

POLICY

PPMF | TAFESA | 136

Title

Student Conduct and Disciplinary Policy

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TAFE SA Policies are issued under the TAFE SA Policy Management Framework. They are binding on all TAFE SA employees

Policy Owner: Director, Student Experience

Version 10.1

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1 Policy

The Student Conduct and Disciplinary Policy establishes principles, responsibilities and staff procedures for maintaining appropriate student conduct and for implementing the disciplinary provisions of the TAFE SA Student Discipline Scheme, pursuant to the TAFE SA Rules (Appendix 9), made in accordance with Section 16 of the *TAFE SA Act 2012*.

2 Scope

The Student Conduct and Disciplinary Policy applies to all TAFE SA students on TAFE SA property or engaged in TAFE SA related activities offsite e.g. offsite delivery of TAFE SA courses/subjects, an approved field trip/excursion or an approved vocational placement.

All TAFE SA staff are empowered, to varying degrees through the appropriate Authority Level, in applying the provisions detailed within the TAFE SA Student Discipline Scheme.

3 Definitions

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| Aggressive/Violent Behaviour | <p>Aggressive or violent behaviour includes but is not limited to the following:</p> <ul style="list-style-type: none"> assaulting, threatening, physically or verbally abusing or intimidating (invading personal space; spitting on/at a person or object/image in the class) another member of the TAFE SA community. acting in a way which endangers the health, safety or well-being of others; damage, misuse, or threat to, or the unauthorised removal of, TAFE SA property or the property of students or TAFE SA employees. self-harming actions which are arguably violations of Criminal Law. <p>Aggressive and violent behaviour can be viewed on a continuum from behaviour that disrupts learning to physical violence. Behaviour that is threatening but does not include physical assault of a person can be deemed aggressive. State and Federal law govern physical violence – assault/vandalism/criminal damage.</p> |
| Disruptive student behaviour | Disruptive student behaviour is repeated behaviour that does not conform to acceptable norms in the training environment, has not ceased after warnings and requires further action. |
| Exclusion | Exclusion restricts a student from class or use of a facility for a temporary period of time. |
| Expulsion | Expulsion terminates a student's right to enrol in TAFE SA. |
| Harassment | Harassment is any form of unwanted or unwelcome behaviour directed at an individual or group by another individual or group, which may range from mildly unpleasant remarks to physical violence. Harassing behaviour tends to be based on a characteristic or a presumed characteristic relating to such things as a person's race, disability, physical appearance, age, religion, gender etc. |

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| | <p>Legislation</p> <p>Harassment on the basis of sex, sexuality, marital status, pregnancy, race, impairment and age is considered discrimination under Equal Opportunity legislation and TAFE SA is legally responsible for ensuring that the learning and working environment is free from discrimination.</p> <p>Sexual harassment</p> <p>Sexual harassment is also covered within the Equal Opportunity legislation. Sexual harassment is any unwelcome behaviour of a sexual nature in the working or learning environment and can range from suggestive sexual comments or displays of erotic or sexually graphic material to stalking or assault (NB stalking and assault are criminal offences and can be prosecuted by the Police). Sexual harassment is not confined to a particular gender or sexuality.</p> |
| Suspension | Suspension suspends the enrolment as a student for a period of time. |

4 Related Policies

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| South Australian Legislation | <i>TAFE SA Act (SA) 2012</i> |
| | TAFE SA Rules |
| | TAFE SA By-laws |
| PPMF TAFESA 57 | TAFE SA Assessment Policy and Procedures |
| PPMF TAFESA 42 | TAFE SA Student Complaint Resolution Policy |
| TAFE SA Documents | Guidelines for Internal Review (Appendix 11) |

5 Procedure

TAFE SA acknowledges, through the TAFE SA Student Conduct and Disciplinary Policy, that appropriate standards of conduct are fundamental to maintaining a safe, positive and effective teaching and learning environment. TAFE SA is committed to:

- promoting the principles of mutual respect by informing students of behaviour that TAFE SA considers appropriate; and
- the implementation of fair and just procedures for managing possible cases and consequences of inappropriate student conduct; and
- providing a supportive environment to assist students reach their full academic potential and successfully complete their training.

The TAFE SA Student Conduct and Disciplinary Policy outlines guidelines for student academic and behavioural conduct which apply to all students irrespective of their medical condition or academic needs.

The safety of the student and of those around them is paramount and where there are clear indications that the student is in imminent and serious danger of seriously harming themselves or other people, security or a TAFE SA staff member or emergency services should be contacted immediately.

5.1 TAFE SA Student Discipline Scheme

The TAFE SA Rules mandate the provision of a scheme for disciplinary action against students including review of a decision to take disciplinary action.

- 5.1.1 The TAFE SA Student Discipline Scheme, as outlined in this policy, provides the basis for TAFE SA staff to make disciplinary decisions, to varying degrees, against TAFE SA students exhibiting inappropriate behaviour and/or engaged in misconduct.
- 5.1.2 The Authority Levels in the TAFE SA Student Discipline Scheme relate to the following functions, for which authorised TAFE SA staff are empowered to initiate the requisite action:

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| Authority Level 1 | Monitor student behaviour and verbally warn students whose behaviour does not comply with TAFE SA Rules. May exclude students from learning activities or campus attendance (all TAFE SA staff) |
| Authority Level 2 | Issue formal warnings, establish a Student Behaviour Agreement and/or preside a disciplinary conference and making disciplinary decisions against a student (TAFE SA Executives / Business Unit Directors and Educational Managers) |
| Authority Level 3 | Reviewing and confirming / cancelling the decision to expel a student (TAFE SA Executives / Business Unit Directors) |
| Authority Level 4 | Review of expulsion and disciplinary decisions (Internal Review Panel – Investigating Officer) |
| Authority Level 5 | Review of a decision to expel a student and re-enrolment of students expelled from TAFE SA (Chief Executive, TAFE SA) |

- 5.1.3 Where a student contravenes a South Australian or Australian law, including criminal law, while on a TAFE SA campus or while engaged in a TAFE SA related activity off-site, which is subsequently referred by TAFE SA to SAPOL or an appropriate jurisdiction,

proceedings required under that law will take precedence but will not prevent TAFE SA from taking disciplinary action against the student.

5.2 TAFE SA Student Code of Behaviour

TAFE SA is committed to providing students with a safe, supportive and intellectually challenging study environment. Students enrolled in TAFE SA will share classes and facilities with staff and other students. It is expected that students will behave in a manner that is acceptable to the wider community (see Appendix 1 – *Student Code of Behaviour*).

5.2.1 Unacceptable behaviour/misconduct

Unacceptable behaviour/misconduct may include behaviour that is contrary to:

- TAFE SA By-laws made in accordance with Section 17 of the *TAFE SA Act 2012*; and/or
- relevant TAFE SA policies and procedures, including this Student Conduct and Disciplinary Policy and the TAFE SA Assessment Policy (in relation to academic misconduct); and/or
- class norms issued for a unit of study (see Appendix 3 - *Class Norms*); and/or
- any other form of lawful direction given by an appropriately authorised person.

What are the first steps that need to be taken in addressing non-academic inappropriate student conduct?

