

## STUDENT CODE OF CONDUCT

### 1. Purpose and Objectives

- 1.1 The purpose of this policy is to provide all staff and students with a description of the behaviour expected from students while studying at Le Cordon Bleu Australia (LCBA).

### 2. Scope

- 2.1 The Code of Conduct applies to all current students of LCBA while engaged in any program-related activity, including while on-campus, online, at a workplace for a Work Integrated Learning unit, on an excursion or participating in a Le Cordon Bleu event, either in Australia or overseas.
- 2.2 The policy does not apply to academic misconduct as detailed in the Academic Integrity Policies.

### 3. Legislative Context

- Australian Human Rights Commission Act 1986
- National Code 2018 - Standard 9
- Privacy Act 1988

### 4. Policy Statement

- 4.1 LCBA expects students to share the responsibility for maintaining a respectful and harmonious learning environment. LCBA requires students to conduct themselves in a manner that upholds the values, integrity and reputation of LCBA at all times. Behaviour that does not meet this standard is not tolerated and may result in a penalty.

### 5. Policy

- 5.1 Students are required to conduct themselves in a manner that upholds the values, integrity and reputation of LCBA at all times. This means:
- Treating everyone with respect and courtesy,
  - Refraining from bullying, harassment or discrimination,
  - Behaving with honesty and integrity,
  - Respecting difference and diversity,
  - Respecting the privacy and confidentiality of others,
  - Participating in collaboration, open dialogue and the exchange of ideas,
  - Using LCBA resources, including IT and online resources, responsibly and for their proper purpose,
  - Following reasonable directions from LCBA.
- 5.2 Students must take reasonable care to protect their own health and safety and the health and safety of others.
- 5.3 Students are required to comply with:
- LCBA's policies and procedures,
  - Co-Delivery Partners' policies and procedures, as they relate to conduct while on campus;
  - All applicable laws in Australia and when travelling overseas.

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- 5.4 Behaviour that does not meet the standards set out above may constitute misconduct and will not be tolerated. Examples of misconduct include:
- Bullying (including cyber bullying),
  - Harassment,
  - Being under the influence of drugs or alcohol,
  - Disruptive, aggressive, threatening or violent behaviour,
  - Sexual assault and sexual harassment,
  - Providing fraudulent documents to LCBA.
- 5.5 Misconduct may be deemed 'level 1 misconduct' or 'level 2 misconduct':
- Level 1 misconduct warrants an outcome less serious than suspension,
  - Level 2 misconduct warrants an outcome equal to or more serious than suspension.
- 5.6 Penalties for misconduct will be proportionate and may range from a formal warning to suspension or expulsion.
- 5.7 Where LCBA's policies and those of its Co-delivery Partner/s are in conflict, LCBA's policies take priority.
- 5.8 In cases where criminal conduct has/may have occurred, the matter may be referred to the police.
- 5.9 Where the enrolment of a student visa holder is affected, LCBA will inform the Department of Home Affairs (DHA).

### 6. Roles and Responsibilities

Responsible staff	Responsibility
Program Manager	Ordering exclusion from facilities/activities Managing cases of academic misconduct level 1 Participating in formal inquiry panel
Industry Engagement Manager	Ordering exclusion from facilities/activities Managing cases of level 1 misconduct Participating in formal inquiry panel
Student Services Managers	Participating in formal inquiry panel Keeping records of student misconduct
Registrar	Convening and chairing formal inquiry panel Managing cases of level 2 misconduct
Chief Operations Officer	Overseeing implementation of this policy

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### 7. Definitions

'Bullying' means unfair treatment, excessive criticism, persistent nit-picking, intimidating, aggressive or undermining behaviour which makes the recipient(s) feel upset, humiliated, threatened or vulnerable, or which may undermine their self-confidence and integrity.

'Discrimination' refers to the unjust, exclusive or prejudicial treatment of individuals or a group of people, based on their differences, such as background, race, age, or sex, gender, religion or disability. Discrimination may be either:

- Direct - actions that specifically exclude a person or group of people from a benefit or opportunity;
- Indirect - actions where rules, practices and decisions are used to perpetuate an unequal situation and significantly reduce a person's chances of obtaining or retaining a benefit or opportunity;
- Systemic - actions which are perpetuated by rules, practices and actions that are discriminatory and which disadvantage a group of people because of their status or characteristics.

'Exclusion' means the termination by LCBA of a student's enrolment in a course for a specified period.

'Expulsion' refers to expelling a student, or students, from LCBA due to misconduct. Such students are not eligible to re-enrol unless at the discretion of the Dean.

'Fraudulent documents' are fake or altered documents that may or may not have been paid for by a student or other person, which are passed off as being a genuine document. Examples are, but not limited to, altered/Photoshopped or fake academic transcripts or certificate/parchments/testamurs, fake or amended medical certificates, and English language proficiency test results.

'Harassment' is unwanted conduct based on the grounds of religious belief, political opinion, sex (including gender reassignment, marital or civil partnership status), race/ethnicity, disability, sexual orientation or age which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another; nevertheless, this does not make it acceptable. It is the purpose or effect of the behaviour, rather than the motive that must be considered.

'Sexual assault' is an act of a sexual nature carried out against a person's will through the use of physical force, intimidation or coercion, including any attempts to do this.

'Sexual harassment' is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated. Sexual harassment is not interaction, flirtation or friendship which is mutual and consensual.

'Suspension' refers to the process whereby a student is excluded from their course of study until such time all conditions set out in the suspension letter have been met.

