
Policy Owner:	Principal
Contact Officer:	Deputy Principal
Approved by:	Management Board
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Related Policies:	Complaints and Appeals Policy Critical Incident Policy

1. Overview

1.1. The purpose of this policy is to outline the approach and steps to dealing with student misconduct.

2. Organisational Scope

2.1. This policy applies to all students of Phoenix Academy.

3. Definitions

3.1 Academic Misconduct: means any conduct by a student in relation to academic work that is dishonest or unfair and includes, but is not limited to:

- (a) plagiarism;
- (b) unauthorised collaboration;
- (c) cheating in assessment/examinations; and/or
- (d) theft of another student's work;

3.2 Cheating: means dishonest conduct in any assessment/examinations;

3.3 General Misconduct, (other than Academic Misconduct) includes, but is not limited to, conduct which:

- (a) breaches Phoenix Academy Conditions of Offer, policies or rules,
- (b) constitutes a serious impediment to the carrying out of Phoenix Academy functions,
- (c) involves threatening or offensive language and/or behaviour (either written or verbal) by a student towards another student or staff member, or
- (d) is otherwise detrimental to Phoenix Academy, its staff or students;

3.1.1 Plagiarism: a form of academic misconduct which means to knowingly or unknowingly present as one's own work the ideas or writings of another without appropriate acknowledgment or referencing. This includes, but is not limited to:

- (a) paraphrasing or copying text without adequate acknowledgment of the source; and/or;
- (b) copying, whether identically or in essence, the text of another student's assignment or other students' assignments; and/or;
- (c) copying, whether identically or in essence, of visual representations (for example cartoons, line drawings, photos, paintings and computer programs);

Full details of Phoenix Academy's Plagiarism policy are located under the Policy Library on the website: www.phoenixacademy/Academy Policies

4. Policy Content

4.1 Academic Misconduct

4.1.1 Where a staff member has reasonable grounds to believe that a student has committed an act of academic misconduct, the staff member shall provide a written report of the alleged offence to the Director Academic or equivalent.

4.1.2. The Director Academic will appoint a decision maker who will then investigate the matter in whatever manner, and to whatever extent he/she considers appropriate. Reasonable steps must be taken to contact the student to arrange an interview for the purpose of discussing

the alleged act of misconduct. All communications/interviews will be noted electronically on the student(s) record.

- 4.1.3. Following the investigation, where there are reasonable grounds to believe that a student HAS NOT committed an act of misconduct, the appointed decision maker must inform the student and the reporting staff member that the matter is dismissed on the grounds that:
 - (i) there has not been an act of misconduct; or
 - (ii) there is insufficient evidence to conclude that an act of misconduct has occurred; or
 - (iii) the actions of the student were minor or unintentional.
- 4.1.4. Where there are reasonable grounds to believe that a student HAS committed an act of misconduct, the appointed decision maker must provide a written report of the case to the Director Academic.
- 4.1.5. Where the matter under investigation is considered to warrant intervention or action from an external agency, the matter will also be referred to the appropriate party (eg. Police, health authorities, DIAC etc). (Note: if Phoenix Academy has to report the student to DIAC, the student will be informed of our intent to report and given 20 working days to appeal – please refer to the Academy Complaints & Appeals Policy for further detail).
- 4.1.6. On receiving a written report of misconduct, the Deputy Academic Director or Academic Director will convene a Misconduct Committee meeting consisting of the Academic Manager – ELICOS or Academic Manager – VET, the Director Academic, and the Student Services Manager (or nominee).
- 4.1.7. Representation from genders, conflicts of interest and confidentiality must be considered in the make up of the committee (the committee may include a translator or external counsellor)
- 4.1.8. The Committee must confirm whether an act of misconduct has occurred before agreeing on what action needs to be taken.
- 4.1.9. The Committee may impose penalties/actions which include (but may not be limited to) the following:
 - (i) provide the student with a written warning;
 - (ii) require the student to commit to an agreement regarding behaviour;
 - (iii) require the student to rewrite or redo and resubmit the offending work or prepare an assignment on a new topic (academic misconduct only);
 - (iv) deduct marks in line with the seriousness of the act (academic misconduct only);
 - (v) disallow any mark in relation to the offending work (academic misconduct only);
 - (vi) defer, suspend or cancel the student’s enrolment
 - (vii) refer the matter to police and/or campus security.
- 4.1.10. In all instances the Director Academic must report any decision made at these meeting to the Executive Management Group.
- 4.1.11. The Director Academic (or nominee) will inform the student of the outcome of the decision, any disciplinary action to be taken and consequences (eg. Refund penalties).
- 4.1.12. If a student is dissatisfied with a decision made by the committee they may submit a written appeal against that decision in accordance with the Academy Complaints and Appeals Policy.

4.2. General Misconduct

- 4.2.1 Where a staff member has reasonable grounds to believe that a student has committed an act of general misconduct, the staff member shall provide a written report of the alleged offence to the Director Academic.
- 4.2.2. The appointed decision maker will then investigate the matter in whatever manner, and to whatever extent he/she considers appropriate. Reasonable steps must be taken to contact the student to arrange an interview for the purpose of discussing the alleged act of misconduct.

- 4.2.3. Following the investigation, where there are reasonable grounds to believe that a student HAS NOT committed an act of misconduct, the appointed decision maker must inform the student and the reporting staff member that the matter is dismissed on the grounds that:
 - (i) there has not been an act of misconduct; or
 - (ii) there is insufficient evidence to conclude that an act of misconduct has occurred; or
 - (iii) the actions of the student were minor or unintentional.
- 4.2.4. Where there are reasonable grounds to believe that a student HAS committed an act of misconduct, the appointed decision maker must provide a written report of the case to the Director Academic (or nominee).
- 4.2.5. Where the matter under investigation is considered to warrant intervention or action from an external agency, the matter will also be referred to the appropriate party (eg. Police, health authorities, DIAC etc). (Note: if Phoenix Academy has to report a student to DIAC, the student will be informed of our intent to report and given 20 working days to appeal)
- 4.2.6. On receiving a written report of misconduct, the Director Academic (or nominee) will convene a Misconduct Committee meeting consisting of the Academic Manager – ELICOS or Academic Manager – VET, the Director Academic, and the Student Services Manager (or nominee).
- 4.2.7. Representation from both genders, conflicts of interest and confidentiality must be considered in the make up of the committee.
- 4.2.8. The Committee must confirm whether an act of misconduct has occurred before agreeing on what action needs to be taken.
- 4.2.9. The Committee may impose penalties/actions which include (but may not be limited to) the following:
 - (i) provide the student with a written warning;
 - (ii) require the student to commit to an agreement regarding behaviour;
 - (iii) defer, suspend or cancel the student's enrolment
 - (iv) refer the matter to police and/or campus security.
- 4.2.10. In all instances the Academic Director must report any decision made at this meeting to the Management Board.
- 4.2.11. The Director Academic (or nominee) will inform the student of the outcome of the decision, any disciplinary action to be taken and consequences (eg. Refund penalties).
- 4.2.12. If a student is dissatisfied with a decision made by the committee they may submit a written appeal against that decision in accordance with the Academy Complaints and Appeals Policy.