



CODE OF CONDUCT FOR STUDENTS

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| Contacts | policy@top.edu.au | | |
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1 PURPOSE

Top Education Institute (TOP) is committed to providing a safe, harmonious and tolerant environment in which students are enabled to achieve their full academic potential. There is an expectation that students share the responsibility with TOP and its staff of ensuring the maintenance of this environment by behaving in a mature and responsible manner and showing respect for all other students, teachers, associates of TOP and all businesses within the Australian Technology Park (ATP). It is expected that student conduct will be consistent with the values of TOP and contribute to theirs and others' experience at TOP.

The purpose of this Code of Conduct (Code) is to set out the expectations of student behavior at TOP. In the event of a student's breach of this Code, the TOP may take disciplinary action. This document provides a framework for dealing with instances of alleged student behaviour that doesn't accord with the letter or the spirit of the Code.

2 SCOPE

The Code applies to all students of TOP including any person who: is enrolled as a student at TOP; is yet to enroll but has been accepted by TOP for a course of study; or has a place at TOP but has been suspended or excluded from a course of study. It applies to individual students as well as student groups and organisations. The Code applies, irrespective of time or place, to any action that impacts upon TOP, its students or staff. The establishment of misconduct may be based upon behavior or actions taking place on the site of ATP or off-site whilst using TOP resources.

3 DEFINITIONS

ATP means Australian Technology Park

Associate is any person who is engaged by TOP for any dealings as required by TOP.

Bullying means any act that is directed at a person and causes a reasonable person to feel humiliated, intimidated, offended, in fear of harm to themselves or their property. Acts of bullying may occur in person, over the internet, through electronic and social media or through other persons.

Discrimination is the act of treating a person differently because of personal characteristics including but not limited to: gender, race, nationality, ethnicity, religion, sexuality, socio-economic background and disability.

Harassment is any form of unwelcome and unreciprocated behaviour, which makes the situation unpleasant, humiliating or intimidating for the person who is the target of that behaviour. Harassment may be sexual or may arise from discrimination.

Misconduct means any conduct by a student which is prohibited under this Code as outlined in Section 4 below. This section outlines the guiding principles for establishing misconduct but is not an exhaustive list of misconduct. It should be considered along with TOP's other supporting policies and procedures as well as relevant State and Commonwealth legislation. For Academic Misconduct, including but not limited to plagiarism, please also refer to TOP's Student Academic Integrity Policy.

Property means any item, resource or facility that is owned or provided by a fellow student, teaching staff, TOP or ATP.

Right to freedom of expression means the right of a person to freely, yet reasonably, with good faith and within the constraints of law, say or make an expression of their opinion. This may take place through artistic or literary works, statements, publications, discussions or any other community or public interest purpose.

Sexual assault is a crime. It involves any behavior of a sexual nature that causes physical or psychological harm.

Sexual harassment involves making unwanted sexual advances, requests, comments and unwelcome physical conduct towards another which would cause a reasonable person discomfort and offence.

Weapon means any object or substance, whether authentic or replica, that may cause or that may be capable of causing injury, incapacitate or threaten injury to others and creates a real or possible threat of harm.

4 GUIDING PRINCIPLES FOR ESTABLISHING MISCONDUCT

4.1 Personal Responsibility

- i. Students have a responsibility to read and comply with this Code as well as all other policies and procedures of TOP that may apply to them.
- ii. It is the responsibility of students to read, respond and/or act upon all relevant correspondence from TOP including phone calls, emails and staff notices on TOP's Moodle system.
- iii. Students have a responsibility to comply with conditions relating to enrolment and progression, including observation of key dates and deadlines and the provision of relevant information that is accurate and current.
- iv. Students must avoid all circumstances and situations that may lead to a breach of the terms of this Code and to other terms proscribed by TOP's policies and procedures.
- v. Individual students will be considered to have engaged in misconduct if they are a part of a student gathering or group that breaches the terms of this Code unless they can demonstrate that they took appropriate action to dissociate from the group or prevent the misconduct immediately upon becoming aware of the group's misconduct.
- vi. Students are not to conspire and/or incite other students to commit acts that are deemed as misconduct pursuant to this Code. This includes any face to face, electronic or social media communication.
- vii. For identification purposes, students are required to carry their student cards with them at all times while they are on TOP's premises. In circumstances where a student is asked to produce their student card to an official of TOP, including security personnel or staff, and is unable to do so, the student may be requested to comply with a direction to leave the premises.

