

Behaviour Misconduct Policy

New Era Institute seeks to provide an environment that is free from unacceptable behaviour and promotes a positive learning environment for all students.

This policy seeks to encourage acceptable behaviour and to inform all staff and students about New Era Institute standards of behaviour.

What is behaviour misconduct?

Behaviour misconduct is defined as actions that breach New Era Institute policies. This includes but is not limited to:

- Breaches of Commonwealth or State law which impact on institute operations;
- Behaviour that impairs the reasonable freedom of other persons (students) to pursue their studies and participate in the activities of New Era Institute;
- Refusing or failing to identify themselves truthfully;
- Any act or failure to act that endangers the safety or health of any other person;
- Actions that impair any person's participation in a legitimate institute activity or, by act or omission disrupts the peace or good order of New Era Institute;
- Acting in a way that causes students or staff or other persons within New Era Institute to fear for their personal safety;
- Acting in a way that causes damage to institute property;
- Wilfully obstructing or disrupting any official institute meeting, ceremony, activity, class or examination/assessment;
- Any form of harassment, whether based on gender, race, age, sexual preference or religious belief;
- Wilfully damaging or wrongfully dealing with any institute property, or the property within New Era Institute of any person, including theft;
- Being under the influence of prohibited drugs and/or substances including alcohol;
- Trespassing or knowingly entering any place within the premises of New Era Institute that is out of bounds to students;
- Making a false representation as to a matter affecting student status;
- Possession of dangerous articles or banned substances;
- Abusive Behaviour to other students, staff and visitors to the campus or at the workplace.

A student must at all times maintain a high standard of behaviour while engaged in New Era Institute activities either within the premises or at another location.

Staff responsibilities

It is the New Era Institute staff's responsibility to:

- Inform all students of expectations related to behaviour;
- Explain to students what constitutes behaviour misconduct;
- Model exemplary behaviour as a benchmark for students and other staff;
- Supervise student behaviour and the behaviour of other staff;
- Promote a positive environment that supports a student's individual personality whilst setting clear boundaries relating to acceptable behaviour;
- Respond immediately to observed behaviour misconduct to maintain a safe environment for staff and students and to protect the rights of individuals or groups;
- If the observed behaviour misconduct is serious in nature, the staff member may suspend the student's continued participation in New Era Institute activities (training sessions, assessment, study sessions, workshop sessions, field activities, etc);
- Report (in writing) behaviour misconduct when it is observed and actions taken in the immediate response using the Student Behaviour Misconduct Report.

If the staff member reporting the incident considers that the student may be violent or is likely to cause harm to other students and/or staff, or damage property at the institute, the Chief Executive Officer should be contacted immediately to assess the risk. If necessary the Police are to be contacted and requested to respond to control the situation.

Student responsibilities

Students are responsible to:

- Be informed of and comply with Commonwealth or State law;
- Behave in a way that supports the freedom of other persons (students) to pursue their studies and participate in the activities of New Era Institute;
- Identify themselves truthfully;
- Behave in a way that supports the safety and health of any other person;
- Maintain the peace and good order of New Era Institute;



- Treat New Era Institute property with respect and prevent damage or destruction of property;
- Behave in a way that supports the conduct of official New Era Institute meeting, ceremony, activity, class or examination/assessment
- Treat others with respect and not discriminate based on gender, race, age, sexual preference or religious belief;
- Be free from (not under the influence of) prohibited drugs and/or substances including alcohol during attendance at New Era Institute;
- Not trespass or knowingly entering any place within the premises of New Era Institute that is out of bounds to students;
- Give truthful information relating to student status;
- Communicate in a way that demonstrates respect for others and is free from verbal abuse

Dealing with behaviour misconduct

First offence and/or minor breach

Where the trainer considers that the nature of the behaviour can be appropriately dealt with in the classroom or work placement without imposing a penalty for significant misconduct as described in this policy, the trainer must document the incident to be placed in the student file by Student Services. If the behaviour misconduct is outside the classroom and dealt by student services, the staff member involved must document the incident to be placed in the student file.

Any student facing allegations of misconduct by a third party will be provided with the specific information about the allegations/complaints (although not necessarily be shown a complaint verbatim) and be provided with an opportunity to respond under the New Era Institute, Behaviour Misconduct and Complaints and Appeals policies.

