



Award Academy Australia

RTO Code:

CRICOS Code:

National Code 2018

Standard 8 – Student Misconduct Policy

1 PURPOSE

Award Academy Australia is committed to maintaining the highest level of education standards through the preservation of academic integrity. The purpose of this policy is to define academic and non-academic misconduct and to provide fair, equitable and effective approaches for investigating allegations of student misconduct and outline the potential consequences should an allegation be proven. (8.9.1, 9.3.1)

2 SCOPE

This policy is applicable to all students, and to students' conduct at all campuses, premises or facilities used or occupied by Award Academy Australia (Award Academy Australia). Any classes, industry work placements, activities or events conducted as part of a course of study with Award Academy Australia or conducted under our name are also covered by this policy.

3 POLICY STATEMENT

The intention of this policy is to create and maintain a safe, comfortable and enjoyable study environment for all students and staff. This policy should be read in conjunction with the Student Code of Conduct and both should be available to all staff, agents and students.

Students are informed in their Letter of Offer and Acceptance and during orientation about our Misconduct policy. All assessment tasks include an Assessment Agreement, which is read and signed off by the student to acknowledge that they have been fully advised about academic misconduct and the potential consequences.

3.1 ACADEMIC MISCONDUCT

Academic misconduct and actions demonstrating a lack of academic integrity include but are not limited to the following:

- Cheating in assessment tasks
- Cheating in exams and/or tests
- Collusion – whereby a student collaborates with others and submits work that has been created by more than one person, as being solely their own work (not the same as tasks set out as group assessments)
- Plagiarism (whereby a student copies more than 10% of anyone else's work and presenting it as their own original work)
- Submission of work by a student that is clearly not the student's own work
- Submission of work that has been significantly edited by someone else
- Submission of work previously submitted at Award Academy Australia or elsewhere for another unit or competency or course
- Academic fraud – having someone else sit a test or other assessment requirement in the student's place, falsely representing themselves as the student
- Not providing citations

3.2 PREVENTION OF ACADEMIC MISCONDUCT

Award Academy Australia will mitigate academic misconduct through the following means:

- Students are advised of the policy at the commencement of each course and are reminded at the start of every term
- Students are also advised of the consequences of Academic Misconduct and its management
- This advice and all information provided to new staff/contractors and overseas students is current and consistent with this policy
- All advice is provided in a clear and easy to understand format
- Advise about good practices such as referencing and citations are given at the beginning of a course and in the Student Handbook

- Where electronic submission occurs, the use of software programs to detect plagiarism are strongly advised. If in use, the students will be made aware of such software being in use
- Students are encouraged to seek clarification and advice from academic staff and student support without penalty or prejudice if uncertain whether they are committing academic misconduct

3.3 DEALING WITH ALLEGATIONS OF ACADEMIC MISCONDUCT

- 3.3.1 Any allegation presented will be reviewed by the CEO to ascertain that there is a potential case of academic misconduct. All such reviews, correspondence and decisions are completely confidential.
- 3.3.2 Where confirmed or undetermined, a Misconduct Review Interview between the student and the CEO will be organised at the earliest possible convenience. The trainer assessor may also be included if pertinent, at the discretion of the CEO.
- 3.3.3 During the Misconduct Review Interview the student will be presented with the allegation, the reason for the allegation and any evidence. The student will have the opportunity to present their side and give any possible explanation or clarification of the issue.
- 3.3.4 The Misconduct Review Interview notification, reasons and any decisions or outcomes will be, recorded and retained in the student's file and sent to the student in writing. These records may be accessed by the student or Award Academy Australia in case of complaint or appeal arising from the allegation and subsequent review and repercussions.

3.4 CONSEQUENCES OF ACADEMIC MISCONDUCT

- 3.4.1 Should the student be found to have committed academic misconduct, dependent upon the seriousness any of the following may occur, either singularly or in any combination:
- A written warning, outlining the occurrence and any evidence, which shall be sent to the student and be retained in their student file for consideration should any further occurrences take place
 - Information session about academic integrity and acceptable practices, such as referencing and use of sources
 - The awarding of a Not Yet Competent (NYC) result for the assessment in question (before awarding a NYC an opportunity to resubmit will be provided)
 - Exclusion from the unit of competency, whereby the student will be required to re-enrol in that unit. This may impact upon the student's ability to complete their course within the set duration of their CoE. The student will be advised to contact DIBP immediately if this is relevant to their circumstance
 - A result of NC for the unit of competency, which will negatively impact the student's academic progress
 - Suspension from the course
 - Cancellation of Enrolment, particularly for wilful, serious and/or repeated misconduct. If the enrolment is cancelled Award Academy Australia will report the student will through PRISMS
- 3.4.2 The student will be advised of their right to access Complaints and Appeals at every step of the process.
- 3.4.3 Where Award Academy Australia decides to suspend or cancel a student's enrolment refer to Deferral Suspension Cancellation Policy.

3.5 NON-ACADEMIC MISCONDUCT

- 3.5.1 Students are informed in their Student Handbook and during induction about our Code of Conduct, which details the expected and accepted behaviours of students.

