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<b>RELATED DOCUMENTS:</b>	<b>Legislation:</b> Child Safe Standards, Ministerial Order No1359 Worker Screening Act 2020 The Disability Standards for Education 2005 Equal Opportunity Act 2010 (Vic) Child Wellbeing and Safety Act 2005 Child Safe Standards 2022 Disability Discrimination Act 1992 (Cwth) Occupational Safety and Health Act 2004 Occupational Safety and Health Regulations 2017 <b>Gender Impact Assessment</b> , Gender Equality Act 2020 (Vic) <b>Date completed:</b> 07/08/2023
<b>Documents:</b>	<a href="#">PPP012 Child Safe Guidelines</a> <a href="#">PPP013 Inclusion &amp; Diversity Policy</a> <a href="#">PPP036 Child Safety &amp; Wellbeing Policy</a> <a href="#">PPP046 Information Privacy Policy</a> <a href="#">PPP047 Privacy Statement</a> <a href="#">PPP052 Duty of Care of Students</a> <a href="#">PPP063 Smokefree Workplace guidelines</a> <a href="#">PPP116 Use of ICT Facilities and Services Guideline</a> <a href="#">PPP138 Preventing &amp; Managing Plagiarism</a> <a href="#">PPP140 Academic Grievance Guideline</a> <a href="#">PPP141 Complaints Resolution &amp; Appeals Procedure</a> <a href="#">PPP144 Student Mobile Phone Guideline</a> <a href="#">PPP145 Social Media Guideline</a> <a href="#">PPP163 Complaints &amp; Appeals Policy</a>
<b>Forms:</b>	<a href="#">TL115 Student Code of Conduct Declaration</a> <a href="#">TL116 Student Behavioural Incident Form</a> <a href="#">TL117 Student Behaviour Plan VETDSS</a> <a href="#">TL117a Behaviour Plan Class Evaluation VETDSS</a>

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## 1. Introduction

South West TAFE (SWTAFE or the 'Organisation') is committed to providing a safe, supportive and engaging learning environment for all students. The purpose of the Student Code of conduct is to outline the Organisation's expected standards of student behaviour, unacceptable behaviour and Student Misconduct Response Procedure. While this document explains students' obligations, the *PPP052 Duty of Care of Students Guidelines* explains the Organisation's commitment to the safety and wellbeing of students.

## 2. Scope

The Student Code of Conduct applies to **all** students enrolled with SWTAFE when they are studying on campus, studying remotely, attending excursions and attending other official SWTAFE activities.

In addition, *PPP149b Addendum Student Code of Conduct* refers specifically to Students in VETDSS, Senior Secondary Program, all students under 18 and other vulnerable students.

### 3. Key Terms & Definitions

<b>Breach</b>	Breach refers to a failure to adhere to or comply with the Student Code of Conduct
<b>Bullying</b>	Bullying is when a person or persons repeatedly behaves unreasonably towards another person or group of people and creates a risk to their physical or mental health and safety. The behaviour may include verbal abuse (e.g. insults or making unkind comments about someone), physical (e.g. physically harming or threatening them) or written (e.g. via notes, text messages or posts on social media) Sources: Occupational Health and Safety Act 2004 (OHS Act), <a href="https://www.humanrights.vic.gov.au/for-individuals/bullying/">https://www.humanrights.vic.gov.au/for-individuals/bullying/</a>
<b>Child</b>	A person aged under 18 years.
<b>Courtesy</b>	Courtesy means being polite, respectful and considerate in one's attitude and behavior towards others.
<b>Discrimination</b>	Discrimination is the unlawful, unfavourable treatment of a person or persons because of a personal characteristic protected by the law (protected attribute). Discrimination may be direct or indirect. Direct discrimination is defined as when a person (or group of people) is treated poorly or unfairly on the basis of an actual or perceived personal attribute. This may be expressed through bullying or harassment. Indirect discrimination is defined as when an unreasonable rule or policy applies to everyone, but has the effect of disadvantaging some people because of a protected attribute they share. Some exemptions apply <b>Source:</b> <a href="https://humanrights.gov.au/quick-guide/12030">https://humanrights.gov.au/quick-guide/12030</a>
<b>Racism</b>	Barriers that prevent people from experiencing justice, dignity, and equity because of their racial identity. It can come in the form of harassment, abuse or humiliation, violence or intimidating behaviour.
<b>Harassment</b>	Harassment includes any unwelcome behaviour that offends, humiliates or intimidates a person. Harassment may be a one-off or a repeated incident. Harassment can constitute discrimination if it occurs on the basis of a person's protected attribute (also see discrimination; sexual harassment) <b>Sources:</b> <a href="https://humanrights.gov.au/quick-guide/12040">https://humanrights.gov.au/quick-guide/12040</a>
<b>Sexual Harassment</b>	Sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. Sexual harassment includes an unwelcome sexual advance, an unwelcome request for sexual favours and any other unwelcome conduct of a sexual nature. Sexual harassment may be a one-off incident or repeated behaviour. Some examples of sexual harassment include, but are not limited to: <ul style="list-style-type: none"><li>• staring, leering or unwelcome touching</li></ul>