The student/s involved will be required to document in writing their perspective of the incident immediately and led to an allegation of misconduct.

After conducting an investigation, the trainer or the management team may make one of the following decisions:

- that no further action is required
- that the student is directed to cease the actions which are subject to the allegation
- that the student is directed to provide a formal apology to the aggrieved party
- that the student provides an undertaking in writing not to repeat the misconduct, or
- that the student may be given a written warning

The student will be advised in writing of the decision and the reasons for reaching the decision scanned and stored electronically by Student Services in individualised student file on the server. Hard copies are stored in the student file management room.

The trainer may refer an allegation to a management team member at any time during the investigation if it becomes clear that the allegation is too serious or complex to be dealt with at the classroom level.

Repeated offences and/or significant breaches

Any student facing allegations of misconduct will be provided with the specific information about the allegations (although not necessarily be shown a complaint verbatim) and be provided with an opportunity to respond and/or provide evidence on the matter.

The student/s involved will be required to document in writing their perspective of the incident immediately and led to an allegation of misconduct.

After investigation, the trainer will liaise with the management team and may make one of the following decisions:

- that the student is directed to cease actions which are subject to the allegation
- that the student is directed to provide a formal apology to the aggrieved party
- that the student provides an undertaking in writing not to repeat the misconduct
- that the student be given a written warning
- If property is damaged, the management team will be advised and the decision may result in the student paying restitution to the value of repair/replacement costs for property damaged or stolen
- that the student be restricted from the premises for a defined period (e.g. work placement as a cooling off period) and/or
- that the student's enrolment may be suspended for a defined period not exceeding fourteen (14) days.

Note: the student has the right to recommence their studies at the end of the suspension, but this may be dependent on meeting conditions specified at the time of suspension that the student be expelled from New Era Institute (this decision is solely made by the CEO).

Note: this is a permanent exclusion with no right to be re-admitted to any New Era Institute course.

In determining the penalties the management team will take into account:

- the nature and seriousness of the misconduct
- the student's previous record of misconduct and the penalties imposed
- whether there are any mitigating circumstances

- whether the student admits the misconduct and has expressed remorse
- the potential impact on the student, including their capacity to complete their course
- the potential impact on any other students or staff members involved

The student will be advised in writing of:

- the decision and the reasons for reaching the decision, and
- Student Services will notify the Department of Education via PRISMS as required on the section 19 of ESOS Act of the suspension or exclusion, and that the notification may affect their student visa.

The availability of internal misconduct resolution processes does not preclude New Era Institute from referring a student to external authorities (also see the New Era Institute, Complaints and Appeals policy).

Urgent suspension or restriction, pending investigation

A management team member has the power to temporarily suspend or restrict a student for a period of fourteen (14) days from all or part of New Era Institute's campus from access to its facilities in urgent circumstances. This includes where there is a threat to the safety of persons or property and if a student is disrupting the use of facilities or participation in activities.

Serious misconduct

Where State or Commonwealth laws appear to have been breached, the matter will be referred to the police or other appropriate authority. Cancel the student's enrolment (serious misconduct involving violence to others, serious damage to property or breach of State or Commonwealth law).

Records of misconduct

A full record will be kept of all stages of misconduct proceedings including all actions, evidence, correspondence, meetings and minutes. These records will be stored on a confidential file until the final decision is made. When misconduct is determined to have taken place, a summary of the investigation and decision will be recorded on the student's file and all the recorded information will be scanned and stored electronically by student services in individualised student file on the server. The hard copies are filed in individualised folders and stored in the student file management room.

Student Services will notify the Department of Education via PRISMS as required on the section 19 of ESOS Act.

Appeal

Under New Era Institute Complaints & Appeals policy a student may lodge an appeal on the request for appeal of a decision from against a decision made under this policy within 20 working days of the date of notification of the decision.