*Other applicable definitions may be found in LCBA's Glossary of Policy Terms on the LCBA website.*

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### 8. Related Documents

- Academic Integrity Policy
- Access, Diversity and Equity Policy
- Enrolment Policy
- Student Attendance Policy
- Student Complaints and Appeals Policy
- Student Dress Code Policy
- Work Integrated Learning (WIL) Policy

### 9. Procedure

#### Immediate exclusion or warning

- 9.1 Program Managers (PM) and Industry Engagement (IE) Managers each have the authority to exclude a student from an activity or facilities where they believe that the student is committing an act of misconduct in relation to the activity or facilities, and/or there is an immediate threat to the safety of persons or property, for a period of up to 24 hours. The order for exclusion may be made verbally, will take effect immediately and must specify the period of exclusion.
- 9.2 The order for exclusion will be followed by a written notice to the student, which must include the terms and reason for the order. A copy of the correspondence is to be forwarded to LCBA Student Services and retained on the student file.
- 9.3 If the PM/IE Manager deems that further action is required, they will apply the procedures of Initial Inquiry and Formal Inquiry set out in this Code of Conduct.

#### Allegations of misconduct – Initial Inquiry

- 9.4 A person who wishes to report an allegation of misconduct by a student must do so in writing to the PM or IE Manager (if the misconduct was in relation to a work placement).
- 9.5 If the PM/IE Manager believes the issue warrants further investigation, they will notify the student of the alleged misconduct within five (5) working days, and request that the student attend a meeting to discuss the issue. The meeting should occur within 10 working days of the initial notification. If the student is unable to attend the meeting, the discussion may occur via email or phone/internet communications.
- 9.6 The student must respond to the request for a meeting within five (5) working days and attend meetings as requested by the PM/IE Manager.
- 9.7 The student may be assisted or represented at the meeting by:
- an independent person, or
  - a representative of the LCBA partner institution, or
  - any LCBA staff member or student.
- 9.8 The PM/IE Manager will decide on the most appropriate outcome, irrespective of whether the student chooses to participate in the initial inquiry.

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- 9.9 The PM/IE Manager may determine one of the following outcomes:
- 9.9.1 No misconduct was involved. No further action will be taken, and no information will be recorded on the student file.
- 9.9.2 Level 1 misconduct has occurred. The PM/IE Manager may apply one of the following further outcomes:
- A formal, written warning; or
  - Another outcome appropriate to the case but less serious than suspension.
- 9.9.3 There is a strong likelihood that academic misconduct level 2 has occurred. In this case the PM will ask the Registrar to initiate a Formal Inquiry.
- 9.10 If the PM/IE Manager determines that misconduct (level 1) has occurred, they will:
- Provide a report to the student;
  - Provide a copy of the report to the Student Services office to be retained on the student file.
- 9.11 The student must advise the PM/IE Manager in writing that they either accept or reject the proposed outcome within five (5) working days from the date specified in the report. The student's failure to respond will not alter the outcome.
- 9.12 If the student rejects the proposed outcome, the PM/IE Manager advises the Registrar, provides them with a record of the initial inquiry and recommends that the Registrar initiate a formal inquiry.

### **Allegations of misconduct – Formal Inquiry**

- 9.13 Upon referral of an allegation of misconduct by the PM/IE Manager, the Registrar establishes a Panel consisting of:
- The Registrar as chair,
  - The Program Manager, or delegate
  - The Student Services Manager,
  - A minute taker.
- 9.14 The person who reported the allegation of misconduct may present their concerns to the inquiry, but is not permitted to serve as a member of the Panel.
- 9.15 The Registrar will write to the student at least five (5) working days before the formal inquiry is due to commence. The letter will:
- Provide information about the alleged misconduct,
  - Invite the student to attend the inquiry,
  - Include a copy of the documentation that is provided to the Panel,
  - Include a copy of this policy.
- 9.16 If the student or a Panel member is unable to attend in person, alternative options such as telephone, email or video conferencing communications may be considered.
- 9.17 The chair of the formal inquiry is responsible for ensuring that confidentiality is maintained where required.

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- 9.18 The student may be assisted or represented at the inquiry by:
- An independent person, or
  - A representative of the LCBA partner institution, or
  - Any LCBA staff member or student.
- 9.19 The formal inquiry may proceed whether the student responds or attends.
- 9.20 The formal inquiry may determine that:
- The student's actions do not constitute misconduct, and no further action will be taken.
  - The student's actions constitute level 1 misconduct. An outcome less serious than suspension may be applied.
  - The student's actions constitute level 2 misconduct. One of the following outcomes may be applied:
    - Suspension from LCBA for a period not exceeding three (3) years; or
    - Another outcome appropriate to the case but with an impact less serious than expulsion from LCBA; or
    - Expulsion from LCBA; and/or
    - Referral of the matter to the police.
- 9.21 The chair will communicate the outcome of the inquiry in writing to the following people, within five (5) working days:
- The student,
  - The Program Manager,
  - The LCBA partner administration office to be retained on the student's file.
- 9.22 The chair includes a copy of this policy in correspondence to the student and advises the student of their right of appeal.
- 9.23 If the formal inquiry concludes that the action of the student warrants suspension from LCBA, the letter to the student includes advice that:
- Re-admission to any program at LCBA will not normally be considered during the suspension,
  - Application for re-admission to LCBA will follow normal procedures and is not guaranteed, and
  - Students who gain re-admission will be classified as new students for the purposes of assessing fees and eligibility for Commonwealth support or assistance.

### Appeals

- 9.24 The student has the right of appeal against the decision of the formal inquiry panel in accordance with the *Student Complaints and Appeals Policy*.

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### 10. Summary of changes since last approval

Authored by	Description
Registrar	Included clause requiring compliance with Co-Delivery Partner policies and procedures while on campus (5.3) Clarification of procedure (9.9.3) Added definitions of exclusion, expulsion and suspension