4.2 Academic Honesty and Integrity

- viii. Any act committed by a student that is considered by TOP to be cheating, plagiarism,

academic dishonesty, fraudulent behavior, or any other type of deception that is not considered to be in the spirit of academic honesty or authentic production of individual work, will not be tolerated and will be subject to disciplinary action and applicable sanctions. Refer to the Student Academic Integrity Policy for more information.

- ix. All students must ensure proper use of copyright material as outlined in TOP's Copyright Guidelines. In addition, Research Higher Degree students must also comply with requirements of all relevant research conventions. TOP provides a range of policy documents relating to research ethics and integrity, (See Section 6 Related Documents).
- x. During any period of examinations, students are to observe and follow the procedures outlined on the file cover sheet for that specific examination or assessment and the relevant examination rules as communicated or directed by examination supervisors. In addition, TOP's Examinations Procedures Policy provides detailed information regarding conduct required of examination candidates. Misconduct in examinations or other assessments includes but is not limited to: non-compliance with specified examination procedures, including lack of cooperation with examination supervisors; provision of false identification or refusal to provide identification; disruption of an examination and/or disruption of fellow students while undertaking an examination; and failure to disclose unauthorized materials or equipment prior to examination commencement or any other action that is deemed to be cheating.
- xi. TOP's Examinations Procedures Policy and Assessment Policy and Procedures (Coursework) provide information relating to procedures for students to apply for an examination resit, assessment extension etc. Students are required to be honest in all dealings relating to these procedures. This includes statements of need for special consideration and supporting documentation. The submission of false or deliberately misleading documentation, such as fake medical certificates, will be dealt with in accordance with the disciplinary process outlined in Section 5 of this Code.

4.3 Cooperation and Respect for Others

- i. TOP expects that students will respect the rights of other students and staff members to study and perform duties to the best of their ability. Students must not behave in any way that impedes the ability of others to participate in their usual activities at TOP. Students are to conduct themselves respectfully and responsibly while in class. Any disruptive conduct will not be tolerated and students will be asked to leave the classroom if they continually interrupt the lecturer or other students.
- ii. Students are expected to comply with all applicable laws while on TOP's premises. In the event that any student causes harm to any other person while on the premises of ATP, TOP may report the matter to the appropriate local authorities. Students must respect TOP's property as well as the property of other students, staff or associates of TOP, or ATP and they are not permitted to take any possession or use someone else's possessions without that person's permission.
- iii. TOP expects that students will cooperate with staff and that they will no way obstruct staff in the performance of their duties. This is inclusive of persons who have authority to give directions as a representative of TOP, e.g. examination supervisors. Students must comply with reasonable directions and, if requested, show proof of identity. TOP expects students will be honest in their dealings and will not provide false and misleading information.
- iv. To show respect for fellow students and staff sensibilities, students are expected to be appropriately dressed at all times on the premises of TOP. Although TOP promotes tolerance and a casual and comfortable learning environment, it is expected that students will dress appropriately and not in any way that causes offence to fellow students and TOP staff.
- v. TOP acknowledges the right of freedom of expression and encourages diversity, creativity, innovative thought and intellectual opinion on matters that are relevant to TOP and the wider community. Whilst TOP does not seek to hinder the right of its students from expressing themselves, there is an expectation that students will express themselves within

- the limits of the law and the values of TOP. In expressing any opinion, students are at all times expected to be respectful of the views of other students and staff.
- vi. TOP is committed to providing a safe and inclusive environment for all of its students and staff, where all are entitled to equal opportunity and respect. It is expected that students uphold TOP's commitment by showing tolerance and behaving in a manner that is free of discrimination, harassment or bullying.
 - vii. Students are prohibited from all types of discrimination, which includes victimising, antagonising or singling out any person or group of persons for any purpose or on any ground of discrimination. TOP's Anti-discrimination, Anti-harassment and Equal Opportunity Policy provides detail on what constitutes discriminatory conduct. Students are prohibited from inciting or encouraging any other person to take part in conduct that is discriminating against any other student, staff member or associate of TOP. Students should report any instances of discriminatory conduct. TOP will investigate all complaints according to the procedures outlined in this Code and other relevant policies as well as anti-discrimination laws.
 - viii. Harassment is not tolerated at TOP. Harassment includes any act of physical or verbal abuse, bullying, improper influence and/or intimidation committed by a student upon others. Harassment may include an associate of TOP or an associate of a student or staff member of TOP. Bullying, due to its ongoing nature, is intimidating, threatening and a cause of distress, and TOP shows no tolerance for students engaging in this behavior. Harassment and bullying can occur face to face or via social media, telephone or email. In upholding TOP's stand on harassment and bullying, students must ensure that any such conduct is in no way condoned and should report the conduct.
 - ix. Sexual assault is a crime. Any student found to have engaged in this crime will be reported to the appropriate authorities.
 - x. Sexual harassment, in any form, is prohibited by TOP. Sexual harassment is any unwelcome conduct of a sexual nature, including, but not limited to, unwelcome sexual advances, persistent questions relating to a person's sexual orientation or sex life, or unwelcome requests for sex or sexual favours. Such conduct is considered sexual harassment in circumstances where a reasonable person would anticipate the person, the subject of the harassment, would be offended, humiliated or intimidated. Any student found to have engaged in misconduct that amounts to harassment or sexual harassment may not only face disciplinary action by TOP but may also be reported to the appropriate authorities. Sexual assault is a serious crime and will not be investigated by TOP but reported to police immediately.
 - xi. Students must respect the privacy of other students and staff members. TOP undertakes to maintain confidentiality in regard to personal details. Intentionally disclosing the personal confidential details of an individual such as a student's sexual orientation, health conditions or religious beliefs to others in circumstances where that individual has not authorised or given permission for such disclosure is harassment.
 - xii. TOP encourages students to report instances of student or staff misconduct. However, students must not make false, trivial or uncorroborated allegations to TOP or to external authorities as a means to harass another student or staff member or for the purpose of achieving an ulterior motive.

