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ICQA seeks to provide an environment that is free from unacceptable behaviour and promotes a positive learning environment for all learners.

This policy seeks to encourage acceptable behaviour and to inform all staff and learners about ICQA standards of behaviour.

## What is behaviour misconduct?

Behaviour misconduct is defined as actions that breach ICQA policies. This includes but is not limited to:

* Breaches of Commonwealth or State law which impact on RTO operations
* Behaviour that impairs the reasonable freedom of other persons (learners) to pursue their studies and participate in the activities of the RTO
* Refusing or failing to identify themselves truthfully
* Any act or failure to act that endangers the safety or health of any other person
* Actions that impair any person’s participation in a legitimate RTO activity or, by act or omission disrupts the peace or good order of the RTO
* Acting in a way that causes learners or staff or other persons within the RTO to fear for their personal safety
* Acting in a way that causes damage to RTO property
* Wilfully obstructing or disrupting any official RTO meeting, ceremony, activity, class or examination/assessment
* Any form of harassment, whether based on gender, race, age, sexual preference or religious belief
* Wilfully damaging or wrongfully dealing with any RTO property, or the property within the RTO of any person, including theft
* Being under the influence of prohibited drugs and/or substances including alcohol
* Trespassing or knowingly entering any place within the premises of the RTO that is out of bounds to learners
* Making a false representation as to a matter affecting learner status
* Possession of dangerous articles or banned substances
* Abusive Behaviour

A learner must at all times maintain a high standard of behaviour while engaged in RTO activities either within the premises of the RTO or at another location.

# Behaviour Misconduct Procedure

## Staff responsibilities

ICQA staff are responsible to:

* Inform all learners of expectations related to behaviour;
* Explain to learners what constitutes behaviour misconduct;
* Model exemplary behaviour to act as a benchmark for learners and other staff;
* Supervise learner behaviour and the behaviour of other staff;
* Promote a positive environment that supports a learner’s individual personality whilst setting clear boundaries relating to acceptable behaviour;
* Respond immediately to observed behaviour misconduct to maintain a safe environment for staff and learners and to protect the rights of individuals or groups;
* If the observed behaviour misconduct is serious in nature, the staff member may suspend the learners continued participation in RTO activities (training sessions, assessment, study sessions, lab sessions, field activities, etc);
* Report (in writing) behaviour misconduct when it is observed and actions taken in the immediate response using the Learner Behaviour Misconduct Report.

If the staff member reporting the incident considers that the learner may be violent or is likely to cause harm to other learners and /or staff, or damage property at the RTO, the Chief Executive Officer should be contacted immediately to assess the risk. If necessary the Police are to be contacted and requested to respond to control the situation.

## Learner responsibilities

Learners are responsible to:

* Be informed of and comply with Commonwealth or State law
* Behave in a way that supports the freedom of other persons (learners) to pursue their studies and participate in the activities of the RTO
* Identify themselves truthfully
* Behave in a way that supports the safety or health of any other person
* Maintain the peace or good order of the RTO
* Treat RTO property with respect and prevent damage or destruction of property
* Behave in a way that supports the conduct of official RTO meeting, ceremony, activity, class or examination/assessment
* Treat others with respect and not discriminate based on gender, race, age, sexual preference or religious belief
* Be free from (not under the influence of) prohibited drugs and/or substances including alcohol during attendance at the RTO
* Not trespass or knowingly entering any place within the premises of the RTO that is out of bounds to learners
* Give truthful information relating to learner status
* Communicate in a way that demonstrates respect for others an is free from verbal abuse

## Dealing with behaviour misconduct

The Chief Executive Officer may, in respect of any behaviour misconduct by a learner:

* Immediately suspended the learner for a period not exceeding fourteen (14) days as may be determined.
* Advise the learner in writing of the alleged incident of misconduct and that they have twenty (20) working days to make oral or written representations regarding the alleged incident of misconduct.
* Where State or Commonwealth laws appear to have been breached, the matter **will** be referred to the police or other appropriate authority.
* Impose one or more of the following behavioural management strategies:
  + Reprimand and warn (formal warning in writing) the learner against repetition of the misconduct;
  + Suspend the learner from using all or some RTO facilities and / or services for a designated period of time;
  + Instigate a behavioural management contract with the learner including agreed monitoring arrangements and consequences based on repetition of the misconduct;
  + Cancel the learner’s enrolment (serious misconduct involving violence to others, damage to property or breach of State or Commonwealth law).

Learners are to be provided a written statement detailing the decision, including information on their right to appeal the decision.

Learners who commit 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 learner suitable warning in writing, the opportunity to make oral or written representations regarding the misconduct or their right to appeal a decision.

# Behaviour Misconduct Process



Start

End