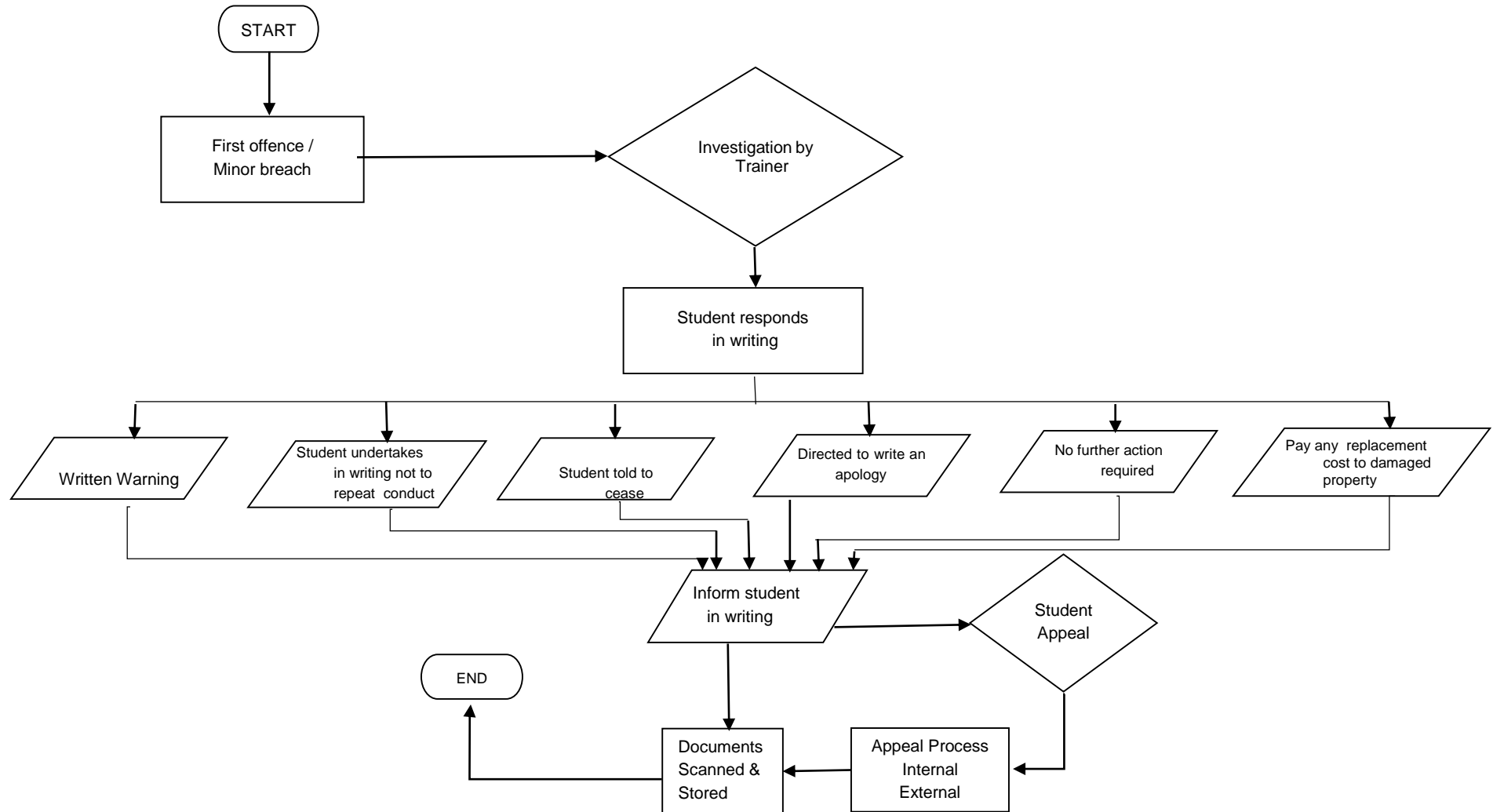
To avoid frivolous appeals being made an appeal ought to be made on the following grounds:

- there was a lack of procedural fairness in an investigation to complaints or misconduct matters
- the decision was manifestly unreasonable or cannot be supported by evidence
- there is new evidence not available at the time of the original investigation

The outcome of such an appeal will be final but does not preclude the complainant's right to access an external complaints process (see New Era Institute Complaints and Appeals policy).

Students who commit serious behavioural misconduct after being formally warned are to have their enrolment cancelled and will not be entitled to a refund. New Era Institute will inform the student that s/he has 20 working days in which to access New Era Institute's internal complaints and appeals process.

Dealing with behaviour misconduct process (First Offence/Minor Breach)





Repeated Offences and/or significant breaches

