data-bbox="326 394 493 422">Misconduct</p> <p data-bbox="326 443 1032 569">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 or learner knowingly or recklessly:</p> <ul data-bbox="326 590 1032 1906" style="list-style-type: none"> <li data-bbox="326 590 1032 653">• Causes or threatens personal injury or harm of any kind to another person; <li data-bbox="326 674 1032 758">• Attacks, harasses, intimidates, stalks or bullies, threatens to attack, harass, intimidate, stalk or bully another; <li data-bbox="326 779 1032 810">• Commits an act of sexual assault against another; <li data-bbox="326 831 1032 894">• Commits an act of sexual harassment against another; <li data-bbox="326 915 1032 1031">• 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; <li data-bbox="326 1052 1032 1136">• Breaches or contravenes a law of a country in which the student or learner is located for the purposes of a Monash College activity; <li data-bbox="326 1157 1032 1220">• Breaches any rule, instruction or published policy or procedure of Monash College; <li data-bbox="326 1241 1032 1304">• Disrupts the orderly conduct of a Monash College activity; <li data-bbox="326 1325 1032 1482">• 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; <li data-bbox="326 1503 1032 1566">• Fails to comply with a reasonable direction of an officer or staff member of Monash College; <li data-bbox="326 1587 1032 1671">• Fails to comply with a decision, direction or order of a decision maker made under and in accordance with this policy and procedure. <li data-bbox="326 1692 1032 1906">• 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); 	

	<ul style="list-style-type: none"> • 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, learner or teacher; • Breaches the Monash University Acceptable Use of Information Technology Facilities by Students Policy which applies to Monash College students or learners; • Assists or encourages a student or learner to commit an offence of general misconduct; • Engages in any other act of general misconduct prescribed. 	
<p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p>	<p>Exclusion or Suspension for Misconduct</p> <p>Subject to professional confidentiality, 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 or learner must report the matter to the relevant Director or their nominee who may, after taking the steps in 3 - 4 of this procedure, inform the student or learner of Monash College's intention to suspend or exclude the student or learner.</p> <p>The allegations of misconduct will be presented to the student or learner formally in writing and notification of period of suspension or exclusion. In the case of legal breach, the conditions of suspension will be set to align to key aspects of legal procedures.</p> <p>The student or learner will be given an opportunity to present their version of events at a meeting with the relevant Director, Head of Student Services or their nominee. The student or learner may be accompanied at the meeting by a support person, staff member, student or learner at Monash College, or any other person who is not a legal practitioner and is not subject to a professional conflict of interest.</p> <p>After considering any student or learner response, should the Director or Head of Student Services or their nominee find the student engaged in misconduct, then a decision will be made as to the</p>	<p>Relevant Director or Head of Student Services</p>

<p>6.</p>	<p>exclude for a specific period or evidence of completion of conditions.</p> <p>The student or learner will be notified of the decision in writing and that he or she has 20 working days to access the Monash College's Student Grievance and Appeals Policy and Procedures to appeal. For international students on a student visa, if the student is suspended or excluded the notice will state that the College intends to notify the Department of Education, Skills and Employment via PRISMS as required under section 19 of the ESOS Act after the time for the appeal has passed or the appeal is decided.</p>	<p>Relevant Director or Head of Student Services</p>
<p>7.</p>	<p>If the student or learner accesses Monash College's Student Grievance and Appeals Policy and Procedures, the suspension or cancellation of the student's or learner's enrolment will not take effect until this appeal is completed, unless there are extenuating circumstances relating to the welfare of the student or learner or it is determined the student poses a risk to the welfare of other students, learners or staff.</p>	<p>Student</p>
<p>8.</p>	<p>Where the Director or Head of Student Services or their nominee forms the view that there is a substantial risk of harm to any person or property by the attendance on campus by the student or learner while the allegation is determined, he or she may temporarily suspend or exclude a student or learner prior to taking the action under steps 3 - 4 in this procedure. If the student or learner is directed to remain off Monash College premises and ignores this direction, this will be considered a further breach.</p>	<p>Relevant Director or Head of Student Services</p>
<p>9.</p>	<p>Exclusion or Suspension for Illness</p> <p>If a student or learner 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 or learner'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 or learner's enrolment.</p>	<p>Relevant Director or Head of Student Services</p>

