

## 1. Purpose Statement

The purpose of this policy is to ensure:

- All TLC Learning stakeholders act honestly, conscientiously, professionally and reasonably at times, mindful of their responsibilities, the interests of the Registered Training Organization and the welfare of all other stakeholders
- The orderly conduct of affairs and operations of the TLC Learning Registered Training Organization at all times
- The ongoing preservation and maintenance of the professional and business reputation of TLC Learning and its products and services at all times
- TLC Learning complies at all times with all aspects of Commonwealth and/or State legislation, regulations, standards and codes of practice (including the standards and requirements of the VET Quality Framework)

## 2. Scope

This Policy applies to all staff providing support services to students and clients while they are participating in TLC Learning's education and training services. It also includes, internal and external students/clients enrolled in TLC Learning's education and training services and covers Student misconduct as defined in the TLC Learning student code of conduct.

## 3. Policy Statement

TLC Learning is committed to nurturing and maintaining an educational and learning environment in all senses that supports and allows all stakeholders to engage in and benefit from (the use of) opportunities, services, resources, equipment and facilities with personal freedom in the maintained context of an orderly and non-disruptive environment.

TLC Learning will therefore ensure that any inappropriate behaviour or actions putting at risk the enjoyment of such an environment are promptly identified and managed. As such, acts of misconduct will be subjected to disciplinary measures as deemed appropriate in the circumstances. The following principles underline and are embedded into this policy:

- Matters of misconduct will be treated in a conciliatory manner. Individual circumstances, including extenuating circumstances or factors, that may affect or influence an individual's behaviour will be afforded due consideration
- When dealing with misconduct, the emphasis is on timely and prompt resolution of matters
- Manager of TLC Learning will take all reasonable attempts to assist individuals in difficulties
- Confidentiality will be guaranteed at all stages of disciplinary counselling discussion and communication in respect of the misconduct. The mandates of the **Privacy Policy** will be strictly adhered to at all times; individuals' rights in this regards will be protected at all times
- TLC Learning recognise that individuals have the right to access and instigate complaint or grievance claims in response to disciplinary actions in accordance with the provision of the **Complaints and Appeals Policy**.

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## 4. Definitions

### Item 1 – Misconduct

Misconduct is defined as an behaviour that impairs the reasonable freedom of other person to pursue their learning, assessment or other activities that breaches the rules of the Registered Training Organization (RTO); or that otherwise damages the resources, equipment, facilities and/or professional and business reputation of TLC Learning. Misconduct is a disciplinary offence and includes, but is not limited to, such behaviours, conduct or actions as:

- Wilfully obstructing or disrupting any TLC Learning meeting, activity, learning opportunity or assessment
- Failing to comply with the reasonable instruction of a TLC Learning staff member
- Wilfully behaving in any manner that may be detrimental to the health, safety and well-being of the students, clients, staff of other RTO stakeholders and interested parties of TLC Learning
- Wilfully damaging or wrongfully dealing with any TLC Learning property, resources or equipment or the property resources or equipment of any persons within premises under the control of TLC Learning
- Cheating and plagiarism
- Making a false, fraudulent or misleading representation as to a matter affecting student or client status
- Breaching any rules relating to the conduct of assessment
- Any indictable offence which impinges on the operations of TLC Learning
- Using TLC Learning technology or communication facilities or resources in a manner which is illegal or which will be detrimental to the rights or property of others (including TLC Learning)

### Item 2 – Gross or Serious Misconduct in the Workplace

Gross or serious misconduct in the workplace is characterized as an objectionable action that is wilful and cannot be described as a mistake or an act of negligence. Examples of gross misconduct include;

- Wanton disregard for the safety of others
- Deliberate acts of violence or hostility
- Attempts to financially defraud a company
- Significant levels of insubordination
- Dishonesty through falsification of documents
- Plagiarism
- Physical/sexual assault
- Embezzlement

## Procedure

### 1. Related Policy Statement

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## 2. Procedural steps

### 2.1 Consequences of Misconduct

Where behaviour, conduct or action is deemed misconduct (not being serious or gross misconduct as determined by the RTO Manager) the following steps will be taken:

**STEP ONE (1):** In the first instance (a first offence) a verbal warning will be issued by the RTO Manager at a witnessed meeting or communication session. A written record of this verbal warning will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the RTO Manager, student and witness). A copy of the disciplinary notification form will be placed on the relevant individual's file.

**STEP TWO (2):** In the second instance (second offence) a written warning will be issued by the RTO Manager at a witnessed meeting or communication session. The written warning will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the RTO Manager, student and witness). A copy of the disciplinary notification form will be placed on the relevant individual's file.

**STEP THREE (3):** In the third instance (third offence) a final written warning will be issued by the RTO Manager at a witnesses meeting or communication session. The final written warning will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the RTO Manager, student and witness). A copy of the disciplinary notification form will be placed on the relevant individual's file.

**STEP FOUR (4):** In the fourth instance (fourth offence), a dismissal notice will be issued by the RTO Manager at a witnessed meeting or communication session. The dismissal notice will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the RTO Manager, student and witness). A copy of the disciplinary notification form will be placed on the relevant individual's file.

### 2.2 Consequences of Gross or Serious Misconduct

Where behaviour, conduct or actions are deemed gross or serious as determined by the CEO of the RTO or RTO Manager the following steps will be taken:

**STEP ONE (1):** The individual will be immediately suspended pending investigation into the behaviour, conduct or action as documented on a file note (as signed and dated or otherwise acknowledged by the Learning Manager, student and witness).

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**STEP TWO (2):** The individual will be notified in writing of a meeting time with the Manager and such other independent person or persons arranged by the Manager.

**STEP THREE (3):** The individual will be provided with a disciplinary notification form detailing the reasons for the disciplinary action and being given reasonable time and opportunity to respond to the allegation(s).

**STEP FOUR (4):** The individual will attend the witnessed meeting at the appointed time and will be advised of their rights in terms of grievance procedure in respect of the matter.

**STEP FIVE (5):** The RTO Manager, with the support of the Human Recourses Manager and CEO will make a final decision in respect of the matter, which will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the RTO Manager, student and witness and subsequently placed on the individual's file).

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