

<b>Policy Owner</b>	College Director & Principal
<b>Contact Officer:</b>	Academic Director
<b>Policy Number:</b>	QTDPO008
<b>Approved by:</b>	Academic Board
<b>Date Approved:</b>	February 2010
<b>Last Reviewed:</b>	Nov 2019; August 2019; October 2018; April 2018; Sept 2014
<b>Related Documents:</b>	Appeals Policy Complaints Policy Progress and Intervention Policy Refund Policy

## 1. Overview

- 1.1. Curtin College is committed to cultivating a respectful, diverse and inclusive community. The College takes seriously, the right of students and staff to have a safe, secure and comfortable learning and work environment.
- 1.2. The Code of Conduct forms a framework of accountability for all College community members to observe and uphold. Curtin College policies and procedures underpin the principles in this Code and in doing so, aim to ensure the reputation and integrity of the College and its partner providers.
- 1.3. Both staff and students of the College have rights and responsibilities in contributing to an environment that is safe, supportive and conducive to success.
- 1.4. Curtin College is committed to the values of academic integrity – this includes values such as ethical behaviour, honesty, fairness and justice. This Code applies to all members of the College community and is in keeping with the requirements of the Higher Education Standards Framework 2015.
- 1.5. Curtin College will rigorously promote, and actively teach the principles of academic integrity on an ongoing basis to generate knowledge and understanding of this core, fundamental academic value.
- 1.6. Curtin College will communicate the College Code of Conduct to all staff and students.
- 1.7. All staff of Curtin College are expected to familiarise themselves with this College Code of Conduct and take measures as appropriate according to Curtin College policies and procedures to identify a breach of the code and report as detailed in this document.

## 2. Organisational Scope

- 2.1. The College Code of Conduct applies to all students and staff at Curtin College and its partner provider.

## 3. Definitions

- 3.1. **Academic Misconduct:** Means any conduct by a student in relation to academic work that is dishonest or unfair and includes but is not limited to:
  - 3.1.1. High level and/or repeated Plagiarism
  - 3.1.2. Unauthorised collaboration and/or Collusion
  - 3.1.3. Cheating in assessment/examinations
  - 3.1.4. Theft of another student’s work
- 3.2. **Bullying:** (Based on The Fair Work Act 2009 – also see definition of Harassment)
  - 3.2.1. a person or a group of people behaves unreasonably towards another person or group of people and the behaviour creates a risk to health and safety.
  - 3.2.2. Bullying does not include reasonable classroom or other management action carried out in a reasonable manner.
  - 3.2.3. Bullying behaviour may involve, for example, any of the following types of unreasonable behaviour:
    - 3.2.3.1. aggressive or intimidating conduct
    - 3.2.3.2. belittling or humiliating comments

- 3.2.3.3. spreading malicious rumours
- 3.2.3.4. teasing, practical jokes or 'initiation ceremonies'
- 3.2.3.5. exclusion from work or class-related events
- 3.2.3.6. unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- 3.2.3.7. displaying offensive material
- 3.2.3.8. pressure to behave in an inappropriate manner.

These behaviours are just some examples of what could be considered bullying.

**3.3. Cheating:** Cheating means dishonest conduct in any assessment. Cheating in assessment tasks (including examinations, assignments and tests) includes, but is not limited to:

- 3.3.1. Communicating in an assessment, with other candidates, or bringing into the examination room any textbook, notebook, memorandum, other written material or mechanical or electronic device (including mobile phones and internet connecting /data storing watches), or any other item not authorised by the person who set the assessment or the Examinations Supervisor in Charge or other supervisor of a test
- 3.3.2. Writing an assessment answer, or consulting any person or materials for an assessment answer, inside and/or outside the confines of the assessment room, without permission to do so
- 3.3.3. Attempting to read other students' work in an assessment, or, in other circumstances, without their permission
- 3.3.4. Where individual work is required, making available notes, papers or answers related to the content of an assessment (in whatever form) to others, without the permission of the teacher of the unit
- 3.3.5. Where individual work is required, receiving answers, notes or papers related to the content of an assessment (in whatever form) from another student, or another source, without the permission of the teacher of the unit
- 3.3.6. Assuming the identity of another student for the purposes of submitting work to be assessed on behalf of that student
- 3.3.7. Submitting an assessment answer written or completed by someone else as your own work for assessment.
- 3.3.8. Failing to follow directions of the examination or assessment supervisor including, seating location and movement about the examination room.

**3.4. Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS):** All institutions and courses that are accredited by the relevant Federal Government Department have a CRICOS code.

**3.5. Disability, as outlined in the "Disability Discrimination Act 1992" means:**

- 3.5.1. Total or partial loss of the person's bodily or mental functions.
- 3.5.2. Total or partial loss of part of the body.
- 3.5.3. The presence in the body of organisms causing disease or illness.
- 3.5.4. The presence in the body of organisms capable of causing disease or illness.
- 3.5.5. The malfunction, malformation or disfigurement of a part of the person's body.
- 3.5.6. A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction.
- 3.5.7. A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; and includes a disability that:
  - Presently exists.
  - Previously existed but no longer exists.
  - May exist in the future;
  - Is imputed to a person

and results in:

- A reduced ability to access educational services provided by the College; and
- A need for support services to overcome these barriers.

