PROCEDURE S2.2-P2.2

MANAGING INAPPROPRIATE STUDENT BEHAVIOR

1.0 INTRODUCTION

1.1 Related Policy

Student Code of Conduct Policy

1.2 Purpose

This procedure provides information to students and staff on how inappropriate student behaviour is managed at the Australasian College of Health and Wellness (ACHW) and refers to other policies and procedures as part of this.

1.3 Scope

This procedure applies to all students and staff of ACHW.

1.4 Scope Exceptions

None.

2.0 RESPONSIBILITIES

1. Students are responsible to comply with this procedure, as required.
2. Staff are responsible to enact this procedure as outlined below.
3. The ACHW is responsible to provide training to staff regarding the Student Code of Conduct Policy and this procedure.
4. The ACHW is responsible to provide students with information on the Student Code of Conduct at orientation and in each Unit Guide.
5. The Student Code of Conduct Policy will be published on the website.

3.0 PROCEDURE

3.1 Academic Misconduct

a. Academic misconduct is dealt with according to the terms of the Academic Integrity and Honesty Policy and the Student Appeals and Grievances Policy.

3.2 Inappropriate use of Information Technology

a. Refer to the ICT and Data Policy.

3.3 Student not following Work Health and Safety requirements

a. Refer to the Work Health and Safety Policy.

3.4 Inappropriate behaviour

a. Inappropriate behaviour is outlined in Appendix 1 of the Student Code of Conduct Policy and is considered to be a breach of the code of conduct. It includes inappropriate behaviour on site; at orientation activities; at off-site organised activities such as industry visits, field trips or clinics; activities at a third-party partner's premises such as observations or placement; or at any other activities where the student is representing ACHW, such as competitions.

b. The following process steps for dealing with inappropriate behaviour are not intended to be necessary, consecutive steps. Based on the judgment of individuals dealing with an incident of, or claims of, inappropriate behaviour, if the situation warrants immediate action the initial steps may be omitted, and the necessary action taken to remove the student.

c. The student behaving inappropriately will be asked by a member of the academic or professional staff of ACHW or third-party partner,to cease the inappropriate behaviour.

d. Where the student does not cease the inappropriate behaviour, and the behaviour is on site they will be asked to leave that environment. Where the student does not leave, a member of the ACHW or third-party partner's Senior Management Team may be called to authorise security to remove the student from the environment where the inappropriate behaviour has occurred (e.g., classroom, learning centre, common area, or clinic).

e. Where the inappropriate behaviour is off-site, but under the supervision of an ACHW staff member or a staff member of a third-party partner, the supervising staff member will ask the student/s to leave that environment. The supervising staff member will notify the Head of School, ACHW of the incident.

f. Where the behaviour is at the premises of a partner providing observation or placement services, the partner's staff member providing supervision will ask the student/s to leave that environment. The supervising staff member will notify the Head of School, ACHW of the incident.

g. Where the inappropriate behaviour is on ACHW's online platform or during an online session, the ACHW staff member will suspend the student's access to the platform/session.

h. Where the behaviour is escalating and is unmanageable by staff, partners and security, the police may be called to deal with it.

i. Where the behaviour is considered to be due to a serious health condition, the incident will be managed according to Appendix 1 of this procedure.

j. In all cases of inappropriate behaviour, the Head of School will be notified, and the details of the incident noted on the student's file.

k. The Head of School or delegate will initiate an investigation and, where required, implement the most relevant disciplinary action (see clause 3.5.).

l. Where the alleged inappropriate behaviour is notified by a complainant (such as another student, a staff member, a member of a partner organisation, or a member of the public) and the complainant believes that no appropriate interventions have occurred, the complainant may consult with the Head of School or delegate to attempt to initiate an informal resolution.

m. The Head of School or delegate will follow-up on such allegations within five (5) working days and may meet with the complainant and the student to facilitate resolution. Where the Head of School or delegate cannot resolve the issue, the complainant may submit a formal grievance under the Student Grievances and Complaints Policy and Procedure.