- Non-academic inappropriate conduct may range from disruptive behaviour - persistent inattentiveness or non-participation that inhibits the learning of others or the ability of the lecturer to teach, through to aggression, physical violence/assault, self-harm, threats of suicide and criminal damage. These actions may require Police intervention;
- The response to these different situations will depend upon the assessment of the nature, severity, frequency and effect of the behaviour.
- To assist identifying the suitable procedure for the situation, the behaviours have been divided into three categories (see **Section 3 - Definitions**):
 - Harassing behaviour
 - Aggressive/violent behaviour
 - Other disruptive and inappropriate behaviour requiring further action.

5.2.2 Consequences of unacceptable behaviour

If a student displays behaviour that is disruptive, dangerous or unacceptable, disciplinary action may be taken. A lecturer can ask the student to leave the classroom, refuse entry to a classroom or exclude the student for the remainder of the class. If the behaviour threatens the safety of others, interferes with the duties of staff or other students' study, or damages or threatens TAFE SA property, a student may be suspended or expelled by an appropriate authority (in addition to another sanctions(s) being imposed), in accordance with this Policy.

Violence, intimidation and harassment are not consistent with a safe and supportive learning environment and will not be tolerated. The Police may be contacted in cases of possible criminal behaviour.

5.2.3 Student Conduct Principles

All parties have a right to confidentiality and privacy, subject to necessary legal responsibilities. In keeping with the educational purposes of TAFE SA, disciplinary actions, other than those requiring suspension or expulsion, are intended to be **remedial rather than punitive**.

5.3 TAFE SA Student Discipline Scheme – Authority Levels

5.3.1 Authority Level 1 –Warnings and exclusion (all TAFE SA staff)

In response to student behaviour assessed as misconduct, an Authority Level 1 may warn a student that their behaviour is not compliant with a TAFE SA Rule.

In verbally warning a student, an Authority Level 1 must draw to the student's attention the behaviour and indicate how it does not comply with a TAFE SA Rule by providing clear examples of the behaviour.

In addition to verbally warning a student, an Authority Level 1 may also:

- exclude a student from a learning activity, all or part of TAFE SA grounds or restrict their access to TAFE SA facilities for up to 2 working days; and/or
- provide information to assist the student reform their behaviour; and/or
- request the student seek educational counselling/support from Student Services; and/or
- take action for academic misconduct as set out in the *TAFE SA Assessment Policy and Procedures*.

The Authority Level 1 must document the details of the verbal warning issued outlining the behaviour witnessed and the breaches in accordance with TAFE SA Rule/s on a TAFE SA Student Discipline Report Template (Appendix 5) and place on the student file.

In cases of behaviour considered to be serious in nature, following no less than two verbal warnings, an Authority Level 1 can request a relevant Authority Level 2 to issue a formal warning. Matters that require a formal warning will be brought to the attention of the Business Unit Director and Executive Director, Education prior to issuing the formal warning in writing.

A meeting will be arranged with the student to discuss the concerns and the formal warning will be issued to the student by the Lecturer and Education Manager during this meeting. A copy of the formal warning, along with all associated evidence of the misconduct and copies of the documented verbal warnings will be placed on a student file and in a confidential register managed by the Office of the Executive Director, Education.

At this time, the student will be informed that if the behaviour continues a Disciplinary Conference will be scheduled to discuss their misconduct which may result in expulsion. This is considered to be the final (and third) warning before moving toward a disciplinary conference. Any subsequent requests for an Authority Level 2 to convene a Disciplinary Conference with the student must be made through a Request to Conduct a Disciplinary Conference Template (see Appendix 4).

When a student has been excluded from a class or an educational activity by an Authority Level 1, TAFE SA is under no obligation to re-schedule the class or educational activity or to compensate or make up for the loss.

5.3.2 Authority Level 2 – Making disciplinary decisions (TAFE SA Executives / Business Unit Directors and Educational Managers)

An Authority Level 2 will assess the requirement for a Disciplinary Conference and decide whether or not a conference is warranted. If the Authority Level 2 decides not to hold a Disciplinary Conference, they will:

- inform the Authority Level 1 who requested the Disciplinary Conference and explain the reason for the decision and any actions required to be taken by the staff member and if appropriate, suggest strategies for promoting acceptable behaviour; and
- if appropriate, write to the student to inform them of the decision, the reason for their decision and any strategies available to assist the student maintain a record of good behaviour throughout their studies.

If a disciplinary conference is held, the Authority Level 2 will preside over the Disciplinary Conference. An Authority Level 2 will determine the process for the Disciplinary Conference in keeping with the principles of natural justice.

It is recommended that you engage with a TAFE SA Senior Education Counsellor to attend the Disciplinary Conference, particularly if there is a concern regarding the individual's mental health. Education Counsellors are available to provide support and guidance to business units and students in managing mediation and dispute resolution.

The presiding officer will deliver a student notice of the conference using the *TAFE SA Notice of Consideration of Disciplinary Action* (see Appendix 6) form at least 5 days before the date of the Disciplinary Conference.

Preparation for a Disciplinary Conference may include:

- a full investigation of the incident and the student's record
- gathering witness statements prior to the conference
- identification of persons who will be asked to attend the conference.

The notice must specify:

- the date and location of the Disciplinary Conference;
- the names of the presiding officer and any TAFE SA staff members who will participate in the Disciplinary Conference;
- a description of the behaviour that has been assessed as allegedly in breach of a TAFE SA Rule and a brief explanation of how that behaviour does not comply with TAFE SA Rules;
- the names of persons the presiding officer may call on during the Disciplinary Conference if required.

In addition the notice should:

- attach a copy of the *Student Code of Behaviour* or other relevant TAFE SA document;
- advise the student that at the Disciplinary Conference, they may present their own view of the behaviour and how it relates to TAFE SA Rules;
- advise the student that at the Disciplinary Conference, they may present any evidence to support their view;
- advise the student that at the Disciplinary Conference, they may have a support person [e.g. a fellow student, case worker, family member or friend] with them (who

does not have the right to speak for the student at the Disciplinary Conference unless questioned by the presiding officer) but may not have legal representation (as per TAFE SA Rule 5.4(3)); and

- identify possible sanctions, including whether *suspension* or *expulsion* may result.

A copy of the above notice and all supporting evidence with regard to the behaviour/s considered to be in breach of the Student Code of Behaviour will be placed on the student file.

In the Disciplinary Conference, the presiding officer will ensure that:

- information relied on to assess the student's behaviour as in breach of a TAFE SA Rule is presented to or summarised for the student;
- the student is provided the opportunity to speak and present evidence;
- consider and discuss with the student the impact on the student's enrolment and course of study of a sanction being considered; and
- hear the evidence and determine whether misconduct is evident and, therefore, whether a sanction is applicable.

The presiding officer may, if necessary, adjourn a Disciplinary Conference and reconvene to conclude the matter as soon as reasonably practicable.

Where a student fails to attend a Disciplinary Conference or abruptly leaves during the session, its presiding officer may adjourn the Disciplinary Conference or may, if satisfied that the student has had due notice of the Disciplinary Conference, progress the Disciplinary Conference to an outcome in the absence of the student. The student will be notified of the outcomes of the Disciplinary Conference within 5 working days of its conclusion.