- 3.6. **Discrimination:** May be direct or indirect. It occurs when a person treats or proposes to treat another person with a protected characteristic unfavourably because of that characteristic. It includes treating another person unfavourably or in an offensive manner based on disability, impairment, age, gender, sexual orientation, marital status, race, colour, religion, culture, pregnancy, family or carer responsibilities, political opinion, national extraction, social origin and lawful associations.
- 3.7. **Diversity:** See Appendix 2.
- 3.8. **Gender Diversity – LGBTQI+:** Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Intersex
- 3.9. **General Misconduct:** General Misconduct includes, but is not limited to:
- 3.9.1. Behaviour which is in breach of the Curtin College Terms of Offer, policies, rules or Code of Conduct, including the College's Information and Technology Acceptable Use Policy
  - 3.9.2. Behaviour which constitutes a serious impediment to the carrying out of Curtin College functions or those overseen by the College
  - 3.9.3. Bullying, threatening, or disrespectful behaviour by a person towards another student or staff member
  - 3.9.4. Offensive behaviour, including inappropriate language (written or verbal)
  - 3.9.5. Behaviour which is detrimental to Curtin College, its partner provider, its staff or students
  - 3.9.6. Behaviour which breaches the right of all persons to receive equal, unbiased and non-discriminatory consideration irrespective of sex, race or any other involuntary personal characteristic
  - 3.9.7. Behaviour that is in breach of the Curtin University Land and Traffic By-Laws.
- 3.10. **Gross Misconduct:** Gross Misconduct includes but is not limited to:
- 3.10.1. Sexual Harassment/Assault
  - 3.10.2. Repeated or extreme cases of General Misconduct
  - 3.10.3. Carrying or using a weapon on campus
  - 3.10.4. Deliberate damage to College or campus property
  - 3.10.5. Submission of falsified documents to the College
- 3.11. **Harassment:** covers a wide range of behaviours including, intimidation, bullying, coercion; which may reasonably be expected to offend, humiliate, embarrass, disturb or in some way threaten the person at whom it is directed. Harassing conduct includes:
- 3.11.1. Offensive, threatening, intimidating or demeaning behaviour directed at an individual or a group of people;
  - 3.11.2. Any requirement that a person accept or engage in any form of sexual behaviour to gain a benefit or avoid some detriment;
  - 3.11.3. Communication of a spoken or written nature and computer mediated material that shows hostility or aversion to individuals or groups in the community.
- 3.12. **Inclusion:** See Appendix 2.
- 3.13. **Misconduct** includes, but is not limited to, conduct which:
- 3.13.1. Breaches the College Code of Conduct.
  - 3.13.2. Is detrimental to the College, its partner provider, its staff or students.
  - 3.13.3. Refer to 3.9 above.

- 3.14. **Partner Provider:** An institution that provides a Curtin College program that is TEQSA accredited and who, for the purposes of this document oversees all matters relating to the delivery of those programs.
- 3.15. **Plagiarism:** Plagiarism means presenting the words, information or ideas of another person as one's own without appropriate acknowledgment or presenting an idea or product derived from an existing source as new and original. Plagiarism includes:
- 3.15.1. Copying of another author's exact sentences, paragraphs or creative products (i.e. drawings, graphics etc.) without clearly indicating a direct quote and/or without giving a reference.
  - 3.15.2. Copying from books, articles, theses, unpublished works, working papers, seminar and conference papers, internal reports, internet sources, lecture notes or tapes.
  - 3.15.3. Trying to put someone else's ideas into your own words by changing only a few words without clearly or adequately paraphrasing and referencing the original source. A lecturer may decide that, as the words are almost the same as the original, this is plagiarism, even if a reference is provided.
  - 3.15.4. Writing or presenting your own version of another person's work (including words, music, computer source code, creative or visual artefacts, designs or ideas) or research data without clear referencing.
  - 3.15.5. Submitting work which has been written or created for you by someone else, which may or not have been purchased.
  - 3.15.6. Copying and submitting another person's work as if it were your own. If a student lends an assignment to another student and the assignment is copied and handed in by that student, both students will be penalised.
  - 3.15.7. Theft of another student's work.
  - 3.15.8. Copying computer files in whole or in part without indicating their origin.
  - 3.15.9. Copying and submitting another student's work, wholly or partially, by a process of mechanical transformation e.g. by changing variable names in computer programs.
  - 3.15.10. Collusion.
  - 3.15.11. Submitting work completed in a group as if it were the work of an individual student, and vice versa.
  - 3.15.12. Resubmitting previously submitted work without approval, known as self-plagiarism.
- 3.16. **Respect:** Due regard for the feelings, wishes or rights of others.
- 3.17. **The College:** Curtin College and its partner provider.
- 3.18. **Service Taught:** Classes in which Curtin College students join Curtin University students and which are administered and assessed by Curtin University.
- 3.19. **Sexual Harassment and Sexual Assault:** Refers to repeated, unwelcome and/or inappropriate behaviour of a sexual nature, in circumstances where a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person being harassed would feel offended, humiliated or intimidated. Refer Appendix 1 for examples of behaviour which may be deemed to be sexual harassment.
- 3.20. **The University:** Curtin University.
- 3.21. **Working Days:** Refers to College working days, which excludes when the College is closed

## 4. Policy Principles

As part of an academic community, all members of the College community are expected to:

- 4.1. Treat others with respect and courtesy.
- 4.2. Show respect for the opinions and views of others.
- 4.3. Treat others equitably and inclusively, irrespective of gender, sexual orientation, race, disability, medical condition, cultural background, marital status, age, or political conviction.
- 4.4. Avoid any conduct that might reasonably be perceived as sexual, racial, or gender-based harassment or other form of intimidation.
- 4.5. Maintain appropriate standards of dress and language in class and on campus.
- 4.6. Familiarise themselves with, and abide by, College policies and procedures.
- 4.7. Maintain standards of academic conduct, particularly in relation to academic integrity.
- 4.8. Be aware of their responsibilities in relation to their units and course of study and act according to the rules and expectations of classroom behaviour as determined by, and/or negotiated with the lecturer.
- 4.9. Maintain at least 80% attendance in all units of study and engage in activities as determined by the academic expectations of the unit
- 4.10. Respect the College and University property.
- 4.11. Be free from the influence of alcohol and/or drugs when in attendance at the College.
- 4.12. Behave in a manner which does not threaten the life or safety of any person.
- 4.13. Behave responsibly and follow the instructions of College and/or campus staff in the case of an emergency.

## 5. Student and Staff Expectations: As part of an academic community all members of the College community can expect:

- 5.1. To be treated with courtesy and respect.
- 5.2. To be treated equitably irrespective of gender, sexual orientation, race, disability, medical condition, cultural background, religion, marital status, age, or political conviction.
- 5.3. To be able to freely communicate and voice alternative points of view in rational debate.
- 5.4. To participate in a learning environment free from sexual, racial, gender-based, or other forms of harassment.
- 5.5. To rely on the protection of personal information.
- 5.6. To be able to access personal records, subject to the provisions of the Freedom of Information Act [1992].
- 5.7. To be provided with timely and accurate information pertaining to their enrolment and program of study (students), terms and conditions of employment (staff), and all administrative matters.
- 5.8. To have reasonable access to lecturing staff in consultation outside normal contact hours (students).
- 5.9. That unit and program assessments will be equitably and appropriately implemented and assessed.
- 5.10. That the facilities and equipment in use are safe, and comply with occupational health and safety guidelines.
- 5.11. That the College and University will implement appropriate procedures and actions in the case of any emergency.
- 5.12. That the College will take action when there is a breach of the College Code of Conduct.

