

STUDENT MISCONDUCT & DISCIPLINARY POLICY & PROCEDURE

1. PURPOSE

Empyrean Education Institute is committed to providing a fulfilling and rewarding learning experience that enables students to achieve their full potential. This commitment is underpinned by an expectation that all students of the Institute will conduct themselves in a manner consistent with Empyrean's values and guiding principles to maintain our strong commitment to relevant and realistic training.

All students at enrolment must sign the Student Code of Conduct document and accept their shared responsibility for maintaining a safe, harmonious and tolerant environment in which to study and work.

2. PRIMARY OBJECTIVES

- An obligation to act with integrity in academic work, to ensure that all training work is conducted ethically and safely
- An obligation to observe standards of equity and respect in dealing with every member of the Institute
- An obligation to use and care for resources in a lawful and appropriate manner, and to not diminish Empyrean's reputation in the carrying out of training and other associated function activities and or related clients

3. STUDENT OBLIGATIONS & RESPONSIBILITIES

- 3.1. Students have an obligation to inform themselves of the Empyrean's rules and policies affecting them
- 3.2. Students must ensure their contact details in are up to date and that they regularly read the student notice board for information relating to Empyrean's activities
- 3.3. Students are required to enter and exit the building and or classrooms as instructed by any member of Empyrean's staff.
- 3.4. Be aware that Quinlan's Training Restaurant and Café and other Empyrean Work Placement arrangements are conducted in live venues that regularly have existing and prospective clients as well as members of the public visiting the venue
- 3.5. In exercising their obligations, Empyrean students are expected to accept the following responsibilities to:
 - Conduct themselves honestly and in compliance with EEI policy
 - Not engage in plagiarism or other training misconduct
 - Conduct themselves in a manner conducive to the proper functioning of the Institute, which is dedicated to the pursuit of training excellence
 - Actively participate in the learning process
 - Attend scheduled classes, training activities and submit assessment tasks on time, unless unforeseen or exceptional circumstances arise

- Behave ethically, avoiding any action or behavior that would unfairly disadvantage or advantage either themselves or another student
- Ensure their training activities are conducted safely and do not place others at risk of harm, including abiding by all ethics requirements in relation to the industry
- Be familiar with the programs and resources available to assist them in conducting their studies and research appropriately
- Be familiar with this Student Misconduct & Disciplinary Policy & Procedure, which outlines consequences of inappropriate behaviors
- Not behave in any way which impairs the reasonable freedom of other persons to pursue their studies, work or research or to participate in the activities of the Institute

4. EQUITY & RESPECT

Students are expected to:

- Treat all EEI staff, other students, and visitors to the EEI with courtesy, tolerance and respect. This extends to staff in venues off-campus, supervisors and others involved in workplace placements
- Respect the rights of others to be treated equitably, free from all forms of unlawful discrimination and harassment, including sexual harassment
- Respect the rights of others to express views and not engage in behavior that is obscene, dangerous or could reasonably be offensive to others
- Not engage in behavior that is unlawful, discriminatory, harassing, or bullying
- Not engage in behavior that is perceived to be threatening or intimidating or causes any person to fear for their personal safety or well-being
- Not behave in a way that disrupts or interferes with any formal or training activity of the Institute or any event conducted by EEI.

5. RESOURCES & REPUTATION

Students are expected to:

- Use and care for all EEI's resources, such as buildings, equipment and grounds, information and communication technology resources, in a lawful and ethical manner, mindful of the need for resources to be shared by all members of the Institute
- Ensure their actions or inactions as a student do not harm, or bring into disrepute, Empyrean's reputation or good standing
- Not engage in behavior that is detrimental to EEI's property
- Not participate in any Institute activity, while under the influence of alcohol or other drugs

- Not use, possess or supply any prohibited drug, substance or weapon
- Not misuse computing or communications facilities in a manner which is unlawful, or which will be detrimental to the rights and properties of others

6. EMPYREAN RESPONSIBILITIES

In pursuing its missions, EEI recognises students have the rights to:

- experience high quality teaching
- expect that the learning experiences provided will be challenging and stimulating
- expect that course content will be relevant and in accord with developments of industry
- be treated with respect and courtesy by Institute staff and fellow students, in an environment free from harassment of all kinds including that based on gender, ethnicity, age, disability or background
- have opportunities to participate in institutional decision making
- be members of an organisation which represents students' interests in the Institute
- be informed about what is expected of them in each area of study
- receive fair, timely and useful feedback on their performances and progress
- have a say about the value, relevance and effectiveness of their academic programs and the teaching they experience
- be informed about how their views are taken into consideration in enhancing the teaching and content of programs
- have effective support from academic and general staff when needed
- have access to quality facilities, equipment and resources necessary for the achievement of their academic goals
- have access to relevant technological advances in the relevant Industry qualification
- have access to clear and direct administrative guidelines and procedures
- expect courses will satisfy the requirements of Industry and relevant professional bodies
- have access to adequate procedures for dealing with grievances
- have access to current and accurate information about courses, administrative procedures and financial implications
- Expect legal entitlements, in terms of confidentiality, processing and access to personal files.

