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| Document ID: | HRM 7.2.2 – General Misconduct |
| Responsibility: | Principal |
| Version: | 2.0 |
| Issue date: | 24/04/09 |

POLICY TITLE: GENERAL MISCONDUCT POLICY

AMENDMENT HISTORY:

| Issue Date: | Summary of Changes |
|--------------------|--|
| 28/06/06 | First version |
| 28/04/09 | Change of Policy title to General Misconduct |



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PURPOSE

This Misconduct Policy prescribes ACN's management of allegations of non-Academic misconduct in a timely and fair manner.

SCOPE

This policy applies to all staff employed and students enrolled at ACN. This policy is guided by the assumption that staff and students wish to pursue their aspirations a conducive, safe environment.

RESPONSIBILITY AND AUTHORITY

The Principal is responsible for the overall integrity of the administration of this policy.

POLICY

STAFF

If a staff member breaches the code, informal to formal disciplinary action may be taken (in line with the industrial legislation that applies). Normally, staff members alleged to have been in breach of an aspect of the Code of Conduct (REFERENCE HRM 7.2.1) will be required to meet with their immediate supervisor and further steps to address the allegations will be discussed and undertaken.

Normal procedures involving natural justice, fairness and equity will apply with the staff member being given an opportunity to respond to the allegations.

For staff, severe infractions which impact the safety and security of individuals at ACN may result in employment termination.

STUDENTS

This policy does not cover matters involving academic issues. The nature of the misconduct committed by the students covered in this policy is non-Academic in nature.

Non-academic misconduct includes, but is not limited to, conduct where a student:

- Contravenes the Code of Conduct;
 - Behaves in a manner that prejudices the good name or academic standing of ACN conducting courses on behalf of La Trobe University;
 - Damages or destroys ACN property (including library books, computing hardware or software, or the deliberate release of computer viruses);
 - Misuses ACN facilities, systems and equipment, to engage in illegal activity or activity prohibited by the ACN's rules and policies (for example, infringing copyright);
 - Steals or misappropriates ACN property or equipment;
 - Harasses, vilifies, abuses, threatens, assaults or endangers staff, students or other members of the ACN community or otherwise obstructs staff or students or other members from undertaking their academic pursuits at ACN;
 - Fails to follow reasonable directions of an employee of ACN;
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- Alters or falsifies any document or record of ACN or La Trobe University where ACN is providing or facilitating the service in question on behalf of La Trobe University (e.g. such as student concession cards);
- Alters or falsifies any documentation that La Trobe University requires of the student (e.g. medical certificate or other supporting documentation) and which ACN is providing or facilitating on behalf of La Trobe University;
- Divulges confidential information relating to any ACN matter, staff member or student (e.g. employment records, confidentiality agreements, "in-camera" discussions) in circumstances where there is no reasonable or lawful excuse for doing so;
- Behaves inappropriately in an activity (e.g. class, meeting), facility in or under the control or supervision of ACN;
- Refuses or is unable to identify him/herself when asked to do so by a staff member of ACN (e.g. administration officer, manager, lecturer, examination invigilator).
- Knowingly provides false or misleading information to staff at ACN.

For the procedure, please refer to REFERENCE HRM 7.2.2 R1 – Student non-Academic Misconduct Procedure

In the administration of this policy, all students are entitled to fairness, equity, privacy and non-discrimination. Students are reminded that they have recourse to external appeal for any decisions made within ACN. Appellants may be required to substantiate their request for an appeal; in particular they may be asked to demonstrate new evidence that has not been heard by an earlier authority. Refer to policy STS 4.2 Complaint and Grievance

REFERENCES:

| Policy Number: | Policy Title |
|----------------|---|
| HRM 7.2.1 | Code of Conduct |
| HRM 7.2.2 | Student non-Academic Misconduct Procedure |
| STS 4.2 | Complaint and Grievance |