5.13. Where students breach the College Code of Conduct the following processes will be actioned depending on whether the misconduct is Academic or General, and the level of misconduct:

- Schedule A – Academic Misconduct (Plagiarism)
- Schedule B – Academic Misconduct (Other Academic)
- Schedule C – General Misconduct
- Schedule D – Gross Misconduct

All incidents of student misconduct will be recorded in a Student Misconduct Register. College records of plagiarism and Student Misconduct are not shared with other parties, including the partner university.

5.14. Where students wish to report a student or staff member for not abiding with the College Code of Conduct, the Student Complaints Policy should be used.

## 6. Complaints and Appeals

- 6.1. Students have a right to appeal the outcome of a Student Misconduct Report which impacts their mark for an assessment or their final grade, or which affects their enrolment status. Appeals must be based on evidence and students should refer to the College Appeals Policy.
- 6.2. Students have a right to lodge a complaint about the outcome of a Student Misconduct Report, or in relation to a particular situation in which they have been involved or witnessed. Students should consider College policies and the College Code of Conduct before lodging a complaint. All complaints will be considered with courtesy, in a timely fashion and according to the College Complaints Policy.
- 6.3. For further information, refer to the Curtin College Appeals Policy and the Curtin College Complaints Policy, located on the College’s website: [www.curtincollege.edu.au](http://www.curtincollege.edu.au)

## 7. Administrative procedures

- 7.1. This policy and related documentation are accessible through the Curtin College website at: [www.curtincollege.edu.au](http://www.curtincollege.edu.au) .
- 7.2. This policy and related procedures will be communicated to students and staff via the Portal.

Version	Improvements made:
V2.3 Nov 2019	<ul style="list-style-type: none"> <li>• Definitions - The ‘Submission of falsified documents to the College’ moved from ‘General Misconduct to ‘Gross Misconduct’ (3.10.5).</li> <li>• Policy Principles – item 4.9 added re maintaining at least 80% attendance in all units of study and engage in activities as determined by the academic expectations of the unit.</li> </ul>
V2.0 April 2018	<ul style="list-style-type: none"> <li>• The Code of Conduct has been renamed the College Code of Conduct</li> <li>• Included into the Code of Conduct are the Bullying Harassment and Discrimination Policy (last reviewed November 2017), Student Misconduct Policy (last reviewed Jan 2017); Academic Integrity Policy (last reviewed August 2016) and the Student Misconduct Process.</li> <li>• Appendices and Schedules have been included.</li> <li>• Inclusion of response to managing the risks regarding sexual assault and sexual harassment.</li> </ul>

## Schedule A - Academic Misconduct – Plagiarism

Curtin College lecturers are required to follow Curtin College policy and processes in relation to plagiarism and misconduct and should not share information regarding student behaviour with other parties, including Curtin University.

Where students are enrolled in Service Taught units, the Curtin University procedures and policies regarding plagiarism and Academic Misconduct will be applied and it is the student’s responsibility to ensure that Curtin University has informed them of the nature of any alleged plagiarism or misconduct, the penalty and the outcome.

All out of class written assessment tasks should be submitted through Turnitin® to assist lecturers in determining possible plagiarism.

Lecturers should acknowledge that acquiring the skills of citing and referencing takes time and practice. At the same time failure to employ appropriate conventions will result in the assessment process being compromised and penalties are likely to apply.

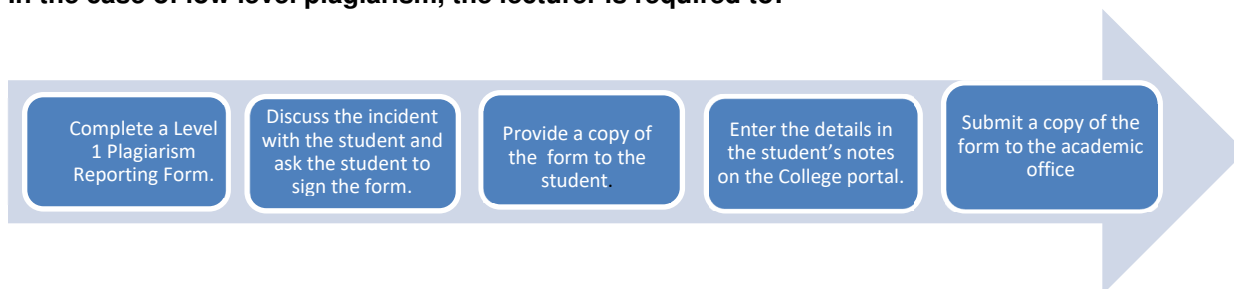
In determining the seriousness of an act of plagiarism, the following factors are taken into account:

- The experience of the student
- Cultural considerations
- The nature and extent of the plagiarism
- The intention of the student to plagiarise, based on the evidence available
- The student’s level of understanding of scholarly practices and the requirements of academic integrity and referencing.

### Low level plagiarism (Level 1)

**Level 1 plagiarism is approached from an educative perspective and is not treated as Student Misconduct.** Level 1 plagiarism is inadequate or incorrect citing, referencing or paraphrasing, arising mainly from a student’s limited knowledge about plagiarism, or how to conform to academic conventions, poor writing skills, or from carelessness or neglect rather than intention to deceive. This generally applies to students in their first study period but can occur with more experienced students as well. **Level 1 plagiarism is dealt with by the lecturer/tutor concerned. Any penalty is minor or applied within the marking criteria. Level 1 plagiarism is recorded on the Level 1 Plagiarism Register.**

**In the case of low level plagiarism, the lecturer is required to:**



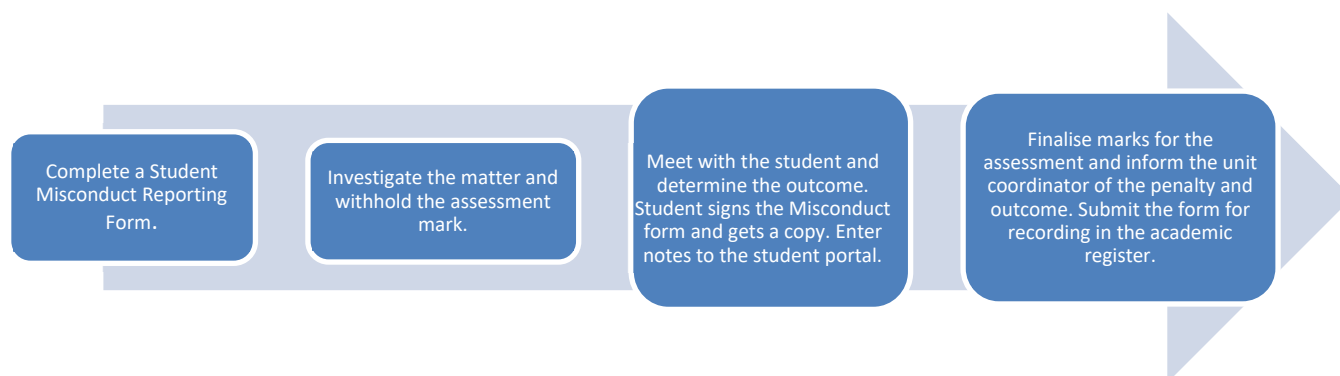
A third case of Level 1 plagiarism may be escalated to Level 2 unless there are mitigating circumstances.

