

BEHAVIOUR MISCONDUCT POLICY

1. Purpose

- 1.1 This document applies to the **Innovative Institute of Australia**, its courses, its clients (students), and its controlled entities (collectively, "IIA", "Institute", "the Institute", "we", "us", "our"), and to students.
- 1.2 The purpose of this policy is to promote a positive and respectful learning environment by setting clear expectations for student behaviour, addressing misconduct, fostering accountability, encouraging acceptable behaviour and informing all staff and students about the Institute's standards of behaviour.
- 1.3 This policy is implemented in compliance with the requirements of the Education Services for Overseas Students Act 2000 (the ESOS Act), the Standards for Registered Training Organisations (2025), and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code 2018).
- 1.4 In this file, words that import gender include all other genders; the singular 'they' is gender-neutral and used to avoid specifying a person's gender; words in the singular number include the plural and vice versa.
- 1.5 This policy does not affect students' rights under the Australian Consumer Law.
- 1.6 The Institute reserves the right to amend these terms and conditions at any time.
- 1.7 This policy does not affect students' rights under the *Australian Consumer Law*.

2. Definitions

- 2.1 An education agent refers to an entity (in or outside Australia) that
 - i. Engages in any of the following activities in relation to a provider:
 - A. The recruitment of overseas students, or intending overseas students;
 - B. providing information, advice or assistance to overseas students, or intending overseas students, in relation to enrolment;

- C. otherwise dealing with overseas students, or intending overseas students;
and
 - ii. is not a permanent full-time or part-time officer or employee of the Institute.
- 2.2 Agent Agreement refers to the agreement between the Institute and the agent, including the schedules.
- 2.3 CRICOS refers to the Commonwealth Register of Institutions and Courses for Overseas Students.
- 2.4 ESOS Act refers to the *Education Services for Overseas Students Act 2000 of the Commonwealth of Australia*.
- 2.5 National Code refers to the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*.
- 2.6 Prospective student/applicant/client refers to a person who intends to become, or who has taken any steps towards becoming, an 'overseas student' or 'intending overseas student' as defined by the *ESOS Act*.
- 2.7 DHA refers to the Department of Home Affairs.
- 2.8 OSHC refers to the Overseas Student Health Cover.
- 2.9 eCoE refers to the electronic Confirmation of Enrolment.
- 2.10 2025 Standards for RTOs refers to the *National Vocational Education and Training Regulator (Outcome Standards for NVR Registered Training Organisations) Instrument 2025*.

3. Policy

- 3.1 A student must at all times maintain a high standard of behaviour while engaged in Institute activities, especially within the premises. Students are expected to:
 - i. Treat peers, staff, and property with respect.
 - ii. Comply with the Institute's policies and procedures.

- iii. Engage actively and responsibly in learning activities.
- iv. Communicate respectfully, avoiding discriminatory, offensive, or harmful language.
- v. Avoid disruptive, violent, or unlawful behaviour.

3.2 Unacceptable behaviour includes, but is not limited to:

- i. Behaviour that impairs the reasonable freedom of other persons to pursue their studies and participate in the activities of the Institute.
- ii. Any act or failure to act that endangers the safety or health of any other person
- iii. Actions that impair any person's participation in a legitimate activity or, by act or omission disrupts the peace or good order of the Institute.
- iv. Acting in a way that causes students, staff or other persons to fear for safety.
- v. Wilfully obstructing or disrupting any official meeting, ceremony, activity, class or examination/assessment.
- vi. Any form of harassment, whether based on gender, race, age, sexual preference or religious belief.
- vii. Wilfully damaging or wrongfully dealing with any property, or the property of any person, including theft.
- viii. Being under the influence of prohibited drugs and/or substances, including alcohol.
- ix. Trespassing or knowingly entering any place within the premises of the Institute that is out of bounds to students
- x. Making a false representation as to a matter affecting student status.
- xi. Possession of dangerous articles or banned substances.
- xii. Abusive behaviour towards others.

3.3 The Institute staff are responsible to

- i. Inform all students of expectations related to behaviour.
 - ii. Explain to students what constitutes behaviour misconduct.
 - iii. Model exemplary behaviour to act as a benchmark for students and other staff.
 - iv. Supervise students' and other staff's behaviour.
 - v. Promote a positive environment that supports a student's individual personality whilst setting clear boundaries relating to acceptable behaviour.
 - vi. Respond immediately to observed behaviour misconduct to maintain a safe environment for staff and students and to protect the rights of individuals or groups.
 - vii. If the observed behaviour is serious, the staff member may suspend the student's continued participation in the Institute's activities (training sessions, assessments, study sessions, field activities, etc.).
 - viii. Report (in writing) behaviour misconduct when it is observed and actions taken in the immediate response using the Student Behaviour Misconduct Report.
- 3.4 If the staff member reporting the incident considers that the student may be violent or is likely to cause harm to other students and /or staff, or damage property, the CEO should be contacted immediately to assess the risk. If necessary, the Police are to be contacted and requested to respond to control the situation.
- 3.5 **Student responsibilities:** Students are responsible for
- i. Be informed of and comply with Commonwealth or State law.
 - ii. Behave in a way that supports the freedom of other persons (students) to pursue their studies and participate in the activities of the Institute.
 - iii. Identify themselves truthfully.
 - iv. Behave in a way that supports the safety or health of any other person.
 - v. Maintain the peace or good order of the training environment.