4.4 Safety, Wellbeing and Respect for Property

- i. TOP endeavors to provide a safe environment for its students, staff and associates and this responsibility is shared between all members of TOP. Students are expected to behave in a responsible manner and within the interests of TOP. Students are to respect and abide by all rules and regulations of ATP. If any student is found to be compromising the physical or psychological safety of others, immediate action will be taken and the conduct may be referred for disciplinary action or reported to the appropriate authorities.
- ii. Students are not to engage in any violent, threatening or offensive conduct, behaviour or language while on the premises of TOP and ATP. Weapons or dangerous instruments of any

kind are strictly prohibited. Students should understand and acknowledge that in addition to TOP's policies and procedures, they are at all times bound to comply with all relevant and applicable laws and law enforcement authorities.

- iii. Consumption, distribution or the creation of illicit drugs or alcoholic substances while on the TOP's premises is strictly prohibited. Under no circumstances are students permitted to have in their possession any alcoholic substances, illicit drugs or drug paraphernalia. Students are prohibited from being drunk or under the influence of drugs while on the premises of TOP and ATP. Students must not encourage other students or associates to consume drugs or alcohol and where any substances are given to another student, staff member or associate whether accidentally, carelessly or intentionally without their knowledge or consent, the matter will be referred for disciplinary action and intervention by the appropriate authorities.
- iv. Smoking is prohibited in all buildings of ATP premises including the toilets. If students wish to smoke they may do so within the designated smoking areas, which are located outside TOP's building. Students must ensure they are at least five (5) metres away from any doorway while smoking, in accordance with relevant legislative requirements. Students must ensure that when using the designated smoking areas, they do not obstruct or block any access or walkway of other students, staff, associates, or users of the premises and should at all times be mindful of others when using the designated smoking areas.
- v. At all times, students are to respect and maintain the property of TOP and of ATP. Students must not cause damage, including but not limited to, destruction of property, pollution or vandalising of any part of the premises, property, resources or facilities. Students must also refrain from putting up signs on the premises that may be obscene, derogatory of any subject or persons and/or of a subject matter that is illegal.
- vi. Students are to ensure that they do not compromise or hinder others' experience or use of TOP's property, resources and facilities. This includes blocking access ways for other users or members of the public of the ATP generally. Students are encouraged to report to staff any unsafe or unhealthy conditions for immediate action. See TOP's *Workplace Health and Safety Policy* for information regarding the maintenance of a healthy and safe environment at TOP.
- vii. Students are expected to be responsible in their use of TOP's IT and communication facilities, including TOP's Moodle system. Students must ensure that their use of these facilities is ethical and appropriate. Under no circumstances should students use, copy or provide access to passwords, access codes etc. without appropriate authorisation.

4.5 Maintenance of TOP's Reputation

- i. Students are expected to promote, maintain and embody the values of TOP at all times. This includes any time when students are undertaking work placements, academic or other extra-curricular activities associated with TOP.
- ii. Students must not use TOP's name, intellectual property or TOP stationery for private or business purposes without appropriate authorisation.
- iii. Students are not allowed to disclose or share proprietary information and information not in the public domain related to TOP, including the disclosure or sharing of confidential assessment material.
- iv. Students must not make any false representations regarding themselves as students of TOP or of another student or staff member. Falsification of academic transcripts or other documents provided or purported to be provided by TOP is strictly prohibited.

