

**Date of Implementation**

13<sup>th</sup> May 2024

**Date Reviewed**

May 2024

**Date Due for Review**

May 2025

## Student Disciplinary Policy and Procedure

### Purpose

MiHaven Training is committed to providing all students with equitable opportunities to pursue their training and development. This procedure sets out the responsibilities and processes to promote safe, supportive and disciplined learning environments.

### Code of Conduct

MiHaven Training wants to ensure that all learning environments are free from harassment, discrimination and victimisation. MiHaven Training believes in encouraging all students to set personal goals and work toward attaining their full potential. MiHaven Training expects all students who enrol to abide by these expectations and to commit to adopting the Student Code of Conduct.

MiHaven Training has a zero-tolerance approach to harassment and disciplinary action will be taken against any employee or student involved in such behaviour. This is regarded as any form of behaviour that is unwanted, unwelcome or unreciprocated by relevant persons. This may manifest as verbal or physical harassment but includes any acts that may be perceived as humiliating, offensive, intimidating, threatening, discriminatory or otherwise contributing to an unpleasant workplace or experience for the persons.

Discrimination means treating a person less favourably than another because of a personal attribute that they may have. Under State and Federal equal opportunity laws, discrimination based on attributes is unlawful. Any form of discrimination or bias should be reported to an MiHaven Training employee.

### Disciplinary Process

The MiHaven Training disciplinary procedures will be used only when necessary. Where possible, informal and/or formal counselling or other good management practices will be used to resolve matters prior to any disciplinary action being taken. Students at all times must maintain appropriate behaviour and follow MiHaven Training Student Code of Conduct.

Penalties for breaches of rules or unsuitable or disruptive behaviour will be imposed depending on the nature and severity of the breach. In the case of minor breaches, a warning will be given, and penalties imposed for subsequent breaches. In the case of major or repeated breaches, penalties may be imposed immediately, and the student may be requested to leave the course. The RTO Director and Training Operations Manager will oversee all disciplinary matters.

## Policy

Disciplinary action should be taken for inappropriate behaviour towards other students or MiHaven Training employees or for breaching the MiHaven Training student Code of Conduct. For Students undertaking any work placements, any disciplinary action or recommendations must be made with due regard to the workplace activities and the RTO Director and Training Operations Manager will advise the workplace of any required details at his/her discretion.

Up to three offences can be issued against each student. If a student is found to have broken the Student Code of Conduct, the following steps will be taken:

N.B. In situations where serious misconduct has been established, the RTO Director has the authority to proceed to instant dismissal/withdrawal from any MiHaven Training program or course.

### ***First Offence- verbal***

A verbal warning will be issued to the student, and they will have to attend a meeting with the Training Operations Manager to discuss their actions and their future with MiHaven Training;

- A record of this verbal warning and meeting will be documented, dated and signed by the relevant employee issuing the warning;
- Student can be given a copy of the record;
- This record will be placed in the student file.

### ***Second Offence and final warning***

A formal written warning will be issued to the student, and they will have to attend a meeting with the RTO Director of MiHaven Training and the relevant employee to discuss their actions and their future with MiHaven Training;

- A record of this formal written warning and meeting will be documented, dated and signed by the student, the RTO Director of MiHaven Training and the relevant employee issuing the written warning;
- Any comments that the student makes at the meeting in relation to their behaviour will be documented;
- Student can be given a copy of the record;
- This record will be placed in the student file.

### ***Third Offence***

Student will be removed from class immediately. This means that students will no longer have access to training sessions, assessments, resources or admittance into MiHaven Training Campus;

- The student will be advised of a time to attend a meeting with the RTO Director of MiHaven Training and the relevant employee;
- The student will be provided with reasons for any disciplinary action MiHaven Training may take, in writing;
- A copy of the record will be dated and signed by the student, the RTO Director and the relevant employee;
- Student will be withdrawn from their course immediately;
- Student to be issued with statement of attainment, (if required) and dependant on financial status;
- This record will be placed in the student file.

## Procedure

If an investigation is needed to establish the truth of allegations, the RTO Director and Training Operations Manager may require the relevant employee member to provide, in writing, full details of the allegations, together with any relevant documentation or statements.

The student will be given a copy of the allegations and evidence and will be given an opportunity to present his or her own documentation to support a defence, in the first and/or second offence.

The RTO Director may interview key persons as part of the investigation and may seek statements in writing. Investigations may also be undertaken or initiated by other organisations – such as the Police –when circumstances warrant.

The RTO Director may take whatever action is deemed appropriate after considering the allegations, the evidence provided, and the responses of the student concerned. The student and the Trainer and Assessor must be notified of what action is to be taken in writing.

Depending on the severity of the circumstances; the frequency of the occurrence; the effect of the behaviour on the class and/or MiHaven Training; the students record; the willingness of the student to address the issue and any mitigating circumstances that may exist, the RTO Director may impose one or more of the following:

- A verbal warning or final written warning;
- A change of delivery methods- external/ online;
- Suspension;
- Dismissal/ withdrawal from course.

N.B. In situations where serious misconduct has been established and a decision is made by the RTO Director to proceed to dismissal/withdrawal, documentation of the disciplinary process is very important and all discussions with the student that occur during any stage of the disciplinary process are to be documented by way of file notes. Copies of all documents related to the disciplinary procedure must be forwarded to the MiHaven Training Administration team for inclusion in the students' profile on the Student Management System.

## **Serious Misconduct**

If a student is accused of serious misconduct;

- The student will be immediately suspended for 48 hours from attendance at class or training;
- The Trainer and Assessor will advise the RTO Director and Training Operations Manager immediately about the situation and provide a written statement, which will explain why the student has been suspended;
- The student will be advised of a time to attend a meeting with the Director and Training Operations Manager and relevant employee.
- The RTO Director and Training Operations Manager will give the student an opportunity to be heard in relation to the misconduct or disciplinary action and can do any of the following:
  - Modify or dismiss the charges or actions;
  - Reprimand and warn the student against repetition of the breach of discipline;
  - Dismissal/ withdrawal from course;

The student will also be advised about their right to appeal against the action and any penalties.

## **Appeals**

Students can appeal against certain penalties via MiHaven Training's Complaints and Appeals policy. The penalty may (at the discretion of the RTO Director and Training Operations Manager) be reduced, removed, or increased and such processes or decisions do not remove the student's right as a student to act under Australia's consumer protection laws.