7. MISCONDUCT

Misconduct of a Staff Member/Student/Trainee is any behavior which:

- Disrupts the learning of others
- Prevents staff members from performing their duties
- Endangers the health and safety of staff or students/trainees
- Interferes with the conduct of EEI operations

Misconduct is a disciplinary offence and includes but is not limited to;

- Willfully obstructing or disrupting any EEI meeting, activity, class or assessment
- Willfully carrying out behavior that may be detrimental to the health and safety of other students/trainees or staff
- Any form of harassment, whether based on gender, race, age, sexual preference or religious belief
- Willfully damaging, or wrongfully dealing with, any Empyrean property or the property within premises under the control of Empyrean personnel
- Assaulting or attempting to assault any person within EEI
- Drunken and disorderly behavior on premises under the control of EEI
- Cheating and plagiarism
- Making a false representation as to a matter affecting student/trainee status
- Breach any rules relating to conduct of assessment
- Any indictable offence which impinges on Empyrean operations
- Possession of prohibited or dangerous articles
- Breaching Workplace Health & Safety responsibilities

The following examples of behavior would constitute misconduct if a student/trainee participated in the following:

Vandalism / Theft

- Defaced equipment, furniture or fixtures on premises under the control of the EEI
- Stealing

Safety / Hygiene

- Did not wear appropriate safety clothing or used safety equipment inappropriately
- Refused to follow safety or hygiene regulations

Failure to Comply with Directions

- Refused to obey emergency procedures
- Smoked a cigarette in a non-smoking designated building or area
- Refused to obey teacher/supervisor direction when given for safety of class
- Disrupted others learning

Cheating / Plagiarism

- Was caught cheating in an assessment/examination
- Plagiarised another person's work

Verbal Abuse

- Shouted at a member of staff, student or another person
- Used inappropriate or offensive language, signs or body gestures
- Used language to threaten a member of staff

Physical abuse

- Became involved in a physical argument
- Became involved in a behavior not appropriate to surroundings
- Used physical threatening actions to intimidate or assault another student or a staff member

Alcohol / Drugs

- Drinking an alcoholic drink on premises under the control of EEI
- Intoxicated and disorderly on premises under the control of EEI
- Engaging in the taking or selling of drugs

Weapons

- Carried a weapon on their person on premises under the control of EEI
- Used an object as a weapon to threaten or intimidate another person on premises under the control of EEI

Exposure / Decency

- Acted in a lewd way
- Engaged in sexual behavior

8. DISCIPLINARY ACTIONS

- Where there are reasonable grounds to believe that academic or general misconduct has occurred, EEI will investigate the alleged
- EEI will exercise its lawful right without prejudice to call authorities and peruse action should it be deemed necessary
- The matter may be referred to external agencies, such as police and DIBP, if warranted
- Disciplinary action will be taken, and you may be penalised if you act in a way contrary to the EEI rules as set out in this Policy.
- You can appeal against certain penalties. Refer to Complaint Procedure and Appeal Procedure. Your penalty might then be reduced, removed, or increased.

9. DISCIPLINARY ACTIONS PROCEDURE

If the staff member and/or student has acted in, or engaged in any misconduct other than 'Serious Misconduct' the following steps shall be taken.

9.1. 1st Offence

A verbal warning shall be issued, and counselling shall be provided to the staff member/student/trainee advising of the repercussions of their actions should they continue. A record of this verbal warning and counselling shall be documented, dated and signed by the person issuing the warning/counselling and also the staff member/student/trainee receiving the disciplinary action and this record shall be placed in the members file.

9.2. 2nd Offence

A formal written warning will be issued to the staff member/student/trainee advising them of the consequence/action to be taken

if the behavior continues and there is a need to discipline a 3rd time. A record of this written warning shall be documented, dated and signed by the Empyrean Training & Compliance Manager, the person issuing the warning/counselling and also the staff member/student/trainee receiving the disciplinary action and this record shall be placed in the members file.

9.3. 3rd Offence

Will result in further disciplinary action being taken by Empyrean, the staff member/student/trainee will be advised of the time to attend a meeting with the Empyrean Director/Empyrean Training & Compliance Manager and the person issuing the disciplinary action. The staff member/student/trainee will be provided with the reason for this disciplinary action in writing, and any comments the staff member/student/trainee makes in relation to the misconduct should be documented.

A copy of this record shall be dated and signed by the Empyrean Training & Compliance Manager, the person issuing the disciplinary action and also the staff member/student/trainee receiving the disciplinary action and this record shall be placed in the members file.

10. SERIOUS MISCONDUCT

If the student has acted in, or engaged in any 'Serious Misconduct' the following steps shall be taken:

- The staff member/student/trainee shall be immediately suspended for 24 hours from attendance at Empyrean
- The supervisor/trainer shall advise the Empyrean Compliance Manager immediately and provide a written statement, which details the circumstance of the staff member/student/trainee suspension
- The staff member/student/trainee will be advised of a time to attend a meeting with the person issuing the disciplinary action and the Empyrean Compliance Manager
- The staff member/student/trainee will be provided with the reason for this disciplinary action in writing, and any comments the student/trainee makes in relation to the misconduct, along with the disciplinary action taken as a result should be documented. A copy of this record shall be dated and signed by the Empyrean Compliance Manager, the person issuing the disciplinary action and also the staff member/student/trainee receiving the disciplinary action and this record shall be placed in the members file
- The staff member/student/trainee shall also be advised in relation to their right of appeal against certain penalties
- The Empyrean Compliance Manager shall give the staff member/student/trainee a reasonable opportunity to be heard in relation to the misconduct and may then either:
 - Modify or dismiss the charge
 - Reprimand and warn the staff member/student/trainee against repetition of the breach of discipline
 - Suspend the staff member/student/trainee for a period not exceeding 14 days, which shall include any period of suspension
 - Remove Academic Privilege