## Medium or high level plagiarism (Level 2 or 3)

Once reported by teaching staff, Level 2 and 3 plagiarism are dealt with by the Academic Integrity Coordinator. They are considered academic misconduct and are recorded on the Student Misconduct Register. Level 2 or 3 plagiarism generally relates to students after their first study period and represents a more significant breach of academic integrity. In deeming an incident medium or high level plagiarism, the lecturer, **based on evidence**, considers that the student has had sufficient opportunity and experience to develop both the understanding and the skills associated with referencing and academic integrity and/or has acted in a way intended to deceive. In dealing with medium or high level plagiarism, the lecturer concerned refers the incident to the Academic Integrity Coordinator with a **recommendation** in terms of level and penalty. The penalty and outcome are determined in consultation with the lecturer and/or Unit Coordinator/Program Coordinator and following a meeting with the student. **Reasonable efforts to schedule a meeting will be made. If the student fails to attend and/or does not respond to communication, the outcome will be decided in their absence based on the evidence provided.**

**Level 2 plagiarism** includes failure to reference or cite accurately and/or adequately, arising from negligence or apparent intent to deceive, where adequate knowledge of conventions would have been expected. This would likely apply to students after their first study period or after significant learning opportunities on how to avoid plagiarism. The penalty should reflect the nature and amount of plagiarised content. It is possible for Level 2 to result in a mark of 0 for the respective assessment. A third case of Level 2 plagiarism will automatically be escalated to Level 3 unless there are mitigating circumstances.

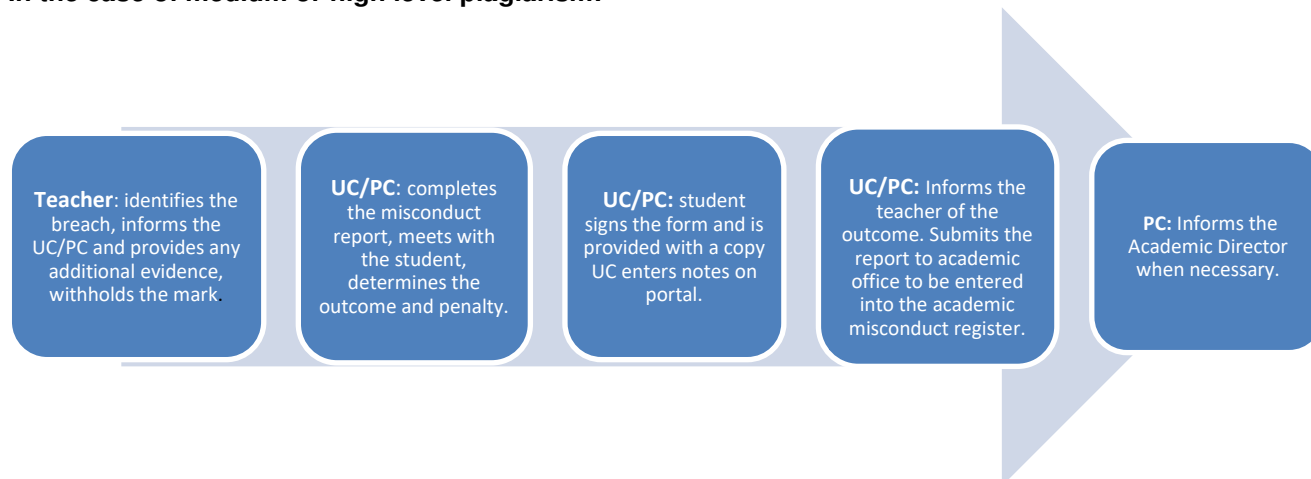
**In the case of medium or high level plagiarism, the lecturer is required to:**



## High level plagiarism (Level 3)

**High level plagiarism** (Level 3) represents a serious breach of academic integrity and includes work presented with a clear intention to deceive an assessor. This would likely apply to students who are experienced or who are expected to understand the principles of academic integrity, but may also involve less experienced students who knowingly present copied work, or work they have not themselves completed. The penalty for Level 3 plagiarism is a mark of 0 for the respective assessment. All instances of Level 3 plagiarism will be referred to the Academic Director, or nominee.

**In the case of medium or high level plagiarism:**





## Schedule B - Academic Misconduct - Other Academic

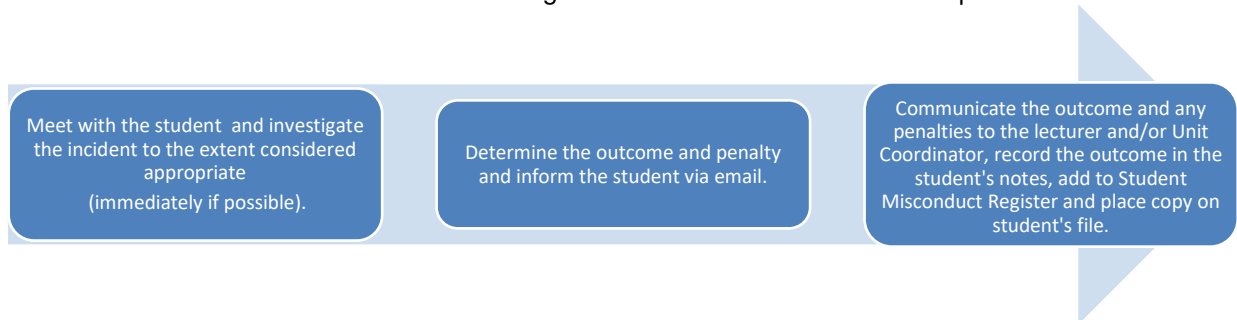
In the case of examinations or in-class assessments, if misconduct is suspected, the examination or assessment supervisor is required to complete a report using **the Student Misconduct Report Form**.

