

SGA STANDARDS OF CONDUCT POLICY

1 Purpose

The purpose of this policy is to ensure that all students enrolled by a College of Study Group Australia Pty Limited (SGA) listed in the footer of this document understand their role as members of a productive, respectful and safe learning environment as well as the possible consequences of failure to abide by the Standards of Conduct Policy.

2 Scope

This policy applies to all students enrolled in a High School, Foundation, ELICOS or Higher Education course delivered and awarded by a SGA College listed in the footer of this document, and is for use by students and staff.

Any student's failure to abide by the Standards of Conduct Policy may result in specific penalties, including suspension, cancellation of enrolment or exclusion from the SGA Colleges.

Information about the student code of conduct is provided to students on the Study Group Australia Pty Ltd website and in the Student Handbook. It is also explained to them during orientation. Staff are informed of the student *Standards of Conduct Policy* during their induction session, in the Study Group Australia Pty Ltd Staff Handbook and in this policy document, which is available on the staff portal.

This scope of this policy does not extend to allegations of academic misconduct, which are dealt with separately under the *Academic Honesty Policy*.

3 Definitions

College Director means the most senior staff member for the College (or their delegate). May also be referred to as Centre Director, Principal, or Campus Director.

Critical Incident is as defined under SGA's *Critical Incidents Involving Students Policy and Procedure*

Student under the provisions of this policy, refers to a person enrolled in any course or unit of study at SGA. A student can be a domestic or overseas student.

Support Person refers to a person who is not directly involved in the alleged misconduct such as a friend, counsellor or family member. A support person should not be a legal representative (except with permission of the College Director), or any person involved in, associated with, or alleged to have been involved in or associated with the alleged misconduct.

4 Principles Guiding Application of the Policy

SGA seeks to ensure that any instances of student misconduct are dealt with in a manner which is timely, fair, just and subject to appeal. Through this Policy and its procedures, SGA will be guided by the following principles:

Accessibility: this policy is accessible by all students.

Timeliness: all allegations of misconduct should be resolved in line with the timeframes prescribed under this Policy and its procedures, unless there are exceptional circumstances.

Confidentiality: all allegations of misconduct must be treated with appropriate confidentiality at all steps in the procedures. Access to information must be strictly limited to those persons who have a need to know in order to deal with the allegations being made.

Without Disadvantage and Without Reprisal: a person reporting an allegation of misconduct under this Policy and its procedures should feel confident they will not be disadvantaged in any way, especially by way of subsequent victimization and/or discrimination. Similarly, students are presumed to be innocent until proven guilty of misconduct, applying a test of 'balance of convenience' rather than 'beyond reasonable doubt'.

Procedural Fairness: Procedural fairness, also referred to as natural justice processes, is concerned with the procedures used by the decision-maker, rather than the decision reached. It requires a fair and transparent procedure be used when making a decision. The parties involved in an allegation of misconduct must be given the right to be heard; the right to be treated without bias; and for a decision that is based on evidence.

These procedures usually require that the person raising an allegation must be willing to be identified, unless the facts of the matter are not in dispute, or the allegation relates to a matter where legislation provides otherwise.

On any occasion when the allegation is to be discussed, persons attending the discussion may choose to be accompanied by a support person. If a person attending the discussion is a minor, the College Director must ensure they have the opportunity to be accompanied by a parent or legal guardian.

If the allegations have been made in writing, and the College Director (or delegate) decides to pursue the allegation of misconduct against the student, a copy will be given to the student (or a sufficient summary or explanation of the allegations to ensure the student is able to respond to the allegations).

Support: this Policy and its procedures include provision for confidentiality, independent professional advice, advocacy and other support for persons making, or the subject of, allegations of misconduct. Any person involved in these procedures who is disadvantaged in any way in their ability to present their case should be allowed the professional and independent support and advice needed to participate effectively. Students should contact the College Director (or delegate) for details on support available through the College, including welfare support and access to a counsellor. It may be appropriate in some circumstances that a student or staff member has another person speak on their behalf. Support should not however be provided by a legal representative, except with permission of the College Director.

Access: persons who are the subject of allegations of misconduct have a right of access to all documents concerning their case. This right does not apply to any documents for which SGA claims legal professional privilege.

Continuation of Learning Opportunities: While SGA will maintain a student's enrolment under this Policy and its procedures for determining allegations of misconduct, SGA reserves the right to decide whether or not to continue to offer learning opportunities to a person who is the subject of allegations of misconduct on a case by case basis. This may include but is not limited to, whether or not the student will be permitted to continue to attend classes, be excluded from attending classes but permitted to continue to undertake and complete class work outside of the classroom environment, or be excluded from SGA's campus and other facilities.

SGA recognises that decisions to deny learning opportunities to a student, whether a domestic or international student, throughout the process for determining allegations of misconduct may disadvantage the student in their subsequent studies, and will normally only undertake such action if determined necessary to maintain the College's duty of care to its students, staff and other stakeholders.