5 DISCIPLINARY PROCESS

It is the responsibility of all staff and students of TOP to inform the Senior Manager of Student Services of any misconduct. This may be actual misconduct or reasonably suspected misconduct.

If a student is alleged by a member of staff to have engaged in illegal activity under the laws of any State, Territory or Commonwealth jurisdiction, the matter shall be reported to the police of that jurisdiction for investigation.

5.1 The Disciplinary Process is as follows:

Step 1:

A written complaint is to be lodged with the Senior Manager of Student Services reporting on the alleged misconduct with any supporting material. The complaint should detail the nature of the misconduct and the identity of the person(s) involved.

Step 2:

- The Senior Manager of Student Services may conduct a preliminary investigation of the matter and assess the alleged misconduct in relation to this Code or any other policy or procedure of TOP. All the parties involved in the preliminary investigation will receive a written notification from the Senior Manager of Student Services. Where there is a reasonable likelihood of misconduct following a preliminary investigation, a brief report of the incident will be prepared by the Senior Manager of Student Services and be forwarded to the Dean or their delegate for further management and a proposed course of action or final determination.
- The Senior Manager of Student Services may choose, at their sole discretion, not to perform a preliminary investigation of the matter and may instead take any appropriate steps as is deemed necessary to deal with the complaint. This may include progressing the complaint directly to the Dean or their delegate for further management.
- If the alleged misconduct is of a serious or criminal nature, the matter will be escalated to the Dean of School and/or the Principal, or their respective delegates, immediately to be dealt with in a manner deemed appropriate at the discretion of the Dean of School and/or Principal or their respective delegates, or may be reported immediately to the appropriate local authorities.
- The student to whom the complaint relates is to be notified of an allegation of misconduct made against them within seven (7) days from the receipt of the complaint by TOP, or following any preliminary investigation conducted by the Senior Manager of Student Services where a reasonable likelihood of misconduct is found. Where sensitive matters arise in relation to a complaint, the Senior Manager of Student Services and the Dean may exercise their discretion regarding notice where notifying the person involved would compromise the investigation or cause potential or actual harm or prejudice to the complainant.

Step 3:

- The Dean or their delegate will determine the matter and impose any relevant and appropriate penalties or disciplinary actions as they consider appropriate (consistent with Section 5.2 of the Code) within a reasonable period of the initial complaint being received. A notification of the decision will be sent to the student whom the complaint relates at this time.
- If the matter is of a serious or criminal nature it will be referred to the appropriate authorities if such action is deemed appropriate. The Dean, the Senior Manager of Student Services and the Compliance Manager will liaise directly with the appropriate authorities in such circumstances.

Step 4:

If the student is dissatisfied with the outcome of the academic decision, the student is able to appeal directly to the Academic Board within ten (10) days of the receipt of the decision. For further information, refer to the *Student Grievance Mediation Policy and Procedures*.

Step 5

A final report will be prepared following the closure of the complaint and stored with the Compliance Manager, the Dean and the Senior Manager of Student Services.

5.2 Sanctions (Penalties)

The Sanctions that may apply following an investigation into the alleged misconduct can include:

- Meeting with the Dean for a verbal warning and explanation of the conduct that is expected;
- Meeting with the Senior Manager of Student Services for a formal discussion relating to the appropriate conduct that is expected;
- Attending a mediation-style conference with complainant and/or other persons involved in the matter;
- The construction of a Behavioral Management Plan with the Senior Manager of Student Services or the Dean;
- Temporary or permanent suspensions and expulsions;
- If property has been damaged, a demand for students to pay compensation to restore or replace the property in question;
- Withholding of results and/or units being graded 'fail' for serious academic misconduct;
- Immediate suspension if grounds for serious misconduct have been established (such as conduct amounting to or reasonably considered to be harassment or illegal activity), or where there is any threat to the safety and wellbeing of other students, staff, associates or TOP; and
- Referral to appropriate authorities for criminal investigation in the event the serious misconduct may be a criminal act or offence.

Any official written letters relating to a breach of this Code will be filed on student record.

The Dean and the Academic Board, in their sole discretion, may impose a single sanction or a combination of any of the above penalties, or alternative sanction that is appropriate to the circumstances.

6 RELATED DOCUMENTS

- i. Code of Conduct for Staff
- ii. Research Code of Conduct
- iii. Student Academic Integrity Policy
- iv. Copyright Guidelines
- v. Authorship Policy
- vi. Research Materials and Data Management Policy
- vii. Human Research Ethics Policy
- viii. Assessment Policy and Procedure
- ix. Examinations Procedure Policy
- x. Bullying, Harassment and Discrimination Prevention Policy
- xi. Student Complaints and Appeals Policy and Procedure

7 Version Control

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