

Student Conduct Policy

Purpose

Ella Bache Collège aims to provide a safe, secure and inclusive learning environment that enables students to fulfil their academic potential and graduate to make a positive contribution to society. The college supports the principles of fair treatment, respect of persons, integrity and procedural fairness. Ella Bache Collège actively discourages behaviours and actions that are inconsistent with a safe, equitable and respectful environment in which to work and study. It expects all members of the college community to comply with anti-discrimination and equal opportunity laws and the provisions under this policy. Breaches falling within the parameters of this policy may result in disciplinary action or other appropriate penalties or sanctions.

Scope

This policy applies to both domestic and international students enrolled in Ella Baché College courses.

Principles

This policy is based on the principle that all members of the Ella Baché community benefit from:

- acting honestly and with integrity, demonstrating mutual respect
- the right to be heard in an environment free of bias and unfair treatment
- the proper use of facilities and information
- practices that are inclusive and do not unreasonably prevent access to learning
- responsiveness to individual needs, whether they relate to age, gender, cultural or ethnic background, health, sexuality, employment, location or other personal circumstance
- adherence to relevant State and Federal legislation and Ella Baché policies and guidelines
- the right to make a complaint without subsequent detriment
- prompt resolution of complaints, according to the principles of procedural fairness.

Code of Conduct

Ella Baché College students are expected to adhere to the following Code of Conduct:

- Students will maintain high standards of behaviour and appearance in all areas and strive to maintain the good reputation of the Ella Baché College of Skin and Beauty Therapy
- Students will not engage in any form of physical or verbal abuse towards staff members, other students or members of the public
- Students will not engage in inappropriate behaviour such as chewing gum, smoking or eating during class or when wearing the College uniform
- Aggressive behaviour is not acceptable at any time, be it verbal, physical or via social media
- Students will behave in a safe manner whilst moving around the college facilities or buildings or using the College equipment
- Discrimination of any kind will not be tolerated
- Students will not engage in bullying or harassment of another student either on campus, off campus or via social media
- Students will not engage in disruptive behaviour that prevents other students from learning
- Students will not cheat, plagiarise or engage in any form of academic misbehaviour.
- Students are expected to engage in the College social and extra-curricular activities.

Social Media

Rules for Use of Social Media When using social media in the context of education or research, Students must:

- Only disclose and discuss information about the College or its activities that is not confidential and is publicly available
- Adhere and act in accordance with relevant policies which include, but are not limited to, the following:
 - Copyright Compliance
 - EEO and Discrimination Policy
- Take reasonable steps to ensure that content published is accurate and not misleading
- Ensure that the use, including content published, complies with all relevant rules of the College
- When making a statement on a matter of public interest, students must expressly state that the views expressed are their views and not those of the College (unless they are officially authorised by the College)
- Be respectful and courteous in communications
- Adhere to the Terms of Use of the relevant social media provider; and
- Not disclose confidential information and respect privacy in accordance with the Privacy Act 1988.
- Respect the rights of other students and staff in line with the Australian Human Rights Commission Act 1986 and other related Australian legislation and international instruments (e.g., Racial Discrimination Act 1975, Sex Discrimination Act 1984, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief).

The college will act in accordance with the spirit and requirements of relevant legislation and guidelines. The college may:

- delete a poster's comment on any official Ella Bache social media account if it violates the provisions of this policy, other relevant policies and/or legislation.
- modify, delete, suspend, or discontinue (temporarily or permanently):
 - any official Ella Bache social media account with or without notice if Ella Bache deems that any content posted on these accounts are in breach of the provisions of this policy, other relevant policies and/or legislation.
 - any poster's access to official Ella Bache social media accounts if they have been found to breach the provisions of this policy, other relevant policies and/or legislation.