3.5.2 Non-academic misconduct and unacceptable behaviours include but are not limited to the following:

- Intentional breaches of Commonwealth or State law
- Disrespectful, threatening or abusive behaviour towards other students, staff or members of the public
- Endangering the health and/or safety of self or others
- Violence
- Damage or destruction of property
- Theft of property of Award Academy Australia
- Theft of property of staff, other students or any other person (such as during industry work placement)
- Carrying of weapons
- Possession of illegal, banned or dangerous items and/or substances
- Being intoxicated or under the influence of drugs or alcohol
- Refusing to identify themselves truthfully or misrepresenting their identity
- Smoking indoors or within the premises or facilities
- Disobeying trainer assessors, continuously interrupting the trainer or refusing to participate in class activities
- Unauthorised use of mobile telephones or other devices in class
- Harassment, discrimination or vilification in any form against a student or students, staff member, agent or any other person
- Photographing, recording or filming a person without their permission
- Harassing, bullying or behaving inappropriately through social media or other means
- Bullying will not be tolerated in any form
- Non- payment of fees

3.6 DEALING WITH ALLEGATIONS OF NON-ACADEMIC MISCONDUCT

- 3.6.1 Minor allegations may be resolved informally through discussion where appropriate, provided the aggrieved party (complainant) is satisfied with this resolution. Where this is not suitable, or has not proven successful, a Disciplinary Interview will be organised immediately.
- 3.6.2 If appropriate, both the aggrieved party (complainant) and the student accused of non-academic misconduct may be present and present their account of the situation. Where this is not appropriate, such as in cases of intimidation, a separate interview will be conducted between these parties and the CEO.
- 3.6.3 During the Disciplinary Interview the student will be presented with the allegation, the reason for the allegation and any evidence. The student will have the opportunity to present their side and give any possible explanation or clarification of the issue.
- 3.6.4 The Disciplinary Interview Notification, reasons and any decisions or outcomes will be, recorded and retained in the student's file and sent to the student in writing. These records may be accessed by the student or Award Academy Australia in case of complaint or appeal arising from the allegation and subsequent review and repercussions.

3.7 CONSEQUENCES OF NON-ACADEMIC MISCONDUCT

- 3.7.1 Should the student be found to have committed non-academic misconduct, dependent upon the seriousness any of the following may occur, either singularly or in any combination:
- Counselling by student support or academic staff
 - Referral to outside counselling or other services
 - Follow up meetings with academic staff and/or student support

- A written warning, outlining the occurrence and any evidence, which shall be sent to the student and be retained in their student file for consideration should any further occurrences take place
- Being removed from a class or group for the safety and wellbeing of others
- Suspension from the course
- Cancellation of Enrolment, particularly for wilful, serious and/or repeated misconduct. If the enrolment is cancelled Award Academy Australia will report the student will through PRISMS

3.7.2 The student will be advised of their right to access Complaints and Appeals at every step of the process. Where Award Academy Australia decides to suspend or cancel a student’s enrolment refer to Deferral Suspension Cancellation Policy.

3.7.3 In particularly serious cases in which a student has committed criminal offenses, the appropriate legal authorities will be informed.

4 RESPONSIBILITIES

Role within RTO	Area of responsibility
CEO	Approval Authority
CEO	Development/Review
CEO	Monitoring and Evaluation
CEO	Compliance
CEO	Implementation

5 RELATED LEGISLATION AND REGULATIONS

- * The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as ‘the National Code 2018’ Standards 8 and 9
- Standards for Registered Training Organisations (RTOs) 2015
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students Act 2000

6 RELATED POLICIES, PROCEDURES AND DOCUMENTS

- Deferral Suspension Withdrawal Form/Cancellation Policy
- Complaints & Appeals Policy
- Complaints & Appeals Procedure
- Academic Misconduct and Cancellation Form

STANDARD 8

Overseas student visa requirements

Monitoring overseas student progress, attendance and course duration

- 8.1 The registered provider must monitor overseas students' course progress and, where applicable, attendance for each course in which the overseas student is enrolled.
- 8.2 The expected duration of study specified in the overseas student's CoE must not exceed the CRICOS registered duration.
- 8.3 The registered provider must monitor the progress of each overseas student to ensure the overseas student is in a position to complete the course within the expected duration specified on the overseas student's CoE.
- 8.4 The registered provider must have and implement documented policies and processes to identify, notify and assist an overseas student at risk of not meeting course progress or attendance requirements where there is evidence from the overseas student's assessment tasks, participation in tuition activities or other indicators of academic progress that the overseas student is at risk of not meeting those requirements.
- 8.5 The registered provider must clearly outline and inform the overseas student before they commence the course of the requirements to achieve satisfactory course progress and, where applicable, attendance in each study period.