**In relation to in-class assessments** the lecturer or supervisor is required to:



- Preferably, the student should be interviewed by the Program Coordinator or nominee, immediately following the incident.
- If this is not possible, a meeting will be arranged as soon as possible, within ten working days.
- The Program Coordinator or nominee will investigate the allegations to the extent considered appropriate.
- The Program Coordinator or nominee will communicate the outcome to the lecturer and/or Unit Coordinator.
- All reports of academic misconduct should be communicated by the Program Coordinator or nominee, to the student via email and are to be recorded in the Student Misconduct Register and in the student's notes on the College portal.

**In relation to in-class assessments** the Program Coordinator or nominee is required to:



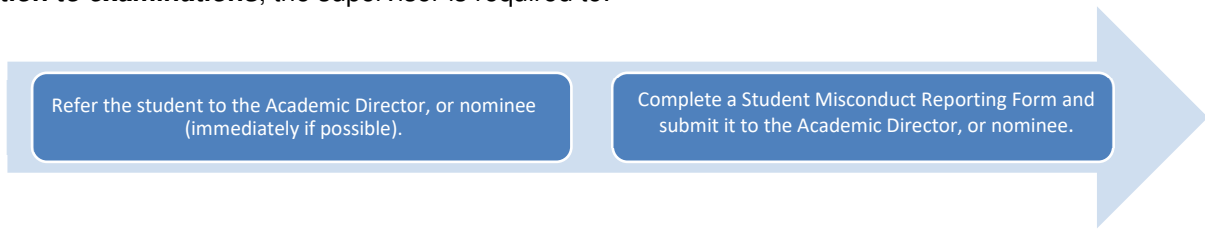
**If after investigation, it is concluded that academic misconduct has occurred:**

- Marks may be deducted based on the nature and seriousness of the act.
- The student may be required to redo and resubmit the assessment or complete an alternative assessment.
- A mark of 0 may be awarded for the assessment.
- The Program Coordinator or nominee may refer the student to the Academic Director, or nominee, based on the seriousness of the incident and/or whether it is a repeat incident.

**The matter will be dismissed if, after the investigation, the Program Coordinator or nominee decides that:**

- The student has not committed an act of academic misconduct.
- The actions of the student were minor or unintentional.
- There is insufficient evidence to conclude that academic misconduct has occurred.

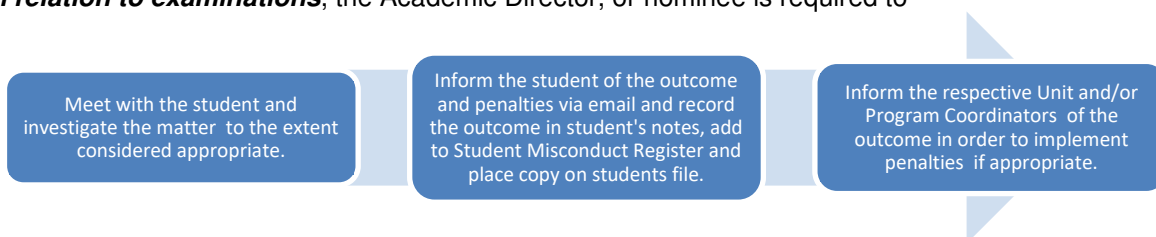
**In relation to examinations**, the supervisor is required to:



**The supervisor must act in accordance with the “Invigilation Guidelines” in dealing with the student/s involved where a student suspected of cheating may complete the exam prior to the investigation of alleged cheating.**

- If possible, the student should be interviewed immediately following the examination by the Academic Director or nominee.
- If this is not possible, a meeting will be arranged as soon as possible, within ten working days.
- The Academic Director, or nominee will investigate the allegations to the extent considered appropriate.
- The Academic Director, or nominee will inform the student of the outcome and any penalties via email.
- The Academic Director, or nominee will inform the respective Unit and/or Program Coordinator of the outcome and penalties and any action required.
- **All reports of examination misconduct should be communicated by the Academic Director, or nominee (or nominee) to the student via email and are to be recorded in the Student Misconduct Register and in the student’s notes on the College portal.**

**In relation to examinations**, the Academic Director, or nominee is required to



If after investigation, it is concluded that academic misconduct has occurred the penalties/actions may include (but are not limited to):

- Marks may be deducted based on the nature and seriousness of the act.
- A mark of 0 may be awarded for the examination.
- The Academic Director, or nominee may refer the student/s to the Misconduct Committee if it is deemed to be Gross Academic Misconduct.

The matter will be dismissed if, after the investigation, the Academic Director, or nominee, decides that:

- The student has not committed an act of misconduct.
- The actions of the student were minor or unintentional.
- There is insufficient evidence to conclude that misconduct has occurred.

## Schedule C - General Misconduct

If an individual wishes to report general misconduct they should submit a misconduct report, which covers:

- i. when the incident took place,
- ii. who was involved,
- iii. what happened and
- iv. the desired outcome.

The report should be emailed to [help@curtincollege.edu.au](mailto:help@curtincollege.edu.au) or submitted to Reception and will be assigned to the relevant senior manager to investigate the allegations.

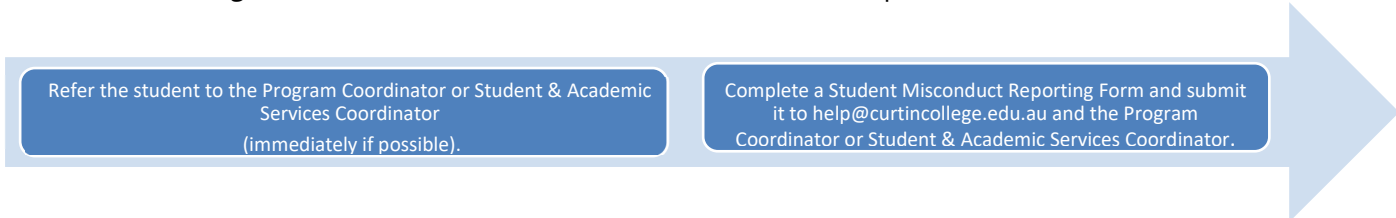
**If after investigation, it is concluded that general misconduct has occurred** the possible penalties/actions include (but may not be limited to):

- An apology to individuals impacted may be required either through a mediated meeting or in writing.
- The respondent may be issued with a formal written warning.
- Payment or recompense for damage caused may be required.
- Counselling may be recommended.
- The student may be required to commit to a written behaviour agreement.
- The matter may be referred to campus security or police.