	<ul style="list-style-type: none"> <li>• suggestive comments or jokes</li> <li>• intrusive questions about a person's private life or body</li> <li>• communicating content of a sexual nature via social media or text message.</li> </ul> <p><b>Sources:</b> <a href="https://humanrights.gov.au/quick-guide/12040">https://humanrights.gov.au/quick-guide/12040</a>, <a href="https://humanrights.gov.au/quick-guide/12096">https://humanrights.gov.au/quick-guide/12096</a>, Sex Discrimination Act 1984</p>
<b>Occupational and Health Safety (OHS)</b>	Occupational and Health Safety include any legislative requirements outlined in the <i>Occupational Health and Safety Act 2004</i> (Vic.) and SWTAFE policies and procedures. This includes requirements for protections against both physical and psychological hazards.
<b>Offensive behaviour</b>	Offensive behaviour refers to any language or actions that cause another person/s to feel upset, embarrassed, angry or unsafe
<b>Threatening behaviour</b>	Threatening behaviour refers to intimidating language or actions that cause another person to fear injury or harm
<b>Aggressive behaviour</b>	Aggressive or threatening behaviour is any language or actions that cause another person/s to fear injury or harm
<b>Violent</b>	Violent behaviour refers to any language or actions intended to cause physical or emotional harm to another person/s, or to property in the vicinity of another person/s
<b>Offensive</b>	Offensive behaviour refers to any language or actions that cause another person/s to feel upset, embarrassed, angry or unsafe
<b>Protected Attributes</b>	<p>Protected attributes are personal qualities or characteristics which are protected under anti-discrimination laws. Protected attributes include, but are not limited to: age, disability, employment activity, industrial activity, gender identity, lawful sexual activity, marital status, parental or carer status, physical features, political belief or activity, pregnancy and breastfeeding, race (including colour, nationality, ethnicity and ethnic origin), religious belief or activity, sex and sexual orientation. Anti-discrimination laws also extend to people who have a personal association with someone who has, or is assumed to have, any of these personal attributes</p> <p>• <b>Source:</b> <i>Equal Opportunity Act 2010</i></p>
<b>Reasonable instructions</b>	Reasonable direction refers to instructions given in accordance with common sense, fairness, rational decisions that do not expect more than what is possible or achievable
<b>Respect</b>	Respect means having regard for the feelings, wishes and/or rights of others
<b>Staff</b>	Staff means any employee or volunteer worker of South West TAFE.

<b>Vulnerable Person</b>	a) a child or children, or. B) a person aged 18 years and above who is, or may be, unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or for any other reason.
<b>Court Orders</b>	May include but not limited to: IVO - Intervention order Victoria FVIO – Family Violence Intervention Order AVO – Apprehended Violence Order <b>PSIO – Personal Safety Intervention Order</b>

#### 4. Expected Standards of Behaviour:

It is the responsibility of students to keep themselves aware of the code of conduct expected while at SWTAFE.