6 Disciplinary Conference / Student Behaviour Agreement; Authority Levels 3 and 4

6.1 Outcome of a Disciplinary Conference

At the conclusion of a Disciplinary Conference, the presiding officer must inform the student whether their behaviour has been assessed as in breach of a TAFE SA Rule and, if so, the presiding officer may apply a sanction against the student including, but not limited to:

- (a) requiring an apology from the student to any relevant person(s);
- (b) exclude the student for a period of time from activities not essential for course completion, including extra-curricular activities, TAFE SA sponsored work or vocational placement;
- (c) transferring the student to a different class offering the same subject;
- (d) transferring the student to a different campus offering the same course;
- (e) transferring the student to external study mode;
- (f) requiring the student to make restitution to TAFE SA for damage or loss of property;
- (g) *suspension* of the student for a set period of time;
- (h) *expulsion* of the student from enrolment at TAFE SA; or
- (i) apply other sanctions (as appropriate).

Sanctions may be applied singly or in combination by a presiding officer at the conclusion of a Disciplinary Conference. Prescribe the future behaviour required of the student as a condition of their continued enrolment in TAFE SA, with such behaviour and recognition of the condition being the subject of entering a Student Behaviour Agreement.

Where a sanction applied at the conclusion of a Disciplinary Conference includes *expulsion*, the presiding officer of the Disciplinary Conference must refer the decision to apply the

sanction of expulsion to an Authority Level 3 for review and confirmation or cancellation of the expulsion decision.

When a student has been suspended or excluded from a class or an educational activity following a Disciplinary Conference, TAFE SA is under no obligation to re-schedule the class or educational activity or to compensate or make up for the loss.

The presiding officer will ensure that the outcome is communicated to the student and relevant TAFE SA staff involved in the student's course of study. The student must be informed of their rights to respond, review or appeal the decision within 5 working days of the notice being issued (refer guidelines at Appendix 11).

Suspension suspends a student's enrolment for a period of time and is notified to the student using a *TAFE SA Notice of Suspension from TAFE SA* (see Appendix 8).

Where a sanction is imposed, a record must be kept on the student file, of the:

- behaviour of the student that constituted misconduct;
- impact on the learning of the student or other students, any compromise to the safety of persons on TAFE SA grounds or the security of TAFE SA facilities;
- evidence relied on in assessing the student's behaviour;
- sanction imposed;
- reasons for imposing the sanction; and
- details of any *Student Behaviour Agreement* entered into.

Where a sanction is not imposed a record must be kept on the student file of the Disciplinary Conference so that in the event of further inappropriate behaviour, the records of the Disciplinary Conference can be retrieved for reference. A final copy will also be made available to the Office of the Executive Director, Education.

6.2 Student Behaviour Agreement

An Authority Level 2 who presides at a Disciplinary Conference may enter into a *Student Behaviour Agreement* (Appendix 7) during this session between the student and TAFE SA.

A *Student Behaviour Agreement* may contain:

- statements about the standards of the behaviour that the student must observe while enrolled at TAFE SA, or for a time specified in the *Student Behaviour Agreement*; and/or
- conditions under which the student will manage their behaviour for a period of time in specific facilities or environments or within limitations set for access to TAFE SA facilities for a period of time; and/or
- sanctions that will apply if the student does not meet the standards or conditions of the *Student Behaviour Agreement*.

The Authority Level 2 who presided at the Disciplinary Conference will circulate information contained in the *Student Behaviour Agreement* to relevant staff who will monitor the student's behaviour and will report back to the Authority Level 2 if the student fails to uphold the agreement.

If a student fails to meet a standard or condition under the Agreement, any sanctions contained in the Agreement will apply from the time the student's behaviour did not meet the standard or breached a condition.

The Authority Level 2 will notify the student, within 2 working days of becoming aware of the failure to meet the standards or breach of a condition that the sanctions apply and provide clear examples including date/s and time/s of the continued acts or behaviours witnessed and the policy or Student Code under which they were breached.

6.3 Authority Level 3 and 4 – expulsion

- 6.3.1 An Authority Level 3 must consider the *expulsion* within 5 working day/s and must either confirm or cancel the *expulsion*.
- 6.3.2 The Authority Level 3 will notify the student, in writing, of the decision to confirm or cancel the *expulsion*.
- 6.3.3 A sanction of *expulsion* does not take effect until a student has received notice of the Authority Level 3 decision to confirm the *expulsion*. The student will be informed of their rights to respond, review or appeal the decision within 10 working days of the notice being issued (refer Appendix 11).
- 6.3.4 The Authority Level 3 will inform the presiding officer of their decision.
- 6.3.5 The safety of the student and those around them is paramount. In exceptional circumstances, an Authority Level 4 (Executive Director, Education) may suspend or expel a student without notice and with immediate effect.

6.4 Authority Level 5 – review of a decision to expel a student and re-enrolment of students expelled from TAFE SA (Chief Executive, TAFE SA)

- 6.5.1 Where a student has requested a review or appeal of the disciplinary decision to expel them, only the Chief Executive, TAFE SA can determine the review (and may be assisted by an independent investigating officer in accordance with the guidelines at Appendix 11).
- 6.5.2 Only the Chief Executive, TAFE SA has the discretion to allow a person to re-enrol who has been expelled indefinitely from TAFE SA.

7 TAFE SA Student Discipline Scheme - Reporting

- 7.1 Disciplinary decisions (and the accompanying processes) made under this *TAFE SA Student Discipline Scheme* must be recorded on the student's file and in a confidential register managed by the Office of the Executive Director, Education.
- 7.2 The Office of the Executive Director, Education will prepare an annual report on the operation and outcomes of the *TAFE SA Student Discipline Scheme* detailing any continuous improvements following an external review or recommendations made to TAFE SA Executive for adjustments of this Policy or for strategies to reduce general misconduct.

8 Responsibilities

Student responsibilities are outlined in the *TAFE SA Student Code of Behaviour* (see Appendix 1).

8.1 Specific responsibility of all TAFE SA staff

All TAFE SA staff have a responsibility to model appropriate language and behaviour. Staff should be mindful at all times to model appropriate behaviour when managing inappropriate student conduct.

- It is never appropriate to intimidate, threaten or bully a disruptive student;

- Personal denigration of the student is unprofessional – statements about the student's character, personality or attitude may be defamatory and are in any case likely to inflame conflict rather than develop a better working relationship. Rather, a discussion that externalises the problem, i.e. addresses the inappropriate conduct, not the problem student, is likely to be more effective;
- It is not appropriate in a disciplinary discussion to imply that a student's course grade will be reduced as a consequence of inappropriate non-academic conduct;
- It is not appropriate to arbitrarily require a disruptive student to undertake extra work or evaluations/assessments other than those required in the course;
- It is not appropriate to apply collective responsibility, i.e. class/group sanction, in disciplinary procedures; and
- Under no circumstances should staff accompany a student manifesting symptoms of serious disturbance off-campus, e.g. to a hospital. If someone appears to be in danger of seriously harming themselves or other people, staff should call security and/or emergency services immediately.
- discuss the *TAFE SA Student Conduct and Disciplinary Policy*, particularly the *TAFE SA Student Code of Behaviour* and *TAFE SA Student Discipline Scheme* which are detailed within that Policy, with their students to ensure understanding;
- be familiar with the procedures in relation to inappropriate conduct;
- establish and promulgate class norms;
- apply student discipline procedures in a fair, consistent and lawful manner; and
- identify and resolve student conduct issues and matters of concern at the earliest opportunity.