The matter will be dismissed if, after the investigation, the relevant senior manager decides that:

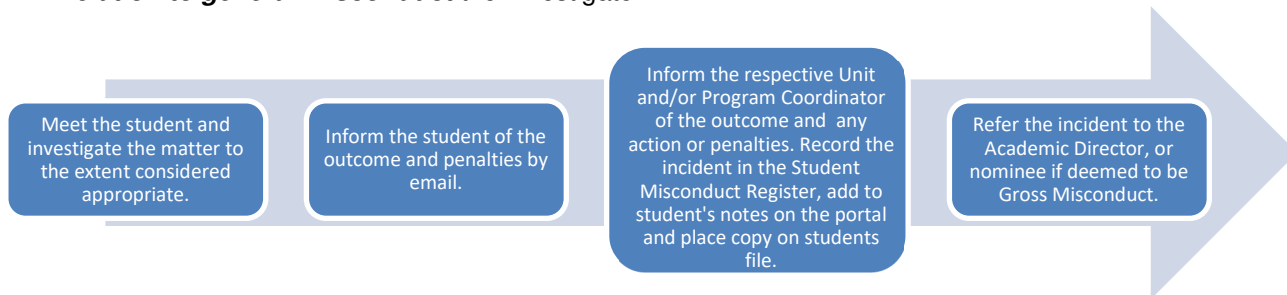
- The respondent has not committed an act of misconduct.
- The actions of the respondent were minor or unintentional.
- There is insufficient evidence to conclude that misconduct has occurred.

*In relation to general misconduct* the lecturer or staff member is required to:



- If possible, the ‘investigator’ should interview the complainant immediately following the incident.
- If this is not possible, a meeting will be arranged within ten working days.
- The Program Coordinator or Student & Academic Services Coordinator (the ‘Investigator’) will investigate the allegations to the extent considered appropriate.
- The Investigator will inform the student of the outcome via email.
- The Investigator will inform the respective Unit and Program Coordinators of the outcome, and any action required, if appropriate.
- The outcome of all reports of general misconduct should be communicated by the Investigator to the student via email and are to be recorded in the **Student Misconduct Register and in the student’s notes on the College portal.**

*In relation to general misconduct* the Investigator will:

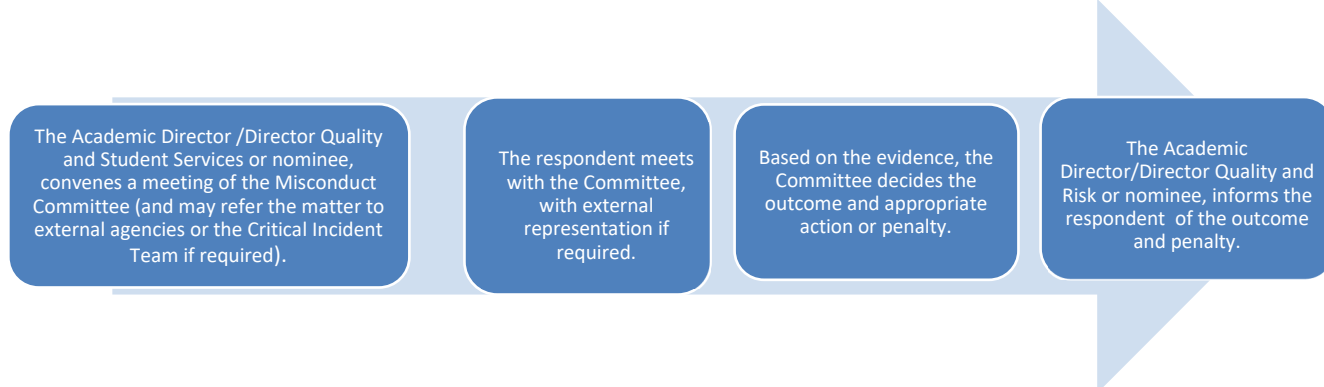


## Schedule D - Gross Academic or General Misconduct

Where there are reasonable grounds to believe that a respondent has committed an act of **Gross Academic or General Misconduct**, the Academic Director or Director Quality and Risk will convene a Misconduct Committee meeting.

- The Misconduct Committee will consist of the Academic Director or nominee, the Director Quality and Risk or nominee, a student representative and a member of staff unconnected to the case. Gender, conflicts of interest and confidentiality should be considered when forming the Misconduct Committee. A translator or external counsellor may be provided if requested by the student or Committee.
- The respondent will be given the opportunity to meet with the Misconduct Committee together with a representative nominated by the respondent (the representative cannot be a lawyer unless special permission is granted by the Misconduct Committee).
- Where the matter under investigation is considered to warrant intervention or action from an external agency, the matter will also be referred to the appropriate authority (e.g. the Police, Immigration etc.)

**In relation to Gross Misconduct the Misconduct Committee is required to follow this process:**



The Misconduct Committee will take into account the following:

- Any mitigating circumstances which the respondent can demonstrate
- Whether the respondent has a record of previous, proven misconduct
- Other evidence.

**In the case of Gross Academic Misconduct**, if the Misconduct Committee decides that the respondent has committed an act of Gross Academic Misconduct, the penalties/actions may include (but are not limited to):

- Provide the respondent with a written warning.
- Deduct marks in line with the seriousness of the act.
- Disallow any mark in relation to the offending work.
- Award a grade of Fail for the unit in which the misconduct took place.
- Refusal to approve an extension or deferral
- Cancel the student's enrolment at the College, in keeping with the College's Deferral, Suspension & Cancellation Policy.

**In the case of Gross General Misconduct**, if the Misconduct Committee decides that the student has committed an act of Gross General Misconduct, the penalties/actions may include (but are not limited to):

- Provide the respondent with a written warning.
- Require the respondent to commit to an agreement regarding ongoing behaviour.
- Defer, suspend or cancel the student's enrolment in keeping with the College Deferral, Suspension & Cancellation Policy.
- Place the staff member on performance management
- Refer the matter to police and/or campus security and/or other external agencies.

The Academic Director /Director Quality and Risk or nominee, will inform the respondent of the decision and outcome via email, including any disciplinary action to be taken and associated consequences (e.g. Refund penalties).

If the respondent is dissatisfied with a decision made by the Misconduct Committee, they may submit a formal appeal against that decision in accordance with the Complaints Policy.

An outcome of no Misconduct will be recorded if, following the investigation, the Misconduct Committee decides that:

- The respondent has not committed an act of misconduct.
- The actions of the respondent were minor or unintentional.
- There is insufficient evidence to conclude that misconduct has occurred.

In all instances, the Misconduct Committee Chair must report any decision made to the Curtin College Curtin Leadership Team.

All reports of Gross Misconduct are to be recorded by the Academic Director/Director Quality and Risk or nominee, in the Misconduct Register and in the student's notes/staff human resource file.

