

1. Purpose

This policy:

- 1.1. Documents the organisational approach that implements the national standards of the RTO through identifying an appropriate code of conduct.
- 1.2. Does not outline an exhaustive list of misconduct and should be read in accordance with related policies such as the Discrimination, Harassment and Bullying Policy and Procedure, Student Progress Policy and Procedure and Complaints and Appeals Policy and Procedure.
- 1.3. Provides students and staff with a documented notice of expectation about conduct that is prohibited and will not be tolerated.
- 1.4. Ensures that all learning environments are respectful and harmonious and conducive to holistically safe learning and participation for all students.
- 1.5. Provides and maintains a learning environment that has high integrity.
- 1.6. The term 'Learning Environment' refers to all environments. This includes in person face to face and live online; and relates to communication about study to any person.

2. Application

- 2.1. This policy applies to all students and staff at all times.
- 2.2. Non-compliance results in disciplinary action.
- 2.3. All students and staff are provided with this policy [and related procedures and documents¹] and are required to become familiar with them.

3. Review

This policy is reviewed annually and as needed concurrently with the Discrimination Bullying and Harassment Policy and Procedure; the Access and Equity Policy and Procedure and Student Progress Policy and Procedure.

4. Student conduct

- 4.1. Attendance and Participation
 - 4.1.1. 100% student attendance at classes as timetabled is required.
 - 4.1.2. Timely attendance is required for scheduled group face to face and online training activities and events. Students who consistently arrive late without an appropriate explanation will be disciplined through the student progress process.
 - 4.1.3. Students must notify their teacher or administration if they will be absent, this includes unplanned absence.

¹ Includes Student handbook, Discrimination, Harassment and bullying policy and procedure; Student Progress Policy and Procedure and Complaints and Appeals Policy and Procedure.

- 4.1.4. If reasons present that means a student may consistently be absence, they may be advised to apply for a leave of absence.
- 4.1.5. Students are expected to participate and engage in all learning activities as scheduled, in both the face-to-face and live online learning environments.
- 4.1.6. Should a student not fully participate will be required to undertake a student progress process. ²
- 4.1.7. Failure to engage in required processes may result in course cancellation.
- 4.2. Assessments
 - 4.2.1. Students are required to complete and submit assessment work by due dates and use prescribed procedures where an extension of time is needed.
 - 4.2.2. Failure to communicate the need for more time results in formal student progress meetings and potential course cancellation. ³
 - 4.2.3. Plagiarism is not tolerated. ⁴
- 4.3. Personal conduct

The student will engage in responsible and courteous conduct at all times and follow all aspects of the student code of conduct procedure.
- 4.4. Student Rights and Responsibilities

The student has the right to:

 - 4.4.1. a learning environment free from discrimination or harassment based on gender, sexual orientation, age, disability, marital status, ethnicity, religion or physical features;
 - 4.4.2. offer considered and respectful feedback to staff and other students even if it has not been expressly solicited;
 - 4.4.3. appeal decisions related to course progress. This can include but is not limited to having assessments reassessed and final outcomes reconsidered;
 - 4.4.4. complain to ICAN Learn key personnel if they believe a staff member [teacher, administration or management] is behaving unacceptably (wherever possible, it is best to have previously raised the matter with the staff member concerned).

5. Types of Conduct

- 5.1. Misconduct
 - 5.1.1. Is any conduct/behaviour/activity/speech that is injurious, unfavourable, negative or detrimental to students enrolled at ICAN Learn.

² Student progress policy and procedure

³ Student progress policy and procedure

⁴ Plagiarism policy and procedure

- 5.1.2. Misconduct is considered harmful and will be responded to with disciplinary action.
- 5.1.3. Types of misconduct and ICAN Learn responses are outlined in the Student Code of Conduct Procedure.
- 5.2. **Damage to Business and Personal Reputations**

Damage to business and personal reputations includes documenting and /or publishing false and misleading information and statements about ICAN / ICAN Learn or any of its staff or activities through written or spoken methods and publishing that information via any type of media including internet social media platforms.
- 5.3. Dishonesty
 - 5.3.1. Dishonesty is not tolerated and will lead to course cancellation.
 - 5.3.2. Dishonesty:
 - a) Is the provision of incorrect or false and misleading enrolment information.
 - b) Refers to dishonest or fraudulence in dealings and communication with ICAN Learn [including staff, teaching staff and other students];
 - c) Is the taking, stealing or using without permission any property [including intellectual property] belonging to another student, or ICAN Learn and teaching staff without written permission
 - d) Is the provision of false, plagiarised, fraudulent or misleading documentation or information for the purpose of obtaining or gaining an advantage in course of studies and associated assessments for oneself or another person.
- 5.4. Safety
 - 5.4.1. Any conduct/behaviour/activity/speech that has potential to cause victimisation, harm or endanger the safety or the physical, mental, emotional, psychological, spiritual or cultural wellbeing of a fellow student, or ICAN Learn staff member.
 - 5.4.2. The student handbook includes information about safety and conduct.
 - 5.4.3. Threats to safety will be dealt with through disciplinary action and potential course cancellation.
- 5.5. Alcohol and drugs

Students under the influence of drugs or alcohol pose a risk to themselves and others. Use of any substances in the learning environment is not tolerated.
- 5.6. Breach of rights
 - 5.6.1. Breach of rights includes:

- e) engaging in bullying, harassment, discrimination, stalking, sexual harassment tactics or behaviours that result in causing harm;
- f) using any type of threat of and/or violence;
- g) using any type of abusive or offensive language;
- h) acting or conducting oneself in a manner that is generally offensive, repulsive or cruel;
- i) raising allegations of misconduct by a fellow student, or a staff member about unlawful conduct to ICAN Learn if:
 - i. the alleged or unlawful conduct is of an inconsequential or trivial nature; or
 - ii. the allegation is made without reasonable grounds or evidence; and
 - iii. the allegation is made or pursued for the purpose of harassment, annoyance, causing delays or bring to harass or annoy, cause delay or bring impairment, disadvantage or detriment or for another ulterior motive;
- j) making or attempting to make any sexual contact with any person without that person's consent;
- k) vilifying or discriminating against a person based on (a real or perceived status or by association) gender, age, race, culture, marital status, relationship status, disability religious beliefs;

5.7. Freedom of Expression

5.7.1. A person has a right to freedom of expression as long as the expression is interpreted in a manner that is consistent with the overall rights of a person's freedom of expression as long as the expression does not demonstrate misconduct or is discriminatory, harassing or bullying.

5.7.2. False complaints and / or those made to discredit others will result in that person being disciplined and the student risks termination of their course enrolment.

6. Allegations of Misconduct

6.1. Allegations of inappropriate conduct as described in this policy will be dealt with utilising procedures outlined in the Student Code of Conduct Procedure. This includes allegations of any type of unlawful conduct such as sexual harassment, stealing, stalking, cyber bullying etc.

6.2. If the inappropriate conduct is unlawful, the student will be advised to contact the police.

7. Misconduct Warnings

7.1. ICAN Learn warns students about alleged misconduct to give the student a voice and hear both sides of a complaint or accusation.



Student Code of Conduct Policy

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- 7.2. The ICAN Learn warning system approach allows 2 warnings in writing to advise the offending student of the next steps and to give the student an opportunity to improve the situation.
- 7.3. ICAN Learn has a complaints register, any complaints of misconduct will be recorded on this register.