8.1.2 All TAFE SA staff are responsible for applying this *TAFE SA Student Discipline Scheme* according to the prescribed Authority Levels identified herein.

8.1.3 An Authority Level 2 who presides at a Disciplinary Conference is responsible for applying the *TAFE SA Student Discipline Scheme* in relation to conducting a Disciplinary Conference, making disciplinary decisions and impose sanctions.

8.2 Review of TAFE SA Policy

TAFE SA policies must undertake a full review process, including staff consultation and TAFE SA Executive/Board approval, at least every two years, but may be actioned earlier according to strategic priorities, reforms or feedback received.

9 Appendix 1: TAFE SA Student Code of Behaviour

TAFE SA's Commitment

TAFE SA is committed to providing students with a safe, supportive and intellectually challenging study environment. Students enrolled in TAFE SA will share classes and facilities with staff and other students. It is expected that students will behave in a manner that is acceptable to the wider community.

TAFE SA values:

- difference and diversity
- respect and cooperation
- tolerance
- academic debate
- freedom of expression balanced with social responsibility

While on any campus of a TAFE SA or engaged in any TAFE SA sponsored activity, all students, staff, contractors and visitors are expected to behave in a considerate and courteous manner when dealing with other staff, students and members of the public.

Student Expectations

TAFE SA expects its students to:

- treat other students and staff with respect so as not to compromise their health, safety, privacy and welfare,
- contribute to the orderly, effective and safe functioning of TAFE SA,
- follow the Workplace Health and Safety policies and procedures,
- comply with all lawful directions given by staff while on TAFE SA property or engaged in a TAFE SA controlled or sponsored activity,
- comply with TAFE SA's commitment to the prevention and elimination of unlawful discrimination,
- abstain from bullying, harassing, and any other unlawful activity or behaviour whilst on TAFE SA property or engaged in a TAFE SA controlled or sponsored activity, including the online environment,
- abstain from acts of self-harm,
- access and use only that TAFE SA property to which they are entitled to have access and are qualified to use and to use it in a careful and responsible way,
- adhere to program requirements and class norms established in class,
- ensure that information of, or held by, TAFE SA or other students is not accessed, used or published inappropriately, and
- make timely payment of any fee, charge or penalty imposed by TAFE SA.

Who to contact for more information

TAFE SA Education Counsellors are able to provide information about TAFE SA policies and procedures and can assist students and staff to resolve issues. They provide confidential counselling and may liaise between or facilitate meetings of students and lecturers or other students.

Lecturers are responsible for upholding the principles of the TAFE SA Student Conduct and Disciplinary Policy. Educational Managers are responsible for the resolution of complaints (refer to the TAFE SA Student Complaint Resolution Policy for Non-Academic Matters).

10 Appendix 2: TAFE SA Student Responsibilities

TAFE SA Student Responsibilities are part of the TAFE SA Student Conduct and Disciplinary Policy. The following provides basic information about the responsibilities of students. Programs may include program specific information related to their teaching and learning environment.

Student behaviour

TAFE SA expects students to behave in ways that contribute to the orderly, effective and safe functioning of TAFE SA. This includes complying with all lawful directions given by staff while on TAFE SA property or engaged in TAFE SA controlled or sponsored activity. In addition, students are required to behave in accordance with TAFE SA's commitment to the prevention and elimination of unlawful discrimination.

Students who behave in a manner contradictory to the TAFE SA Student Conduct and Disciplinary Policy may be liable to disciplinary action.

In cases of serious misconduct a student may be suspended or expelled from TAFE SA. When necessary the matter will be referred to the Police or other appropriate authority where State or Federal law appear to have been breached.

Workplace Health and Safety

TAFE SA expects students to treat other students, staff and visitors with respect and fairness so as not to compromise their health, safety, privacy and welfare. TAFE SA is committed to a safe and healthy work and study environment under its obligation to comply with the *Work, Health and Safety Act (SA) 2012*. This obligation includes the provision and maintenance of a working environment where its employees and students are not exposed to hazards. The *Work, Health and Safety Act (SA) 2012* also requires individuals to be responsible for contributing to their own safety in all circumstances.

Under TAFE SA policies, students are responsible for:

- taking reasonable care of themselves and others while on campus,
- cooperating with TAFE SA staff,
- reporting to staff all known or observed hazards, incidents and injuries.

Attendance

Non-attendance and lateness may interfere with an individual's learning and the learning of others. It is the responsibility of students to notify the program area of occasional absences and to notify other students with whom they are undertaking group activities and assessments. For extended periods of absence, it is in the student's best interests to contact their program area to discuss what effect it may have on their participation, assessment and continuation in the program. Class participation as well as submission of assessment may be a requirement.

Confidentiality

Students must ensure that information of, or held by, TAFE SA or other students is not accessed, used or published inappropriately.

TAFE SA students may be required to attend vocational placements as part of their studies. During these placements, students may have access to information that is confidential or the property of the host environment (workplace). In these circumstances it is the responsibility of students to maintain full confidentiality. Breaches of confidentiality are considered inappropriate conduct under the TAFE SA Student Conduct and Disciplinary Policy.

During the process of resolving a discipline issue, a student is entitled to support from a third party of their choice during the process of resolving cases of inappropriate conduct. All parties have a right to confidentiality and privacy, subject to necessary legal responsibilities.

Mobile phones, sound and photographic equipment

Mobile phones, sound or photographic equipment must be used in a manner that does not infringe on the comfort or rights of others therefore the use of mobile phones is not permitted in classrooms.

Student Identification cards

While on TAFE SA premises, all TAFE SA students are required to carry a current Student Identification card and to produce it when requested by a TAFE SA staff member.

Alcohol and Other Drugs

No person shall, without permission of the TAFE SA Board bring alcohol onto TAFE SA grounds or keep or consume alcohol on TAFE SA grounds (exceptions listed under 24 of the TAFE SA By-laws) Students should observe State and Federal laws in relation to using, possessing, giving or selling alcohol and other drugs.

Where a student fails to seek assistance for an alcohol and/or other drug issue that is resulting in their behaviour being unsafe, inappropriate or impacting upon the welfare or enjoyment of others, disciplinary action may be taken.

Prescribed medication: Students using prescribed medications must consider, in consultation with their doctor, whether there are possibilities of medication problems arising within the TAFE SA community. In particular, a student must not operate vehicles or machinery if taking prescribed medication that may impair their ability to do so safely. It is important that students inform lecturers and supervisors of any likely problems and brief them on the response to follow to assist the student to overcome any difficulties. The specific response will depend on the nature of the effects of medication and the probability of problems arising.

Dress Standards

TAFE SA is an adult learning environment that prepares students for business and industry as well as for further career-related training. As a result, students are expected to dress in a manner appropriate for the workplace.

While on campus and participating in field practice, students are required to comply with the occupational health and safety requirements specific to their area in relation to clothing, footwear and safety equipment.

