

# 623-1 Student Disciplinary Procedure

## Purpose

1. The purpose of this procedure is to guide and inform staff and students of the appropriate and lawful process that will be followed in the case of disciplinary action
2. In most cases the need for disciplinary action will arise through the poor performance or misconduct of a student. Prior to commencing any disciplinary process the following needs to be considered:
  - a. Is the student aware of the standard of behaviour or performance expected of him/her?
  - b. Has the student been made aware promptly of any aspects of his/her performance or conduct which does not meet the required standard?
  - c. Has the student been given adequate counselling, advice and training to enable him/her to perform or behave to the required standards?
3. If these preliminary measures have occurred and fail to remedy the situation, the disciplinary procedures may be used in accordance with the principles contained in the Student Code of Conduct Policy.
4. This procedure is not inclusive of ECG College Students.

## Grounds for Disciplinary Action

### Misconduct

5. Misconduct is unsatisfactory and unacceptable behaviour. What constitutes misconduct in a specific circumstance will depend on the situation and in particular, the nature of the person's position. The Student Code of Conduct outlines those actions which constitute misconduct. Following due process, misconduct could result in counselling, a first or second written warning, suspension, and or expulsion from the course.

### Unsatisfactory Performance

6. When a student is enrolled in a course of study there is an expectation that they will apply themselves to their study and achieve at a reasonable standard. If the student fails to reach and/or maintain a reasonable standard, even after all reasonable effort has been made to assist him/her to address the performance problem, then there are grounds for initiating the disciplinary process.

## Disciplinary Processes

7. In accordance with procedural fairness misconduct or unsatisfactory performance may result in counselling, written warnings, suspension, or expulsion. Disciplinary action will only be considered once all attempts to assist the student to improve their performance have been exhausted and will be based on concrete evidence that is objective and descriptive, not anecdotal.

### First Meeting with Student and First Written Warning

8. A formal meeting will be arranged with the student by the VET Manager and/or Director. At the meeting the precise nature of the performance problem will be stated and referenced to clear statements of expected performance and or alleged misconduct.
9. A follow up meeting will be arranged, and the student will be given a full opportunity to respond to, and explain the issues raised.

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10. If there is no adequate explanation provided during the follow up meeting, the student will be given an opportunity to offer ideas on how to solve the problem and what actions the student and CCG (where appropriate) can take.
11. A timeframe for actions, changes and improvements will be established and the student will be warned that failure to meet expectations within the timeframe may result in a second written warning. A review date will be set.

### Second Meeting with Student and Second Written Warning

12. If after the first meeting and warning, the student's performance and or conduct does not meet expectations, a second meeting will be held with the student and their support person or representative.
13. A follow up meeting will be arranged, and the student will be offered a full opportunity to provide an explanation. Only continuing performance or misconduct problems will be raised at the meeting; new or different problems will be dealt with separately.
14. If there is no adequate explanation provided for the unsatisfactory performance or misconduct then the procedure outlined for the first meeting will be repeated and the student will be made aware that the situation is serious and that, if performance does not meet expectations, further disciplinary action, including expulsion, may be taken. A review date will be set.

### Third Meeting with Student and Expulsion

15. If the required performance standard is not met and maintained within the established timeframe, a third meeting will be held with the student and their support person or representative and they will be made aware that the situation could result in expulsion.
16. A follow up meeting will be arranged, and the student will be given an opportunity to explain why their performance or conduct continues to be unsatisfactory. The student will also be given an opportunity to comment on the potential outcome.
17. If expulsion is being considered, the student will be informed at the end of the follow up meeting. A recommendation to expel the student will be made to the CEO at the end of the meeting.
18. If, after listening to the student's comments, a decision is made not to expel, other options will be considered. The student's Director and or VET Manager will discuss options with them including, but not limited to change of class including a shift to blended delivery, behavioural contracts, probation, and or suspension.

### Issuing Warnings

19. Depending on the severity of the misconduct, a student may receive: a first written warning; a final written warning or; in cases of serious misconduct, the student may be expelled summarily.
20. Depending on the severity of the misconduct or on subsequent recurrence of the misconduct, the warning procedure may be escalated to a level that is deemed appropriate for the nature of the misconduct.
21. At each stage of the warnings procedure the student will be informed of the potential outcomes, including notification that the student may be expelled.
22. Warnings may only be issued in consultation with, and under the guidance of, the CEO.
23. All warnings shall be in writing and placed on the student's file for the duration of the warning.
24. A student who is in receipt of a warning may, if they wish, respond in writing and have a copy of the response placed on their personnel file.

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### Suspension

25. In circumstances where the presence of the student would be detrimental to the investigation or the presence of the student in the workplace is considered a risk to themselves or to the health and safety of others, a student may be suspended while the investigation is carried out.
26. Only the CEO can authorise the suspension of a student and only after a formal, documented meeting has been held with the student to consider whether the suspension is warranted and to allow the student the opportunity to comment on the proposal of suspension.
27. The decision to suspend will be verbally communicated and followed up with written confirmation of the suspension and the reasons for it. A copy of the written advice will be placed in the student's file.
28. A student who has been suspended must advise where and how they can be contacted to arrange a return to study.

### Expulsion

29. Expulsion of a student is a serious matter and should only occur when CCG is satisfied there is no other appropriate means of resolving the situation. Before a student can be expelled, a full investigation must be undertaken and there must be sound reasons for the actions taken. Except in cases of summary expulsion, no student will be expelled without previous warning and following a reasonable opportunity to improve.
30. Depending on the severity or subsequent recurrence of the misconduct, the decision to expel can be made following a current first or final written warning. At the time of issuing a warning the student must be notified, in writing, that expulsion could be a possible outcome if an improvement in behaviour does not occur within an agreed timeframe.
31. The decision to dismiss due to the severity or the recurrence of the misconduct can only be made after a full and thorough investigation has been carried out. During the investigation meeting, the student must be advised that expulsion is a potential outcome and the reasons for this as a potential outcome. The student must be provided with an opportunity to comment on the proposal of expulsion and may respond with reasons why they should not be dismissed.
32. When a student is expelled, notice of their expulsion must be provided in writing and a copy placed on the student file. The written notice may be given to the student personally or, if it is not practical to do so, may be sent to the student by "signature required" courier.
33. Only the Chief Executive has the authority to make a decision to expel a student.

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