- vi. Treat the Institute's property with respect and prevent any damage or destruction.
- vii. Behave in a way that supports the conduct of the official Institute's meetings, ceremonies, activities, classes, or examinations/assessments.
- viii. Treat others with respect and not discriminate based on gender, race, age, sexual preference or religious belief.
- ix. Be free from (not under the influence of) prohibited drugs and/or substances, including alcohol, during attendance at the Institute.
- x. Not trespass or knowingly entering any place within the premises of the Institute that is out of bounds to students.
- xi. Give truthful information relating to student status; and
- xii. Communicate in a way that demonstrates respect for others and is free from verbal abuse.

3.6 Students who have been identified for behaviour misconduct

- i. Where a student is identified for misconduct, the senior staff member of the Institute is to complete a Behaviour Misconduct Report and submit it to the Training Manager (cc the CEO). Students who demonstrate behavioural misconduct are to be counselled and issued a formal warning (in writing). Students who demonstrate behavioural misconduct after being formally warned are to have their enrolment cancelled and will not be entitled to a refund.
- ii. This does not limit the requirement to provide the student with a suitable written warning and the opportunity to make oral or written representations regarding the misconduct or their right to appeal a decision. Whilst any appeal is being processed, the student enrolment is to be temporarily suspended, and the student is not to attend the Institute's premises.

3.7 Where the student's behaviour leads to actual damage to property or harm to another person

- i. Where the student's behaviour is so egregious or leads to actual damage to property or harm to another person, the student's enrolment can be closed immediately, and the incident will be reported to the Police.
- ii. This does not remove the students' right to appeal a decision made by the Institute. Only after the appeal process is complete can the student's enrolment be closed, and the student will be issued a statement of attainment for the units of competency they have achieved. Whilst any appeal is being processed, the student enrolment is to be temporarily suspended, and the student is not to attend the Institute's premises.