TAFE SA Property

TAFE SA property includes, but is not limited to, buildings, plant and equipment and the natural environment. Any act of misuse, vandalism, theft, malicious or unwarranted damage or destruction, defacing (including graffiti), disfiguring, unsafe or unauthorised use of property belonging to TAFE SA by TAFE SA students is considered inappropriate conduct. Where an activity is a violation of the law, the appropriate legal action will be pursued by TAFE SA.

Smoking on TAFE SA Premises

No person shall smoke on TAFE SA grounds. TAFE SA has a duty of care to ensure that all premises of TAFE SA are safe for students and staff. Smoking has been banned in all enclosed public places, workplaces, shared areas and enclosed licensed premises. In addition, TAFE SA has clearly defined non-smoking areas in outdoor locations.

TAFE SA Online and Social Networking Guidelines

TAFE SA students can be held accountable for their online behaviour in the same manner as they are accountable for their on-campus or TAFE SA-related activity behaviour. In particular, it is an offence to harass, bully, defame or slander *any* member of the TAFE SA community.

Students are also reminded that social networking sites and TAFE SA online learning environments have in place and conditions that discourage activity that could lead to defamation or incitement to hatred. As referenced in these services' terms and conditions, students should refrain from posting material that is deemed to be criminal; harassing; racially, sexually, ethnically or religiously objectionable; defamatory; obscene; invasive of another's privacy; or infringing on copyright.

If activity on a social networking site or a TAFE SA online learning environment is reported as violating the TAFE SA Student Conduct and Disciplinary Policy, it will be investigated and addressed according to the TAFE SA disciplinary procedures. Given the ease with which student's entries can be accessed and copied, the record of such misconduct can be used to provide evidence in any subsequent disciplinary action.

11 Appendix 3: Class Norms

TAFE SA lecturers are encouraged to discuss group or class norms with their students that reflect the expectations stated in the TAFE SA Student Conduct and Disciplinary Policy and associated TAFE SA Student Code of Behaviour and TAFE SA Student Responsibilities.

Class norms are likely to be most effective when established 'democratically' with the class. Addressing expectations and norms early in the course enables all students to voice their interests and concerns before more dominant class voices emerge. An open discussion amongst class members may be sufficient to generate acceptable norms and reinforce consequences. Class norms should be recorded and distributed to all class members or posted in the classroom for future reference and review.

Below are 'Standard' Class Norms expected of students at all times when engaged in TAFE SA related activities (either on or off-Campus). Programs may include program specific information related to their teaching and learning environment.

The creation and use of class norms seeks to provide students with a clear understanding of what constitutes appropriate conduct and the consequences of inappropriate conduct. Establishing class norms at the outset of a course is an opportunity to provide explicit guidelines for students that meet the specific needs of a diverse range of teaching and learning environments. Agreed and 'published' class norms also provide for greater consistency in responses to classroom management issues by different staff working with the same student group.

Where multiple lecturers are involved in the delivery of a class, it is the responsibility of each member of the teaching team to ensure they communicate with other staff to ensure class norms are established, understood and implemented. It may be useful for individual staff to establish specific class norms (in addition to the base norms) that reflect their specific teaching and learning environment. It is suggested that a copy of the class norms be kept in the roll book for quick reference.

Standard Class Norms:

Attendance and Punctuality

- **BE HERE!**
- Students should be on time for their classes, return from breaks at the agreed times and notify the lecturer beforehand if they need to leave the class early.
- If students cannot attend the class they should contact the lecturer directly or the program office.
- Students should follow-up an absence from class by either speaking with the lecturer or obtaining the necessary notes from another student.
- People who are regularly late or absent and cannot fulfil the requirements for participation should discuss their options with the class lecturer.

Respectful Communication

- **MUTUAL RESPECT**
- Students should address each other and the lecturer in a courteous and civil manner at all times. This means one person speaking at a time and everyone having the right to speak.
- It's OK to disagree with an idea but disagree with the idea, not the person. Be aware that the group is made up of diverse cultures, ages and backgrounds - be sensitive and tolerant to differences.
- Inappropriate swearing, jokes, and 'put downs' should be avoided.
- The safety and well-being of all students in the class is paramount. No student should feel threatened by another or tolerate unwelcome attention.
- What people talk about in class may be personal and confidential and must be respected and not repeated to others outside of class.

Effective Participation

- **CONTRIBUTE**
- Students should try to participate effectively and support and encourage the participation of others.
- Wearing headphones or using a mobile phone in class is not appropriate.
- Students should come to class with the necessary materials and be aware of their responsibilities towards others.
- Inattention in class is not grounds for seeking additional attention from the lecturer or other students.
- Students with personal problems should refrain from raising them inappropriately but may wish to seek support from learner services.
- Negativity can affect the participation and enjoyment of others, feedback should be constructive.
- Genuine complaints should be dealt with through the lecturer, Educational Manager, Learner Support or Access and Equity staff.

12 Appendix 4: TAFE SA Request to Conduct a Disciplinary Conference

To: (Name of appropriate Authority Level 2).

The recent behaviour of TAFE SA student.....has resulted in me invoking a request for disciplinary action against the student (as detailed below). The student has not complied with the sanction or warning/s given and I now request, in accordance with the TAFE SA Student Conduct and Disciplinary Policy that you convene a Disciplinary Conference in relation to this issue.

| | |
|--|--|
| Student Name | |
| Enrolment Details i.e. Qualification | |
| SIS ID | |
| First verbal warning issued on (date): | |
| Second verbal warning issued on (date): | |
| Third formal warning issued on (date): | |
| Acts or behaviours witnessed: | |

Action/Disciplinary Decision supported by Authority Level 1:

Name.....Signature.....

Attached:

- TAFESA Student Discipline Report/s
- Formal warning from Education Manager.

13 Appendix 5: TAFE SA Student Discipline Report

Student Name / SIS ID:.....

Student Enrolment:

Date of Incident:

Place: Time:.....

DETAILS OF INAPPROPRIATE BEHAVIOUR/CONDUCT:

| Act or Behaviour | TAFE SA Rule/Codes Breached |
|------------------|-----------------------------|
| | |

Was the student present at the time the report was filled in? **Yes / No****STUDENT'S COMMENTS:**

.....

.....

.....

Signature of Student

ACTION BY Authority LEVEL 1:

.....

.....

Name..... Signature.....

*(Authority Level 1 to forward to Educational Manager)***ACTION TAKEN BY EDUCATIONAL MANAGER**

.....

.....

.....

.....
Signature of Educational Manager.....
Name of Educational Manager*EM to provide copy to Business Unit Director and file securely in student file.*

14 Appendix 6: TAFE SA Notice of Consideration of Disciplinary Action

[TAFE SA letterhead]

Date

Given Name Family Name

Campus/Site

Notice of Consideration of Disciplinary Action

I am advising you that I am now considering recommending the taking of disciplinary action in relation to the matters alleged against you. Since the issuing of both informal and formal warnings (copies enclosed), the following behaviours have continued and most recently on the: / / you were witnessed:

.....
.....
.....
.....
.....
.....
.....

In order to consider your response to these allegations I am requesting your attendance at a meeting to be held at the following address:

On/...../..... at am/pm. You may wish to bring another person with you for support but in accordance with the TAFE SA Rules, you may not have legal representation. The following TAFE SA staff will be present at this meeting:

The meeting will consider all relevant information and decide whether a disciplinary sanction is warranted. Under the TAFE SA Student Discipline Scheme, a student may be sanctioned by one or multiple means and/or may be suspended or expelled from enrolment at all TAFE SA sites.