Schools, ELICOS and Foundation Programs: course progress and attendance requirements

- 8.6 The registered provider of a school, ELICOS or Foundation Program course must have and implement a documented policy and process for monitoring and recording attendance of the overseas student, specifying:
 - 8.6.1 requirements for achieving satisfactory attendance for the course which at a minimum must be 80 per cent—or higher if specified under state or territory legislation or other regulatory requirements—of the scheduled contact hours
 - 8.6.2 the method for working out minimum attendance under this standard
 - 8.6.3 processes for recording course attendance
 - 8.6.4 details of the registered provider's intervention strategy to identify, notify and assist overseas students who have been absent for more than five consecutive days without approval, or who are at risk of not meeting attendance requirements before the overseas student's attendance drops below 80 per cent
 - 8.6.5 processes for determining the point at which the overseas student has failed to meet satisfactory course attendance.
- 8.7 The registered provider must have and implement a documented policy and process for monitoring and recording course progress for the overseas student, specifying:
 - 8.7.1 requirements for achieving satisfactory course progress for the course
 - 8.7.2 processes for recording and assessing course progress

- 8.7.3 details of the registered provider's intervention strategy to identify, notify and assist students at risk of not meeting course progress requirements in sufficient time for those students to achieve satisfactory course progress
- 8.7.4 processes for determining the point at which the student has failed to meet satisfactory course progress.

Higher education: course progress requirements

- 8.8 The registered provider of a higher education course must have and implement a documented policy and process for monitoring and recording course progress for the overseas student, specifying:
 - 8.8.1 requirements for achieving satisfactory course progress, including policies that promote and uphold the academic integrity of the registered course, and processes to address misconduct and allegations of misconduct
 - 8.8.2 processes for recording and assessing course progress requirements
 - 8.8.3 processes to identify overseas students at risk of unsatisfactory course progress
 - 8.8.4 details of the registered provider's intervention strategy to assist overseas students at risk of not meeting course progress requirements in sufficient time for those overseas students to achieve satisfactory course progress
 - 8.8.5 processes for determining the point at which the overseas student has failed to meet satisfactory course progress.

Vocational education and training (VET): course progress and attendance requirements

- 8.9 The registered provider of a VET course as defined in the NVETR Act must have and implement a documented policy and process for assessing course progress that includes:
 - 8.9.1 requirements for achieving satisfactory course progress, including policies that promote and uphold the academic integrity of the registered course and meet the training package or accredited course requirements where applicable, and processes to address misconduct and allegations of misconduct
 - 8.9.2 processes for recording and assessing course progress requirements
 - 8.9.3 processes to identify overseas students at risk of unsatisfactory course progress
 - 8.9.4 details of the registered provider's intervention strategy to assist overseas students at risk of not meeting course progress requirements in sufficient time for those overseas students to achieve satisfactory course progress
 - 8.9.5 processes for determining the point at which the overseas student has failed to meet satisfactory course progress.
- 8.10 The registered provider must have and implement a documented policy and process for monitoring the attendance of overseas students if the requirement to implement and maintain minimum attendance requirements for overseas students is set as a condition of the provider's registration by an ESOS agency.
- 8.11 If an ESOS agency requires a VET provider to monitor overseas student attendance as a condition of registration, the minimum requirement for attendance is 80 per cent of the scheduled contact

hours for the course.

- 8.12 If an ESOS agency requires a VET provider to monitor overseas student attendance, the registered provider must have and implement a documented policy and process for monitoring and recording attendance of the overseas student, specifying:
- 8.12.1 the method for working out minimum attendance under this standard
 - 8.12.2 processes for recording course attendance
 - 8.12.3 details of the registered provider's intervention strategy to identify, notify and assist overseas students who have been absent for more than five consecutive days without approval, or who are at risk of not meeting attendance requirements before the overseas student's attendance drops below 80 per cent
 - 8.12.4 processes for determining the point at which the overseas student has failed to meet satisfactory course attendance.

Reporting unsatisfactory course progress or unsatisfactory course attendance

- 8.13 Where the registered provider has assessed the overseas student as not meeting course progress or attendance requirements, the registered provider must give the overseas student a written notice as soon as practicable which:
- 8.13.1 notifies the overseas student that the registered provider intends to report the overseas student for unsatisfactory course progress or unsatisfactory course attendance
 - 8.13.2 informs the overseas student of the reasons for the intention to report
 - 8.13.3 advises the overseas student of their right to access the registered provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
- 8.14 The registered provider must only report unsatisfactory course progress or unsatisfactory course attendance in PRISMS in accordance with section 19(2) of the ESOS Act if:
- 8.14.1 the internal and external complaints processes have been completed and the decision or recommendation supports the registered provider, or
 - 8.14.2 the overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period, or
 - 8.14.3 the overseas student has chosen not to access the external complaints and appeals process, or
 - 8.14.4 the overseas student withdraws from the internal or external appeals processes by notifying the registered provider in writing.
- 8.15 The registered provider may decide not to report the overseas student for breaching the attendance requirements if the overseas student is still attending at least 70 per cent of the scheduled course contact hours and:
- 8.15.1 for school, ELICOS and Foundation Program courses, the overseas student provides genuine evidence demonstrating that compassionate or compelling circumstances apply; or
 - 8.15.2 for VET courses, the student is maintaining satisfactory course progress.