# College Code of Conduct

## Appendix 1 – RESPECT @ Curtin College

***The College community does not tolerate sexual harassment or assault.***

The College is committed to cultivating a respectful, diverse and inclusive community.

The College takes seriously, the right of students and staff have to have a safe, secure and comfortable learning and work environment.

We expect that community members observe and uphold the **Code of Conduct**, which enables us all to learn and work in an environment that is free of bullying; vilification; sexual, physical or emotional violence, harassment or assault.

Students and staff (including Managers and Directors) may be counselled, warned or disciplined if found to be in breach of the **Code of Conduct**. Formal discipline through avenues such as General Misconduct, Gross Misconduct, Dismissal or accountability under Western Australian Law may apply.

As an integral part our commitment, we will dedicate resources to prevention, training and education on an ongoing basis. We will monitor and review, support, information, campaigns, and or programs to ensure they are relevant. We will survey the climate of our community and address requirements according to feedback provided by College students and staff in order to make improvements that are meaningful to our community.

### Definition – What is sexual harassment?

Sexual harassment is unwelcome sexual behaviour that is offensive, humiliating or intimidating. It can be written, verbal or physical, and can happen in person or online.

Both men and women can be the victims of sexual harassment. When it happens at work, the College or university, it may amount to sex *discrimination*.

### What does it include?

Sexual harassment can include someone:

- touching, grabbing or making other physical contact with you without your consent
- making comments to you that have a sexual meaning
- asking you for sex or sexual favours
- leering and staring at you
- displaying rude and offensive material so that you or others can see it
- making sexual gestures or suggestive body movements towards you
- cracking sexual jokes and comments around or to you
- questioning you about your sex life
- insulting you with sexual comments
- committing a criminal offence against you, such as making an obscene phone call, indecently exposing themselves or sexually assaulting you.

### When does sexual harassment become sexual assault?

If someone is sexually harassing you in a way that causes you to feel humiliation, pain, fear or intimidation, then this can be considered sexual assault. If you believe you've been sexually assaulted, you may want to find out more about *what this means* as well as the *support options* available to you.

Curtin College takes it seriously if someone feels unsafe, insecure or upsettingly uncomfortable.

Curtin College has a strong system to support you. If you need urgent assistance contact us on 9266 4888 or contact Campus Security via the Safe Zone App or call 9266 4444.

**Students** – please refer to the Complaints Policy that as students you can access when you need to report an incident that has compromised your feeling of respect, safety or security.

**Staff** - Please refer to the Staff Grievance Policy available from your line manager or from the Policies and Procedures stored on the College server.

We appreciate that this may be a very personal and sensitive situation for you and will acknowledge and respect this from the first instance that you report an incident. We will provide a safe, confidential space for you to report an incident.

You are assured that:

- You will not be victimised for making a complaint
- Your safety and the personal nature of the situation will take priority as soon as the incident is reported
- You will be guided to the most appropriate support service for the situation just-in-time
- You will be referred to suitably trained staff and service providers accordingly
- You will be taken through the Complaints process, if/as and when you are ready,

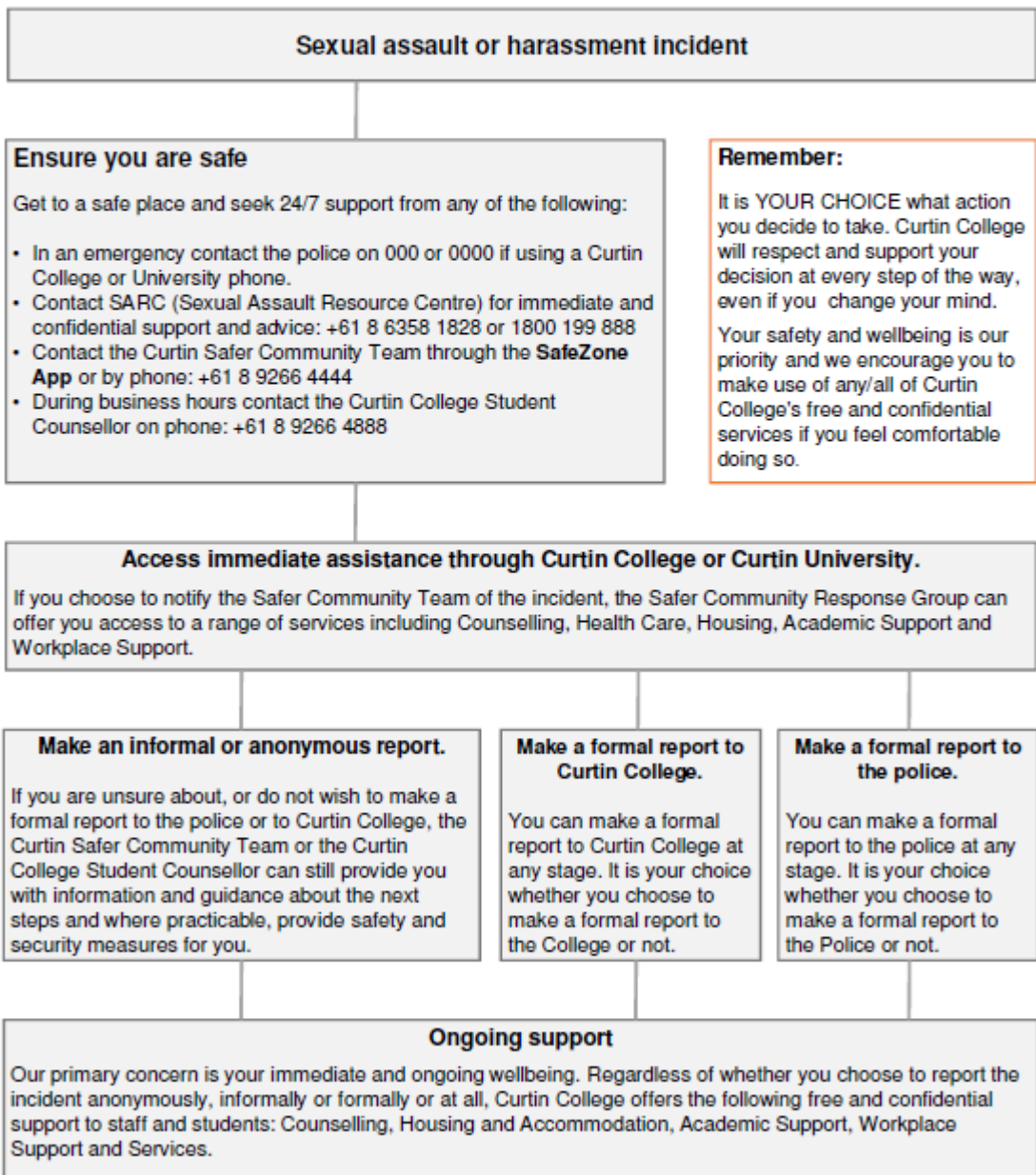
by a staff member who has a clear understanding of both the relevant policies/processes and the care required

- You will always have access to an external Complaints process via the Australian Human Right Commission
- Complaints about Sexual Harassment or Assault will be taken seriously when in relation to Curtin College community member whether they take place on campus or outside (such as an activity, social event, online, training session, conference, other).