If you are unable to attend at the set time or wish to discuss the issue beforehand contact me on phone (08) Alternatively you may submit, in writing, factors you wish to be taken into consideration by me.

A written submission should reach me by/...../.....

Yours sincerely

(Name and Position Title)

Presiding Officer

EM to provide a completed copy to Business Unit Director and Executive Director, Education and file securely in student file.

15 Appendix 7: TAFE SA Student Behaviour Agreement

[TAFE SA letterhead]

Student Name/SIS ID:**Current or planned enrolment****Campus**

This Student Behaviour Agreement:

- describes the inappropriate conduct for which you have been reprimanded
- identifies the specific legislation and sanctions which may be enforced for inappropriate conduct
- clarifies the accepted expectations of your behaviour at TAFE SA.

As a formal reprimand, it provides notice that further proven misconduct may incur disciplinary action which may include suspension or expulsion from TAFE SA.

Description of inappropriate conduct and dates of incidents:

.....

.....

.....

.....

.....

.....

This conduct is in breach of the TAFE SA Student Conduct and Disciplinary Policy pursuant to the TAFE SA Rules and such student misconduct may result in disciplinary action in accordance with the TAFE SA Student Discipline Scheme.

All students enrolling at TAFE SA acknowledge the TAFE SA Student Conduct and Disciplinary Policy upon registration. By completing and lodging your registration you are deemed to have consented to these conditions. A copy of this policy is also available on the TAFE SA Website.

AGREED ACTION

In order to continue attending TAFE SA it is necessary that you understand and abide by the expected student conduct. Students are required to be respectful in all dealings with other students and staff and not interfere with the ability of others to benefit from study or carry out their duties.

In particular you must at all times:

.....

.....

.....

.....

.....

Should you require further information about TAFE SA policies and rules or the support services available to students please contact Information Services. With reference to the TAFE SA Student Conduct and Disciplinary Policy, your understanding and acceptance of your responsibilities is a prerequisite to attendance in classes or modules of study offered by TAFE SA.

AGREED BY ALL PARTIES

I agree to abide by the TAFE SA Student Conduct and Disciplinary Policy and desist from the acts of inappropriate conduct expressly detailed in this participation agreement. I am aware that failure to do so may result in further disciplinary action including expulsion or suspension from studies. I further acknowledge that TAFE SA is under no obligation to re-schedule the class or educational activity or to compensate or make up for the loss of class attendance.

Signature of Student

Date/...../.....

Name of Educational Manager

Signature of Educational Manager

16 Appendix 8: TAFE SA Notice of Suspension from TAFE SA Template

[TAFE SA letterhead]

Notice of suspension from (INSERT CAMPUS NAME(S)) TAFE SA

Our Ref: ###

[insert date]

[Student's Name]

[Student's Address]

Dear [Student's name]

I advise that I have received no response from you to my letter of [insert date of previous notice] regarding possible disciplinary action. [OR]

I advise that I have considered your representations made to me on [insert date] in response to my letter of [insert date of previous notice].

Having considered all relevant matters, I am writing to inform you that I am suspending you from attendance at the ...(insert campus)..... for the period [.../.../... To .../.../...].

I am satisfied that an order of suspension is justified under the TAFE SA Student Discipline Scheme (pursuant to the following TAFE SA Rules) in that on [insert date/s] you threatened to or interfered with:

- TAFE SA property by (state how) pursuant to (TAFE SA rule); [OR]
- the safety or wellbeing of a member of the TAFE SA community by (state how) pursuant to (TAFE SA rule) [OR]
- the ability of TAFE SA staff to perform their duties by (state how) pursuant to (TAFE SA rule) [OR]
- the ability of other students to benefit from instruction or pursue studies by (state how) pursuant to (TAFE SA rule) [OR]
- the good order of the TAFE SA by (state how) pursuant to (TAFE SA rule).

This decision means you will not be able to attend at any campus of the TAFE SA during this period. If you disagree with this decision, you may formally appeal by writing to the Chief Executive, TAFE SA within 10 working days.

Yours sincerely,

(insert name and title)

17 Appendix 9: TAFE SA Rules

TAFE SA Rules

TAFE SA is the public provider of technical and further education to domestic and international students. Its mandate is to provide technical and further education in a manner that is efficient, effective and responsive to the needs of industry, students and the general community. It has power to make rules to provide a scheme for disciplinary action against students including review of a decision to take disciplinary action and to provide for any other matter affecting the administration of TAFE SA.

The following rules are made in accordance with section 16 of the *TAFE SA Act 2012*:

1—INTERPRETATION

In these Rules -

Disciplinary decision means –

- a decision of a TAFE SA staff member at level 2 or level 3 to impose a sanction on a student; or
- a notice advising a student that a sanction will apply under a Student Behaviour Agreement between TAFE SA and the student as a consequence of the Student's breach of the Agreement;

Exceptional circumstances occur where, as a consequence of a student's behaviour, there is imminent risk:

- to the health and safety of any person on TAFE SA grounds; or
- that TAFE SA 's ability to perform its functions will be substantially compromised.

2—STUDENT BEHAVIOUR: GENERAL

- 2.1 Students enrolled in TAFE SA are to behave respectfully and fairly to staff, students, visitors, contractors and community members using TAFE SA facilities. Student behaviour will not compromise the safety, health, welfare or privacy of any person or cause damage to facilities.
- 2.2 Students must follow the standards of responsible behaviour in the *Student Code of Behaviour* and obey all policies and procedures that relate to student management and safety as displayed on the TAFE SA Internet.

- 2.3 TAFE SA may investigate student behaviour and misconduct.
- 2.4 Students, while on TAFE SA grounds or using TAFE SA facilities, are to comply with all reasonable instructions or directions of TAFE SA staff and in cases of emergency, officers of the South Australian Police or South Australian Emergency Services.
- 2.5 Students are to act honestly and truthfully in their dealings with TAFE SA.
- 2.6 Students are to abide by all relevant laws while engaged in their course of study at TAFE SA.
- 2.7 Students must actively participate in their course(s) of study at TAFE SA including meeting all course requirements and obeying policies and procedures that relate to their academic progress.
- 2.8 Behaviour that does not comply with course requirements or policies and procedures that relate to academic progress may be considered academic misconduct.
- 2.9 A breach of these TAFE SA rules by a student enrolled in TAFE SA constitutes misconduct and renders the student liable to disciplinary action in accordance with the TAFE SA Student Discipline Scheme.

3—TAFE SA STUDENT DISCIPLINE SCHEME

- 3.1 TAFE SA will designate members of TAFE SA staff at 5 levels of authority to administer the Student Discipline Scheme.