Urgency Provisions: should a student engage in behavioral misconduct that results in a critical incident, the provisions and procedures of the SGA *Critical Incidents Involving Student Policy and Procedure* will be immediately enacted to deal with the critical incident. Cases of behavioural misconduct that result in a critical incident shall still be subject to the processes of this Policy and its procedures.

5 General Standards of Conduct

Students are expected to observe SGA's *Standards of Conduct Policy*, to follow the directions given by staff and to conduct themselves in a manner that is respectful to SGA and their fellow students.

Staff members are carefully selected for their academic qualifications, their experience, and for their capacity to encourage and develop individual abilities. Staff, therefore, maintain a congenial relationship with students in order to encourage personal development.

When communicating and interacting with staff and other students, each student is required to:

- a. treat others with respect and fairness regardless of their background or culture;
- b. avoid any behaviour that could offend, embarrass or threaten others, including:
 - refraining from swearing, using obscenities or making offensive remarks in any language; and
 - refraining from harassing or disrupting others in the performance of their duties or studies.

6 Smoking

Smoking is not permitted on the College campuses. It is the students' responsibility to make sure he/she knows the law in relation to cigarette smoking in the State in which he/she is studying; severe fines may apply.

7 Dress Code

Students are required to present themselves in a manner which ensures their comfort and safety while on campus. In particular, students must:

- a. wear appropriate footwear at all times; it is not permitted for anyone to enter the premises in bare feet;
- b. not wear clothing that is likely to offend others in terms of its lack of decency, modesty or cleanliness or because it features slogans, cartoons or any symbol or graphic work that is inappropriate to an education environment;
- c. be adequately clothed in accordance with occupational health and safety requirements;
- d. not wear hats or caps in class, except for religious or cultural purposes; and
- e. not wear motorbike helmets on the premises.

8 Behavioural Misconduct

Students must not engage in behavioural misconduct.

Behavioural misconduct is conduct by a student that impairs the reasonable freedom of others to pursue their studies, duties and other lawful activities at a College or amounts to improper use of College facilities or information or improper use of the property of others on College land or sites.

Without limiting the above definition, behavioural misconduct includes:

- a. any breach of Commonwealth or State law that impacts on College operations;
- b. any harassment or bullying of other students or of staff;
- c. any behaviour which impacts detrimentally on other students pursuing their studies and/or participating in the activities of the College;
- d. any act or failure to act that endangers the safety or health of any other person;
- e. acting in a way that causes students or staff or other persons within the College to fear for their personal safety, e.g. violent or threatening behaviour;
- f. acting in a way that causes wilful damage to College or staff or other students' property;
- g. being under the influence of drugs or alcohol whilst on College premises
- h. any inappropriate use of technology; and
- i. failure to follow a reasonable direction of a College staff member, including in relation to the standards of conduct recorded in this policy.

9 Academic Misconduct

Allegations of academic misconduct are dealt with under the *Academic Honesty Policy*.

10 Procedures for Determining Allegations of Behavioural Misconduct

STEP 1

If a person wishes to pursue a complaint about the conduct of a student, a written report of the alleged misconduct will be provided to the relevant College Director, or in the absence of the College Director, a delegate.

The report will describe the alleged case of misconduct and include any supporting evidence such as items obtained and/or used by the student in connection with the alleged misconduct, photographs or video footage of any relevant activity, statements from witnesses and any other relevant material. All possible details of the date, time, duration, location and context of the alleged misconduct are clearly identified.

The College Director (or delegate) (on their own initiative or in response to a report) may make preliminary investigations to decide whether a student should be proceeded against for alleged misconduct.

The College Director (or delegate) may determine that it would not be appropriate to proceed with an allegation of misconduct against a student, including for example because:

- a. the student has no case to answer; or
- b. further consideration of the allegation cannot be warranted due to the low level of seriousness of the allegation made.

In the case of the latter, the College Director (or delegate) may direct the student not to engage in particular conduct in the future and warn the student that a failure to comply with that direction will be considered in determining whether to proceed against the student for alleged misconduct in the future. If such a direction is given, evidence of the direction will be retained on the student's file for consideration in determination of any future allegation of misconduct.

STEP 2

If the College Director (or delegate) decides to proceed against a student, the College Director (or delegate) will notify the student in writing and, when practicable, in person, of the allegation of misconduct and the intention to convene a meeting at the College, within five (5) working days of the receipt of a report of the alleged misconduct.

The meeting will be held within 10 working days of the student receiving written notification of the allegation. The student will be requested to attend the meeting and advised to bring a support person. If the student is a minor, the College Director must ensure they have the opportunity to be accompanied by a parent or legal guardian. A member of the College staff will minute and create a written record of the meeting. If circumstances do not permit all of the parties to convene at the College, an online meeting is an acceptable substitute, but all participants must be approved by the College Director (or delegate) before commencement.

Participants at the meeting will normally include:

- a. the student;
- b. the College Director (or delegate);
- c. the person nominated by the student to provide support;
- d. any other individual(s) whose presence is deemed appropriate by the College Director (or delegate). This may include a minute taker, or a College translator if the issue is serious (having the potential to result in termination of enrolment) or the student requires assistance due to low language proficiency level.