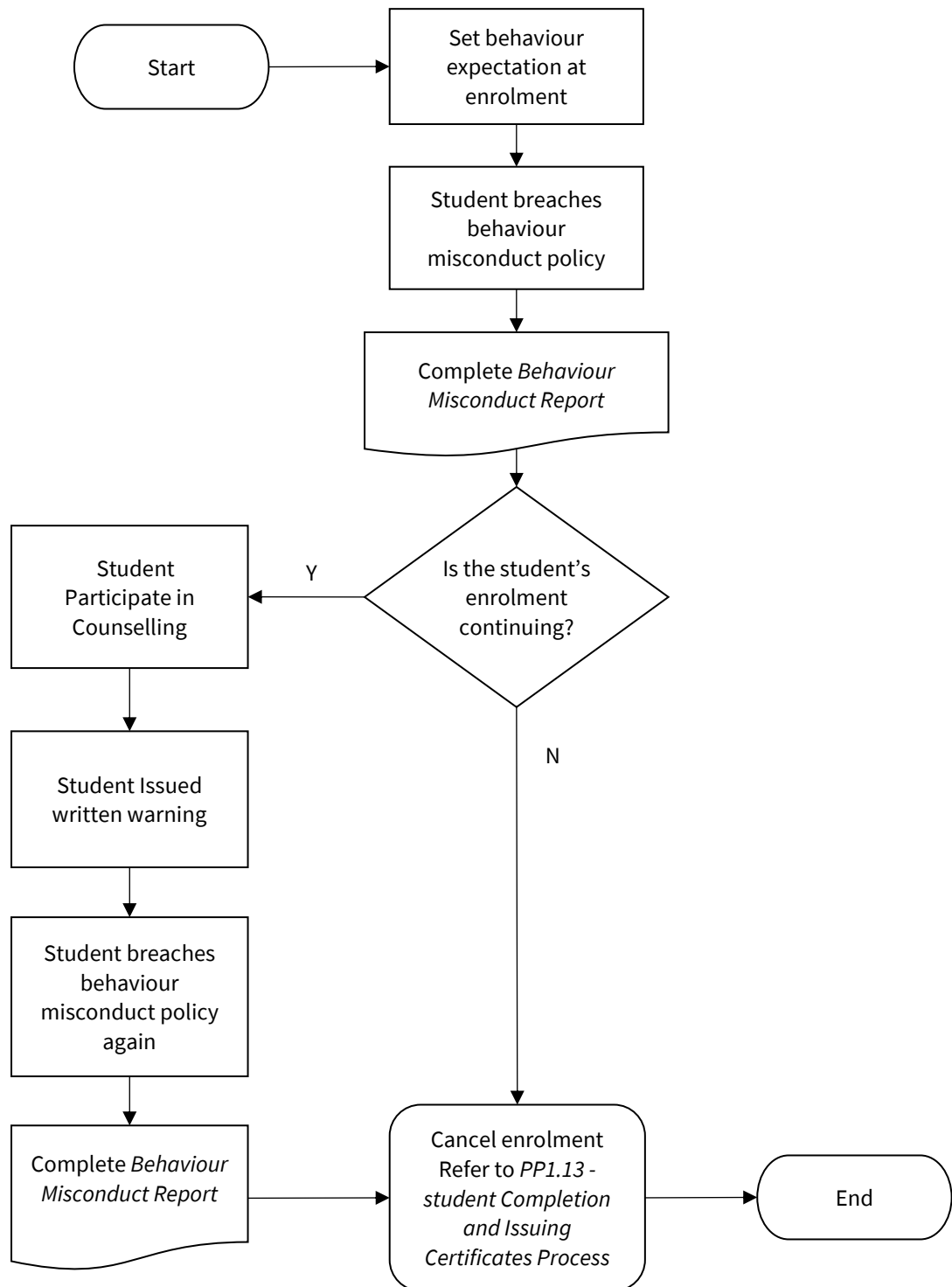
4. Measures

Steps		Person/s responsible
i.	Set expectations regarding behaviour Behaviour expectations are to be communicated to prospective students through pre-enrolment information including in the student handbook. After the student has commenced their course behaviour expectations are to be communicated during orientation on the first day of training. This applies to both long and short courses.	Trainer
ii.	Take immediate action if a student acts in a way that breaches behaviour misconduct policy Where a student is identified for behaviour misconduct, the senior person (of the Institute staff) who observes or confirms the incident is to complete a <i>Behaviour Misconduct Report</i> and submit this to the Training Manager (cc the CEO). The CEO is to consider all the circumstances and may interview the student to ensure they are informed of all details and all perspectives of the incident. For minor incidents, staff may address the issue informally through discussion with	Trainer, Training Manager, Office Manager, CEO

	the student. They should encourage the student to reflect on their behaviour and make necessary changes.	
iii.	Determine the best course of action based on the severity of the students' behaviour Where the student's behaviour is poor but does not reach the threshold of being so egregious as to cause actual damage to property or harm to another person, the student will be allowed to continue with their enrolment; however, the student will be referred for counselling and a formal warning. Where the student's behaviour is so egregious or leads to actual damage to property or harm to another person, the student's enrolment can be closed immediately, and the incident will be reported to the Police. This does not remove the students' right to appeal a decision made by the Institute. Only after the appeal process is completed can the student's enrolment be closed, and the student will be issued a statement of attainment for the units of competency they have achieved. Whilst any appeal is being processed, the student enrolment is to be temporarily suspended, and the student is not to attend the Institute's premises. The details and rationale for the consideration of the best course of action regarding the student continuing in the course are to be recorded on the student's record within the student management system.	CEO
iv.	The student is to participate in counselling in regard to their behaviour Where a student reported for behaviour misconduct, the student needs to be referred to the student support officer where they are to be performance counselled on their behaviour and educated in corrective actions to improve their behaviour moving forward. The counselling and the meeting event is to be recorded on the form <i>Student Support Meeting Record</i> and saved to the student record within the	Student Support Officer

	student management system.	
v.	Issue the student a formal warning for behaviour misconduct Either at the time of the counselling session or immediately after, the student is to be issued a formal written warning. This written warning is to inform the student of the seriousness of their behaviour and the consequences if the behaviour recurs. The formal warning is to be prepared using the template <u>Warning Letter for Behaviour Misconduct</u>.	Student Support Officer, CEO
vi.	Behaviour misconduct re-occurs Students who demonstrate behavioural misconduct after being formally warned are to have their enrolment cancelled and will not be entitled to a refund. This does not limit the requirement to provide the student with a suitable written warning and the opportunity to make oral or written representations regarding the misconduct or their right to appeal a decision. Whilst any appeal is being processed, the student enrolment is to be temporarily suspended, and the student is not to attend the Institute's premises. The details of the students reoccurring behaviour misconduct are to be recorded using the <u>Behaviour Misconduct Report</u> and saved on the student's record within the student management system.	Trainer, Training Manager, Office Manager, CEO
vii.	Cancel enrolment The student's enrolment will be closed, and the student will be issued a statement of attainment.	Office Manager
viii.	Document incident and actions taken The details in regard to the student's behaviour and enrolment cancellation, are to be recorded on the student's record within the student management system.	CEO

5. Flow chart



VERSION HISTORY

Version Number	Date	Summary of changes
1.0	September 2021	New policy
2.0	July 2025	Revised and updated to include the changes according to the Standards for Registered Training Organisations (2025).
3.0	December 2025	Revised and updated to include the changes according to the ESOS 2000 Act.