4—WARNING A STUDENT:

STUDENT DISCIPLINE SCHEME LEVEL 1 AUTHORITY: ALL STAFF

- 4.1 TAFE SA staff may warn students that their behaviour is not compliant with a TAFE SA rule.
- 4.2 Where TAFE SA staff members warn a student they must draw the student's attention to the behaviour and indicate how it does not comply with a TAFE SA rule. TAFE SA staff must record the details of the warning in writing.
- 4.3 Where a member of TAFE SA staff warns a student, the staff member may:
 - exclude the student from a learning activity; or
 - exclude the student from all or part of TAFE SA grounds; or
 - restrict the student's access to TAFE SA facilities;
 for up to 2 working days

5—TAKING DISCIPLINARY ACTION:**STUDENT DISCIPLINE SCHEME LEVEL 2 AUTHORITY: AUTHORISED STAFF**

- 5.1 Where a student's behaviour is serious in nature, interrupts the provision of technical and further education or continues after one or more warnings, the student may be required to attend a Disciplinary Conference.
- 5.2 To commence disciplinary action under this Rule, TAFE SA will notify the student in writing to attend a Disciplinary Conference.
- 5.3 The notice must specify:
 1. the date and location of the Conference;
 2. the names of the presiding officer and any other TAFE SA staff members who will participate in the Conference;
 3. a description of the behaviour alleged to be in breach of a TAFE SA rule and a brief explanation of how that behaviour does not comply with TAFE SA rules; and
 4. the names of persons the presiding officer of the conference may call on during the conference if required.
- 5.4 During the Disciplinary Conference the student may:
 1. present their own view of the behaviour and how it relates to TAFE SA rules;
 2. present any evidence to support their view; and
 3. have a support person with them during the conference but may not have legal representation.
- 5.5 A support person does not have a right to speak for the student at the Conference.
- 5.6 The presiding officer may, if necessary, adjourn the Disciplinary Conference. However the Conference shall be concluded as soon as reasonably practicable.
- 5.7 At the conclusion of the Disciplinary Conference the presiding officer must inform the student whether his or her behaviour has been assessed as in breach of a TAFE SA rule. Where the student's behaviour has been assessed as in breach of a TAFE SA rule, the presiding officer may, subject to Rules 6 and 8:
 1. apply a sanction; and/or
 2. prescribe the future behaviour required of the student as a condition of his or her continued enrolment, such behaviour to be the subject of a Student Behaviour Agreement.

- 5.8 Sanctions (as set out in TAFE SA's Student Disciplinary Procedures, as amended, from time to time) may be applied singly or in combination by a presiding officer at the conclusion of a Disciplinary Conference.

6—MANAGING A DISCIPLINARY CONFERENCE

- 6.1 Authorised Level 2 staff will preside at a Disciplinary Conference. The responsibility of a presiding officer at a Disciplinary Conference is to ensure that:
1. information relied on to assess a student's behaviour as in breach of a TAFE SA rule is presented to or summarised for the student;
 2. the student is provided the opportunity to speak and present evidence at a Disciplinary Conference;
 3. where a sanction is being considered as an outcome of the Conference, the impact on the student's enrolment is discussed with the student; except where the student fails to attend the Conference; and
 4. an outcome is determined and communicated to the student and to relevant TAFE SA staff involved in the student's course of study.
- 6.2 Where a sanction is imposed, a record must be kept of:
1. the behaviour of the student that constituted misconduct;
 2. the impact on the learning of the student or other students, any compromise to the safety of persons on TAFE SA grounds or the security of TAFE SA facilities;
 3. the evidence relied on in assessing the student's behaviour;
 4. the sanction imposed;
 5. the reasons for imposing the sanction; and
 6. the details of any Student Behaviour Agreement entered into.
- 6.3 Where a sanction is not imposed, a record of must be kept of the Disciplinary Conference and findings.
- 6.4 Where a student fails to attend a Disciplinary Conference, its presiding officer may adjourn the Conference or may, if satisfied that the student has had due notice of the Conference, progress the Conference to an outcome in the absence of the student. The student will be notified of the outcomes of the Disciplinary Conference within 2 working days of its conclusion.

7—STUDENT BEHAVIOUR AGREEMENT

- 7.1 A student may enter into a Student Behaviour Agreement with TAFE SA during or following a Disciplinary Conference. The agreement will contain statements about the standards of the behaviour that the student must observe while enrolled at TAFE SA, or, for a time specified in the Agreement.
- 7.2 The Student Behaviour Agreement may contain conditions under which the student will manage his or her behaviour for a period of time, in specific facilities or learning environments or limitations to the student's access to TAFE SA facilities for a period of time. The Agreement may also contain sanctions that will apply if the student does not meet the standards or conditions of the behaviour contained in the Agreement.
- 7.3 Where a student fails to meet a standard or condition of a Student Behaviour Agreement, any sanctions contained in it will apply from the time the student's behaviour did not meet the standard or breached a condition. TAFE SA will notify the student within 2 working days of it becoming aware of the failure to meet the standards or breach of the condition that the sanctions apply.

8—EXPELLING A STUDENT:**STUDENT DISCIPLINE SCHEME LEVEL 3 AUTHORITY: AUTHORISED STAFF**

- 8.1 Where a sanction applied at the conclusion of a Disciplinary Conference includes expulsion, the presiding officer of the Disciplinary Conference must refer the decision to apply the sanction of expulsion to an authorised Level 3 staff member for review. The Level 3 staff member must review the expulsion within 1 working day and must either confirm or cancel the expulsion.
- 8.2 The student will be notified of the decision of the authorised Level 3 staff member within 1 working day of the decision. A sanction of expulsion does not take effect until a student has received notice of the Level 3 staff member's decision to confirm the expulsion.

9—EXECPTIONAL CIRCUMSTANCES

- 9.1 Authorised Level 3 staff may suspend or expel a student without notice with immediate effect in exceptional circumstances.

10— REQUESTING A REVIEW OF A DISCIPLINARY DECISION

- 10.1 With the exception of sanctions imposed following a warning in accordance with Rule 4, a student may request the review of a disciplinary decision made by a TAFE SA staff member.
- 10.2 Requests for review of a disciplinary decision must be in writing within 10 working days of receiving notification of the decision. The request should contain the student's grounds for disagreement with the assessment of their conduct, the disciplinary decision or the sanction imposed.

11—MANAGING REQUESTS FROM STUDENTS TO REVIEW A DISCIPLINARY DECISION

- 11.1 TAFE SA will consider the grounds provided by a student in a request for review of a disciplinary decision within 15 working days of receiving a student's written request.
- 11.2 Subject to Rules 12 and 13, TAFE SA will confirm, vary or reverse a disciplinary decision.

12—STUDENT DISCIPLINE SCHEME LEVEL 4 AUTHORITY: INTERNAL REVIEW PANEL MEMBER

- 12.1 TAFE SA will establish guidelines for implementation that will include appointing a panel of reviewers from existing staff members (excluding staff involved in original decision) who are suitably qualified to determine review requests.
- 12.2 A member of the panel will be allocated to each request from a student to review a disciplinary decision (other than a decision to expel a student). Following the review, the review panel member will determine the review request by -
- confirming the decision to which the review relates; or
 - reversing the decision; or
 - making a disciplinary decision in place of the decision to which the review relates.
- 12.3 No person who presides at a Disciplinary Conference, or is involved in management of the behaviour of the student requesting the review, can determine the review.
- 12.4 Review panel members who consider requests for review may set their own procedure. However, a review panel member must afford the student requesting the review a reasonable opportunity to present further evidence or make further submissions relevant to the review, either in writing or in person. Review panel members' determinations must include a statement of their methodology, their findings and the reasons for the findings.