Managing Complaints of misconduct

The Ella Baché College of Skin and Beauty Therapy will not tolerate any general misconduct. General misconduct is that which:

- Contravenes the College Code, College Rules and Regulations and Grooming and Appearance Standards
- Contravenes any legislation
- Prejudices the good name or reputation of Ella Baché College of Skin and Beauty Therapy
- Acts dishonestly in relation to admissions to the College or fails to comply with conditions agreed to in the contract
- Fails to comply with any penalty imposed for breach of discipline
- Obstructs any member of staff in the performance of their duties
- Alters any documents or records
- Harasses or intimidates another student, a member of staff, a visitor to the College or any other person while the student is engaged in study or other activity as an act student, because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason
- Misuses any facility in a manner which is illegal or which is or will be detrimental to the rights or property of others including the misuse in any way, of any computing, communications or other College equipment
- Steals, destroys or damages a facility or property of Ella Baché College of Skin and Beauty Therapy
- Is guilty of any improper conduct.

Any student, employee or other member of the Ella Baché community who wishes to report an allegation of misconduct against a student must do so in writing to the Head of Education, Education Manager or Educator. Written allegations from external people or organisations will also be considered under this policy.

Penalties for General or Academic Misconduct

Where an investigation is conducted the following process will be following:

First offence and/ or minor breaches

Where the Education Manager considers that the nature of the allegation is such that, if proven, it can be appropriately dealt with without imposing a penalty for significant misconduct as described in this policy, they may determine that the allegation should be investigated and dealt with under a local review and resolution process.

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.

After investigating, the Education Manager may make one (or more) of the following determinations:

- that no further action is required
- 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, or
- that the student be given a written warning.

The student will be advised in writing of the determination and the reasons for reaching the determination.

The Education Manager may refer an allegation to the Head of Education at any time during the investigation if it becomes clear that the allegation is too serious or complex to be dealt with at the local level. Failure to resolve the allegation at the local level will also result in the allegation being referred to the Head of Education for a determination.

Repeated offence and / or significant breaches

In cases of serious misconduct, (e.g. suspected criminal offence such as assault and theft, or alleged misconduct that poses a significant risk to the safety and wellbeing of Ella Baché community and its staff and students) which, if proven, are likely to result in the imposition of a penalty under this policy, the allegation must be referred to the Head of Education to oversee the investigation. In

cases of criminal offences (e.g. drug use, theft), the Head of Education (or delegate) will immediately refer the matter to the relevant external authorities (e.g. police). 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.

After investigating, the Head of Education (or delegate) may make one of the following determinations:

- 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, or
- that the student be given a written warning
- that the student pay restitution to the value of repair / replacement costs for property damaged or stolen
- cancellation of a prize, scholarship or bursary awarded by Ella Baché
- that the student's grade or outcome be adjusted to a fail or Not Yet Competent (where the misconduct involved a form of academic misconduct relating to the subject)
 - Note: this may result in non-conferral of an academic award or the revocation of a conferred award
- that the student be restricted from all, or a specified portion of, Ella Baché premises for a defined period, and/or from use of any facility or service for a defined period
- that the student's enrolment be suspended for a defined period
- that the student be excluded from Ella Baché College for a defined period
- That the student be expelled from Ella Baché College.

In determining the penalties, the Head of Education (or delegate) 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 determination and the reasons for reaching the determination, and
- for international students, that Ella Baché College will also notify the Secretary of the Department (via PRISMS) of the suspension or exclusion, and that the notification may affect their student visa.

The availability of internal misconduct resolution processes does not preclude Ella Baché College from referring a student to external authorities.

Urgent suspension or restriction, pending investigation

The Head of Education (or delegate) has the authority to temporarily suspend or restrict a student from all or part of Ella Baché College's premises or classes or 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.

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 must be stored on a confidential file. When misconduct is determined to have taken place, a summary of the investigation and determination will be recorded on the student's file.

Appeal Under the Student Complaints Policy

A student may lodge an appeal under this policy within 20 working days of the date of notification of the determination. Appeals can be made on the grounds that:

- there was a lack of procedural fairness in the investigation
- the determination was manifestly unreasonable or cannot be supported by the evidence
- there is new evidence not available at the time of the original investigation.

The outcome of such an appeal will be final.