Version	Improvements made:
Nov 2019 v2.3	<ul style="list-style-type: none"> <li>● Updated the penalties section of Schedule D</li> </ul>
Aug 2019 v2.2	<ul style="list-style-type: none"> <li>● Updated Schedule A - Academic Misconduct (Plagiarism) amended to reflect greater involvement with academic teachers</li> <li>● Updated Flowchart on page 15</li> </ul>
Oct 2018 v2.1	<ul style="list-style-type: none"> <li>● Updated inconsistencies in the implementation section of the policy.</li> </ul>

## What to do if you have experienced Sexual Assault or Harassment

Curtin College is committed to providing a safe learning and teaching environment. If an incident of Sexual Assault or Harassment occurs, Curtin College offers the following support even if the incident does not occur on campus. Curtin College appreciates this may be a very personal and sensitive situation and will acknowledge and respect this from the first instance you make contact regarding an incident.



## Appendix 2 – DIVERSITY AND INCLUSION @ Curtin College

The College is committed to cultivating a respectful, diverse and inclusive community.

The College takes seriously, the right of students and staff have to have a safe, secure and comfortable learning and work environment.

This includes students and staff having their disability, impairment, age, gender, gender identity, sexual orientation, marital status, race, colour, religion, culture, pregnancy, family or carer responsibilities, political opinion, national extraction, social origin and lawful associations respected and acknowledged; without fear of negative consequences. Not everyone's gender identity or gender expression conforms to society's expectations or stereotypes about the gender with which they are born. Transition from one gender to another is a unique and highly personal journey.

As an integral part our commitment, we will dedicate resources to prevention, training and education on an ongoing basis. We will monitor and review support, information, campaigns, and or programs to ensure they are relevant. We will survey the climate of our community and address requirements according to feedback provided by College students, and staff, in order to make improvements that are meaningful to our community.

We expect that community members observe and uphold the Code of Conduct, which enables us all to learn and work in an environment that is free of bullying; vilification; sexual, physical or emotional violence, harassment or sexual harassment assault.

We will not tolerate bullying, vilification, discrimination, harassment. Students and staff (including Managers and Directors) may be counselled, warned or disciplined if found to be in breach of the Code of Conduct. Formal discipline such as Student General Misconduct, Gross Misconduct, Dismissal or accountability under Western Australian Law may apply.

### **Behaviour, which may be considered as harassment or discrimination, may include:**

- Treating another unfavourably or in an offensive manner based on differences of disability, impairment, gender, sexual orientation, race, religion, culture, carer responsibilities, lawful associations.
- Unwelcome verbal, written, social, physical or sexual behaviour, which may reasonably be expected to cause embarrassment, offense, discomfort, upset, fear or intimidation.
- **Verbal and written** (includes via electronic medium): name calling, offensive language, disparaging remarks, unreasonable and continued criticism. Sending images, which are unwelcome or inappropriate. Continual unjustified, unconstructive and/or unnecessary comments about a person's personal life, appearance, work performance.
- **Social**: bullying, disparaging comments in front of others or behind a person's back, threatening, exclusion, isolation, 'ganging up'.
- **Physical**: fighting, pushing, gestures, invasion of personal space, following/stalking.
- **Sexual**: deliberate and unwelcome or inappropriate physical contact (patting, pinching, brushing, hugging, touching, kissing, rubbing) considered sexual in nature; sexually orientated comments, messages, jokes, images or gestures; unwelcome questions or comments about private life, sex-role stereotyping; staring or ogling;
- Interference with a person's work space, work materials, equipment or property, apart from what would be considered necessary for ongoing work in the particular area or as part of normal student work;
- Persistent following within, to or from the College (stalking);
- Requests for sexual favours or inappropriate personal attention.
- Offers of reward for sexual favours.
- Intimidation that suggests the victim will be disadvantaged in some way if an inappropriate request is not complied with.

**Note:** *Conduct may be deemed as Bullying or Harassment or Discrimination even if the person did not intend to offend, humiliate or intimidate*

The College takes it seriously if someone feels unsafe, insecure or upsettingly uncomfortable.

Curtin College has a strong system to support you. If you need urgent assistance contact us on 9266 4888 or contact Campus Security via the Safe Zone App or call 9266 4444.



**Students** – please refer to the Complaints Policy that as students you can access when you need to report an incident that has compromised your feeling of respect, safety or security.

**Staff** - Please refer to the Staff Grievance Policy available from your line manager or from the Policies and Procedures stored on the College server.

We appreciate that this may be a very personal and sensitive situation for you and will acknowledge and respect this from the first instance that you report an incident. We will provide a safe, confidential space for you to report an incident.

You are assured that:

- You will not be victimised for making a complaint.
- The personal nature of the situation will take priority as soon as the incident is reported.
- You will be guided to the most appropriate staff and support service for the situation just-in-time.
- You will be taken through the Complaints process, if/as and when you are ready, by a staff member who has an clear understanding of both the relevant policies/processes and the care required.
- Complaints about Bullying, Harassment or Vilification will be taken seriously when in relation to Curtin College community members whether they take place on campus or outside (such as an activity, social event, online, training session, conference, other).
- You will always have access to an external Complaints process via the Australian Human Right Commission.

#### Human Rights Commission - details

Complaints Info Line: 1300 656 419 or (02) 9284 9888 TTY: 1800 620 241

If you need an interpreter you can call the Translating and Interpreting Service (TIS) on **131 450** and ask to be connected to the Australian Human Rights Commission.

If you are deaf or have a hearing or speech impairment you can contact the National Relay Service (NRS) on **133 677** (TTY/Voice) or **1300 555 727** (Speak & Listen) and ask to be connected to the Australian Human Rights Commission.

#### Write to us

Postal Address: GPO Box 5218, Sydney NSW 2001

Email: [complaintsinfo@humanrights.gov.au](mailto:complaintsinfo@humanrights.gov.au)

Fax: (02) 9284 9611