13—REVIEW OF A DECISION TO EXPEL A STUDENT:

**STUDENT DISCIPLINE SCHEME LEVEL 5 AUTHORITY: CHIEF EXECUTIVE OFFICER
TAFE SA**

- 13.1 A request to review a decision to expel a student must be determined by the Chief Executive of TAFE SA in accordance with the procedure in Rule 12. The Chief Executive may be assisted as necessary by a review panel member.
- 13.2 A person who has been expelled from TAFE SA may not re-enroll in TAFE SA except at the discretion of the Chief Executive Officer of TAFE SA.

14—ANNUAL REPORT

- 14.1 The Chief Executive of TAFE SA must provide an annual report on the operations and outcomes of the TAFE SA Disciplinary Scheme to the TAFE SA Board.

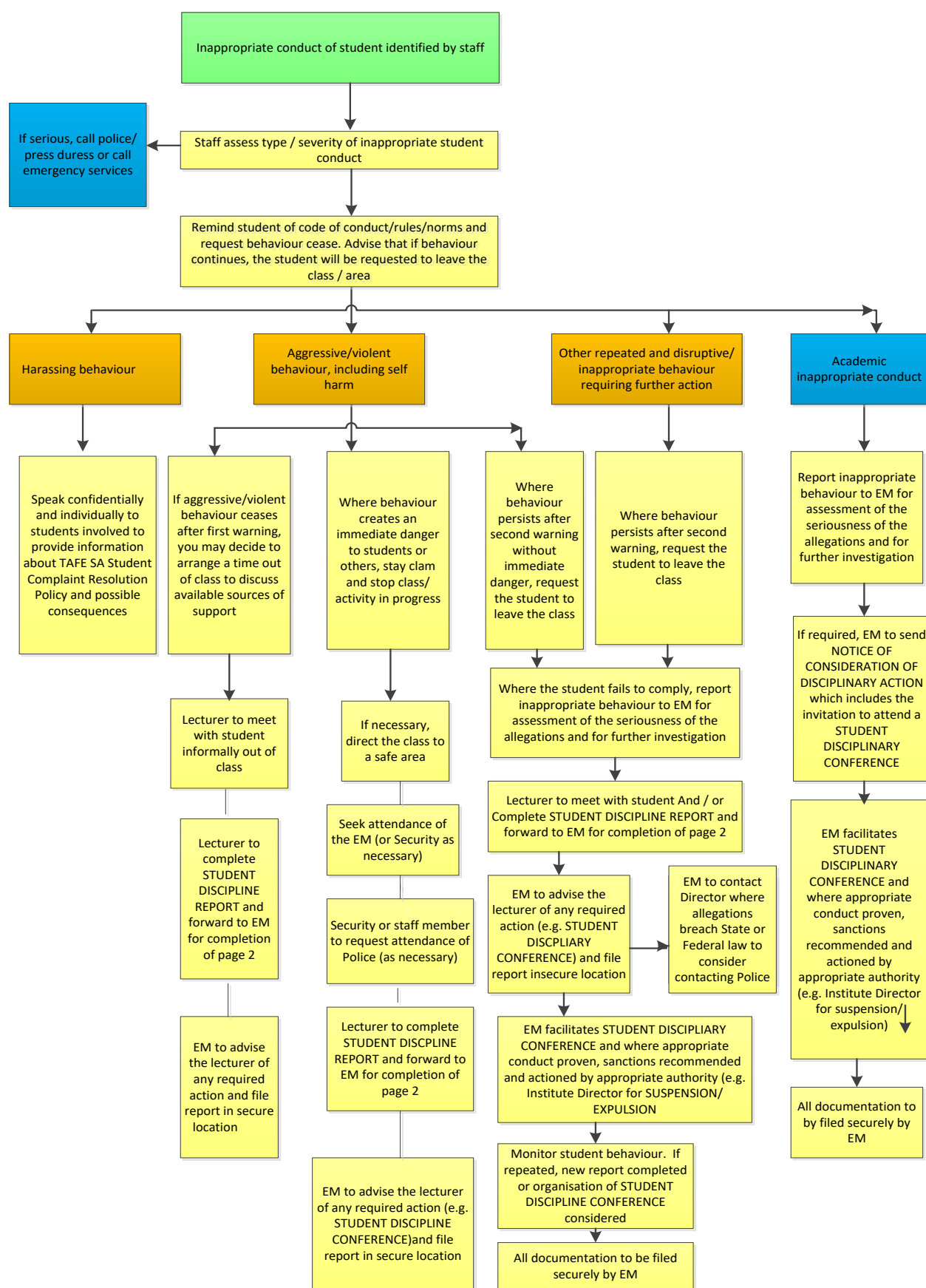
Dated this 11th day of April 2013

Confirmed in Executive Council



GOVERNOR

18 Appendix 10: Flow chart



19 Appendix 11: Guidelines for Internal Review (Student Disciplinary Decision Panel)

Pursuant to Rules 10, 11 and 12 of the TAFE SA Rules, a student may request the review of a disciplinary decision made by a TAFE SA staff member within 10 working days of receiving the notice of the decision (except for sanctions imposed following a warning in accordance with Rule 4). Rule 12 requires TAFE SA to establish guidelines for implementation of internal reviews.

The guidelines herein have been developed to assist staff appointed to the TAFE SA panel of reviewers by a CE appointed investigating officer who may be allocated to review a particular student disciplinary decision. The guidelines should be read in conjunction with the TAFE SA Student Conduct and Disciplinary Policy.

An Internal Review Panel member cannot review a sanction imposed following a warning in accordance with Rule 4 i.e. a sanction imposed by an Authority Level 1, nor can an Internal Review Panel member review a sanction of expulsion, which can only be reviewed by the Chief Executive, TAFE SA.

Where a student has requested in writing a review of a decision, the Chief Executive will allocate the request to an Investigating Officer who will form a Student Disciplinary Decision Panel (minimum of three participants). TAFE SA staff who were involved in the management of the behaviour and/or the Discipline Conference that led to a sanction(s) being imposed cannot be selected as the reviewing panel member.

If allocated to a particular review, the Internal Review Panel member must consider all relevant documentation relating to the student's behaviour and the disciplinary decision made and may also request further information if appropriate.

Internal Review Panel members may set their own procedures, however the student must have reasonable opportunity to present further evidence or make further submissions relevant to the review either in writing or in person if required.

Consistent with the principles of natural justice, the Internal Review Panel member will review the disciplinary decision made, taking into account whether the procedural requirements of the Student Conduct and Disciplinary Policy have been met and whether natural justice and procedural fairness was inherent in the decision making process.

Internal review panel members must ensure a balanced and considered assessment of the information provided is made. The Panel member will determine the review request by –

- confirming the original decisions to which the review relates; or
- reversing the decision; or
- making a disciplinary decision in place of the decision to which the review relates.

The review must be completed within 15 working days of receiving the student's written request.

The panel member's determination and CE response must include:

- a statement of their methodology;
- their findings;
- the reason for their findings; and
- information on how the student may appeal their decision to an outside agency.

The Chief Executive will receive a briefing and draft response developed by the Investigating Officer on behalf of the panel. Notification of the determination must be provided to the student, from the Chief Executive, in writing within 15 working days of receiving the student's written request. A copy of the determination will also be provided to the Executive Director, Education.