The purpose of the meeting is to:

- a. ensure that the student understands the policy and procedures and that there are no language barriers or other factors that may impede the student's participation;
- b. explain the nature of the alleged misconduct and the possible consequences for the student;
- c. present all available evidence;
- d. enable the student to explain the circumstances of the alleged misconduct;

- e. discuss, if appropriate, possible ways of resolving the matter;
- f. produce a written summary of the discussion on which a decision can be based.

STEP 3

Within five (5) working days of the meeting, the College Director (or delegate) will write to the student to outline the decision, reasons for the decision, any penalties to be imposed and the procedure for an appeal by the student, if applicable.

If the College Director (or delegate) finds that student misconduct is not proven, the decision will be final and all records of the investigation will be maintained on the student's file for the enrolment period of that student.

If the College Director (or delegate) finds that student misconduct is proven, complete documentary evidence of the process and the outcome will be kept on the student's official record in accordance with the regulatory obligations of the College. The documentation should include the:

- a. initial report of alleged misconduct;
- b. notification to the student;
- c. notice of allegation of misconduct and misconduct hearing;
- d. notification of outcome and right to appeal;
- e. notice of appeal;
- f. decision of any appeals process and copies of all documentation provided thereto;
- g. other material relevant to the investigation of the case.

Penalties

Any penalty imposed for misconduct will be carefully considered. Decisions made by the College Director (or delegate) will take into account, but not be limited to, the following:

- a. the nature of the misconduct, including the involvement of other individuals, and the actual or potential benefit to the student, if any;
- b. the impact of the misconduct on members of the College community or any other individual, group or organisation;
- c. the academic and personal conduct record of the student;
- d. the student's contribution to the investigation process;
- e. parental input (in the case of students under 18);
- f. any extenuating or mitigating factors.

The College Director (or delegate), in consultation with the student's teacher(s) and other members of the College staff as considered appropriate, will determine any penalty for non-academic misconduct. The student may be required to:

- a. apologise formally, in person and/or in writing, to any aggrieved party;
- b. enter into a contract governing access to and behaviour at the College;
- c. undertake some form of remediation, such as counselling;
- d. provide full reimbursement of the cost of any damage done to any person or property. A payment plan may be offered to a student who is not able to provide full reimbursement at the time of the determination;
- e. leave the College temporarily or permanently;
- f. have their enrolment suspended or cancelled (in which case the College will comply with the requirements for suspension or cancellation of enrolment in the *SGA Deferment Suspension Withdrawal or Cancellation of Enrolment Policy*);
- g. accept any other penalty or action considered appropriate.

STEP 4

Appeals Process

A student who does not accept the outcome of the process outlined in Steps 1-3 will be advised in

writing of the option to access the internal appeal process of the College under the *SGA Student Complaints and Appeals Policy and Procedure*.

11 Policy Review

This policy is reviewed at a minimum of once every three years by the policy owner (or delegate) to ensure alignment to appropriate strategic direction and its continued relevance to current and planned operations. The next scheduled review of this document is listed in the document history section of this document.

12 Records Management

Records in association with this policy will be kept in accordance with SGA's Records Management Policy. Confidential documents related to the implementation of the policy will be maintained according to relevant privacy requirements.

13 Related Documents

- a. SGA Academic Honesty Policy
- b. SGA Critical Incidents Involving Students Policy and Procedure
- c. SGA Student Complaints and Appeals Policy and Procedure
- d. SGA Deferment, Suspension, Withdrawal or Cancellation of Enrolment Policy
- e. SGA Records Management Policy

14 Related Legislation

This policy has been developed in line with requirements set out in all applicable law and regulation including the: Education Services for Overseas Students (ESOS) Act 2000 (and its amendments); National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) which complements existing national quality assurance frameworks in education and training including the Higher Education Standards Framework (Threshold Standards), the English Language Intensive Courses for Overseas Students (ELICOS) Standards 2018, the National Standards for Foundation Programs, the NSW Education Act and related regulations for NSW Education Standards Authority (NESA) registered High Schools, the Australian Qualifications Framework (AQF), the Tuition Protection Service (TPS), and other Commonwealth and State legislation and regulatory frameworks and standards including the Privacy Act 1988, Corporations Act 2001; and Competition and Consumer Act 2010.

Document Approval

Document ID	SGA Standards of Conduct Policy v4.0 OG.STU.02.20		
Policy Owner	Head of Governance, Quality, Compliance and Risk SGANZ		
Policy Custodian	Head, International Study Centres SGANZ		
Approved by	SGA Board of Directors	Date Approved	22 September 2020
		Date Commencing	22 September 2020

Document History

Commencing Date	Summary of Changes	Next Review Date
28 June 2010	v2.0	June 2013
24 August 2012	v3.0 Replaces version 2.0	July 2015
22 September 2020	v4.0 Major review to align process and regulatory requirements	September 2023