<p>10.</p>	<p>Subject to professional confidentiality, a person in the employment of Monash College who has reasonable grounds to believe that a student or learner 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 3 - 4 of this procedure, inform the student or learner of the College's intention to suspend or exclude the student or learner.</p>	<p>Relevant Director or Head of Student Services</p>
<p>11.</p>	<p>The grounds for a proposed suspension or exclusion will be presented to the student or learner formally in writing.</p>	<p>Relevant Director or Head of Student Services</p>
<p>12.</p>	<p>The student or learner will be given an opportunity to present a response to the proposal at a meeting with the relevant Director or Head of Student Services or their nominee. The student or learner may be accompanied at the meeting by one person such as a Learning Consultant, staff member, student or learner at Monash College, or any other person who is not a legal practitioner and is not subject to a professional conflict of interest.</p>	
<p>13.</p>	<p>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 Student Grievance and Appeals Policy and Procedures to appeal. For international students on a student visa, the notice will state that the College intends to notify the Secretary of Department of Education, Skills and Employment 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. For Professional Year students, the College will notify the relevant Professional Body.</p>	
<p>14.</p>	<p>If the student accesses Monash College's Student Grievance and Appeals 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.</p>	

<p>15.</p>	<p>The Director or Head of Student Services or their nominee may temporarily suspend or exclude a student or learner prior to taking the actions under steps 3 - 4 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.</p>	
<p>16.</p>	<p>Return to Study after Exclusion or Suspension for Illness</p> <p>A student or learner 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 or learner is fit for study and does not present an unacceptable risk to themselves or others or College property. This process will be handled via Monash College's Fitness to Study Procedure.</p>	

Legislation and Standards	Public Health and Wellbeing Act 2008 Public Holidays Act 1993 National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018 Standard 10) Standards for RTOs 2015
Reference Policies and Supporting Documentation	Non-Academic Student Misconduct Policy Student Grievance and Appeals Policy Student Grievance and Appeals Procedure RTO Complaints and Appeals Policy RTO Complaints and Appeals Procedure Fitness to Study Procedure Student Code of Conduct Professional Year Student Handbook RTO Learners' Handbook
Responsibility for Implementation	Director, STEM Director, Humanities Director, English Director, Business Head of Student Services Director, Education Strategy and Industry Development
Status	Revised
Key Stakeholders	Chief Executive Officer, MCPL Executive Director, Education Director, STEM Director, Humanities Director, English Director, Business Head of Student Services Academic Governance Team Student Administration Team Concierge / Security Learning Skills Advisers Students
Approval Body	Monash College Senior Leadership Team
Date Effective	26/4/2022
Next Review Date	26/4/2025

Owner Job Title Division	Director Governance
Procedure Author	Academic Governance and Quality Manager
Contact	Academic Governance and Quality Manager

Change History

Version number	Approval date	Approved by	Brief outline of changes
2.0	23/08/2012	Senior Leadership Team	
2.1	24/10/2017	Policy Owner	Update links to current legislation and minor changes to the wording Updated formatting
2.2	11/12/2019	Director, Governance	Legislation Updates
2.3	14/02/2020	Director, Governance	Review with update of roles and policy references and minor clarifications
2.4	18/01/2021	Senior Leadership Team	<ul style="list-style-type: none"> - Inclusion of all Monash College students. - Include definitions: harassment, sexual assault, sexual harassment and consent. - Title change to: Non-Academic Student Misconduct Policy.
2.5	26/4/2022	Director, Governance	Minor amendments to roles and responsibilities