At all times while participating in activities on SWTAFE Campuses or representing SWTAFE elsewhere, SWTAFE students are expected to:

- 4.1 respect the authority of SWTAFE staff and abide by all reasonable instructions and requests.
- 4.2 abide by all relevant state and federal laws and regulations.
- 4.3 abide by all relevant SWTAFE policies, guidelines and procedures including but not limited to the:
  - PPP036 & PPP012 Child Safety & Wellbeing Policy and Guidelines
  - PPP138 Preventing and Managing Plagiarism Guidelines.
  - PPP145 Social Media Guidelines
  - PPP116 Use of ICT Facilities and Services Guidelines
  - PPP144 Mobile Phone – VET DSS & Senior Secondary Guidelines
- 4.4 ensure that work completed and/or submitted for assessment is undertaken in a timely manner and that non-original material is appropriately acknowledged.
- 4.5 be on time for classes or other activities, bring the required materials to each class and to maintain a satisfactory attendance rate in accordance with their course requirements.
- 4.6 have their student identification card in their possession and be able to produce it upon request by a SWTAFE staff member. This is to ensure our campuses are safe and failure to show you are a current student or have another valid reason to be on site may result in you being asked to leave.
- 4.7 demonstrate respect and courtesy for their fellow students, SWTAFE staff and visitors.
- 4.8 treat SWTAFE property and facilities with care and respect.
- 4.9 adhere to all Occupational Health and Safety (OHS) requirements and legislation. This includes, but is not limited to, cooperating with emergency evacuation drills, notifying a SWTAFE staff member about any potential hazards they may identify and showing consideration for the psychological safety of others (for example, by not engaging in the bullying, harassment or discrimination of other students and staff).
- 4.10 maintain a reasonable standard of dress for reasons of safety, hygiene and health. Light footwear and long hair (unless suitably covered and/or restrained) may constitute a safety and health hazard and may not be permitted in workshops, laboratories and/or food handling areas.

## 5. Unacceptable Behaviour

SWTAFE considers the following behaviours to be unacceptable and a breach of this code of conduct. Students must not:

- 5.1 smoke or vape in any SWTAFE building, facility, vehicle or outside areas designated as non-smoking. See Guidelines via this link [Smokefree Workplace PPP063](#).
- 5.2 consume or have in their possession intoxicating liquor on SWTAFE premises, with the exception of liquor in licensed areas.
- 5.3 attend class or come onto campus under the influence of alcohol, misused prescription drugs or illegal drugs.
- 5.4 (Students must not) behave or use language in an aggressive, threatening or offensive manner (either in person or online) towards other students, staff or visitors.
- 5.5 behave in a manner that detracts from the learning process or work performance of fellow students, staff members or visitors.
- 5.6 engage in bullying, harassment, coercive behaviour or discrimination against fellow students, staff members or visitors including face-to-face or via cybercommunication. This includes using sexist and discriminatory language, comments, gestures and images.
- 5.7 operate motor vehicles, motor cycles, bicycles, skateboards etc., in a dangerous manner or potentially harmful manner.
- 5.8 engage in any illegal activities, including but not limited to, theft, carrying of weapons, the possession, use or trafficking of illegal drugs and drugs of dependence (drugs that it is unlawful to possess without a prescription), assault, and the willful damage of SWTAFE property.
- 5.9 breach any court order including IVO, FVIO, PSIO & AVO. This includes but is not limited to communication of any form.

## 6. Student Misconduct Response Procedure

- 6.1 Students who either fail to meet the expected standards of behaviour or engage in any of the unacceptable behaviours listed above will be considered to have breached this code of conduct, which may result in the commencement of the **Student Misconduct Response Procedure**.
- 6.2 At all times, staff responsible for implementing the Student Misconduct Response Procedure will:
  - be pro-active, constructive and impartial
  - maintain the confidentiality of the individuals involved in the alleged misconduct
  - ensure that the relevant individuals are advised if they are involved in an alleged misconduct
  - ensure that all individuals involved are provided with an opportunity to explain the alleged misconduct
  - base their decisions on facts and evidence
- 6.3 In response to academic student misconduct, the *PPP138 Preventing and Managing Plagiarism Guideline* will apply.
- 6.4 For any alleged misconduct of criminal nature including breaching a court order, SWTAFE staff will involve the police, without exception.
- 6.5 SWTAFE penalties for student misconduct will be applied in proportion to the seriousness of the incident/s.
- 6.6 Appropriate attempts will be made to resolve the issue of misconduct through discussion and mediation before any formal penalties are applied.
- 6.7 In response to more serious behavioural student misconduct, the following penalties and processes will apply:

- A teacher may immediately suspend a student from a class or area for up to one hour or the remainder of the class
- A Head of Division (teaching), Teaching Education Manager, or Department Manager may suspend a student from South West TAFE for a period of up to five (5) days
- For all exclusions of greater than one (1) day the student must be provided with a written notification clearly stating the reasons(s), exclusion period and end date
- A member of the Executive team has the discretion to cancel an enrolment
- The CEO has the discretion to permanently exclude a student from South West TAFE

## 7. Appeals Procedure

- Students may appeal in writing against an action taken to suspend, cancel their enrolment or permanently exclude them in response to breach of the code of conduct if they consider the penalty unduly harsh or inappropriate. The student will continue to be suspended from SWTAFE pending the outcome of the appeal.
- All appeals must be made in writing, signed by the student and delivered to the Office of the CEO within **seven (7) business days** of the written notification from SWTAFE. Full written details of the reasons for the appeal must be provided. The appeals process will normally commence within **seven (7) business days** of the receipt of the written appeal
- Appeals shall be made to the CEO and a decision on the appeal will be made by the CEO. If that decision is not accepted or if it is a decision of the CEO that is being appealed, the appeal will be escalated to an Independent Appeals Committee
- This Committee shall be put together by the Executive Manager – Student Experience and consist of:
  - Executive Manager Student Experience (chair and responsible for communication with the student)
  - A Teaching Education Manager or Head of Division (from a relevant teaching area who is not involved in the decision being appealed)
  - Manager of Student Engagement & Support or nominee (to give the student a voice)
- No member of the Appeals Committee will have been directly involved with the decision being appealed. The Committee will determine how it will conduct the appeals process. Written records of proceedings must be kept
- The Appeals Committee will review all documents associated to the issue and may request statements from those involved and may request interviews. All interviewees may be accompanied by an advocate or friend. Where the student is under 18, they must be accompanied by a parent/guardian or other adult representative selected by the student
- The decision of the Appeals Committee shall be final. Notification of the outcome of the appeal will be forwarded to the student by a representative of SWTAFE Executive within **one working day**

## 8. Reporting & Record Keeping

- All breaches of the SWTAFE Student Code of Conduct must be noted and dated by the attending staff member
- For any breaches resulting in a suspension period of greater than one day the relevant staff member must complete a TL116 Student Behavioural Incident Form and the student provided with a TL115 Student Code of Conduct Declaration
- Record in student communication log (where appropriate)
- Data on complaints, investigations or incidents relating to Child Safety is collected in a Central Register and managed in-line with legislative and privacy requirements. Actions taken to

investigate and resolve the issue are recorded. Any reporting to third parties will only use de-identified data. Where data indicates systemic issues and causes items will be added to the Continuous Improvement Register for further action.

## **9. Communication**

- The Student Code of Conduct will be distributed to all students as part of the enrolment or course orientation process
- It will also be displayed in relevant student activity areas, the SWTAFE student portal and SWTAFE's public website
- Teachers are responsible for ensuring that the Student Code of Conduct is regularly communicated and explained to students

## **10. Diversity, Equity & Inclusion**

SWTAFE is committed to making diversity, equity and inclusion part of everything we do, including in the implementation of this policy/procedure/guideline. This document was the subject of a comprehensive access and equity assessment (also known as a Gender Impact Assessment), as per the requirements of the Gender Equality Act 2020 (Vic). For more information, please visit the 'Our Values' page on our [website](#) [external] or the Diversity, Equity & Inclusion Homepage on ECHO [internal]. [Diversity, Equity & Inclusion \(DEI\)](#)

## **11. Statement of Commitment to Child Safety**

SWTAFE is committed to the protection of all children from all forms of child abuse and demonstrates this commitment through the implementation of a Child Safe Program designed to keep children safe within our organisation. For Child Safe key documents, resources, contact officer details please go to: [Child Safe Commitment](#)