3.5 Disciplinary Actions for Breach of the Student Code of Conduct

a. All decisions about disciplinary action will be notified to the student in writing by the Head of School and noted on the student file.

b. The Head of School will determine and administer the disciplinary actions that will be taken following an investigation of inappropriate behaviour, except where a decision must be consultatively made, as noted in clauses 3.d. and 3.e.

c. Any applicable policies or procedures to investigate and deal with the actions of the student may be used to support the decision of disciplinary action which may include (but is not limited to):

- a verbal warning and counselling regarding the incident of inappropriate behaviour;
- a written warning that clearly states that the behaviour is inappropriate and outlines/identifies possible consequences including disciplinary action up to and including a suspension of study;
- requiring the student with a serious health condition which is putting the student and/or others at risk to take medical leave - see clause 3.d. and Appendix 1;
- if the behaviour is unlawful (for example, fraud or theft), notification of the incident to the police; and
- where the breach of the Student Code of Conduct Policy is deemed serious based on a 'reasonable person' standard, immediate disciplinary action will be implemented. This may include a recommendation of suspension of study or cancellation of enrolment - see clauses 3.e and 3.f.

d. Where the Head of School considers required medical leave to be necessary the process outlined in Appendix 1 will be followed.

e. Where the Head of School considers suspension of study or cancellation of enrolment to be necessary, they will hold a meeting with the Registrar, the Academic Manager, HE , and the Facilitator to discuss this.

f. If the outcome is confirmation of suspension of study or cancellation of enrolment, the Head of School will notify the student in writing to advise them of the decision, the reasons for the decision, their right of appeal, the process to appeal, and the support services available to the student.

g. If the outcome is to not proceed with suspension or cancellation, and instead to initiate another discipline option, the Head of School will notify the student in writing to advise them of the decision, the reasons for the decision, their right of appeal, the process to appeal, the support services available to the student, and the possible consequences of repeating the behaviour.

h. Where the student is also a practising health professional or student health professional registered through the Australian Health Practitioner Regulation Authority (AHPRA) - see Definitions- there are mandatory reporting requirements for specific serious behaviour. Academic or professional staff who are also AHPRA registered health professionals have mandatory requirements under the Health Practitioner Regulation National Law to notify AHPRA.

i. The Head of School will include in their reports to Academic Board, all incidents of inappropriate behaviour that result in disciplinary action.

j. Where appropriate, disciplinary procedures and actions will proceed even if the student withdraws from the course and then does not meet the definition of a student while a disciplinary process is ongoing and/or pending.

k. Students who are impacted by inappropriate behaviour will have access to support services through Student Support personnel, and the ACHW Employee Assistance program (EAP) as appropriate.

3.6 Appeals

a. A student may appeal against a decision made under the Student Code of Conduct Policy and this procedure, including the procedure in Appendix 1: Required Medical Leave. The grounds for appeal are that the decision is inconsistent with the Student Code of Conduct policy and this procedure. Where the conduct is managed through another policy, that policy and procedure applies.

b. Appeals must be made in writing, following the requirements of the Student Appeals and Grievances policy and procedure.

4.0 DEFINITIONS

- **Health Practitioner Regulation National Law** – The legislation which regulates the practice of specified health practitioners and student health practitioners.
- **Health Professionals (including student Health Professionals) Registered Through AHPRA -**Aboriginal and Torres Strait Islander Health Practitioners; Chinese Medicine Practitioners; Chiropractors; Medical Practitioners; Medical Radiation Practitioners: Radiographers, Nuclear Medicine, and Radiotherapy; Midwives; Nurses; Occupational Therapists; Optometrists; Osteopaths; Paramedics; Pharmacists; Physiotherapists; Podiatrists; and Psychologists.
- **Reasonable Person Standard** - A standard of behaviour that is appropriate and expected for a mentally stable or 'reasonable' person under particular circumstances.
- **Required Medical Leave**- mandatory medical leave imposed when a student's health condition is causing behaviour which results in risk to the student and/or others, and the student is unwilling or unable to request leave.
- **Serious Health Condition** - An illness, injury, impairment, physical or mental health condition which results in behaviour that poses a significant risk to the student themselves, and/or to others whilst the student is engaged in academic or other ACHW activities.

5.0 REFERENCES AND ASSOCIATED INFORMATION

- Academic Integrity and Honesty Policy and its Managing Student Academic Misconduct Procedure
- Appendix 1: Required Medical Leave
- Student Grievances and Complaints Policy and Procedure
- Critical Incident Policy and Procedure
- Health Practitioner Regulation National Law
- ICT and Data Policy and Procedure
- Privacy Policy
- Sexual Assault and Sexual Harassment Policy and Procedure
- Student Code of Conduct Policy and its Managing Inappropriate Behaviour Procedure
- Student Progression and Support Policy and Procedure
- Workplace Health and Safety Policy and Procedure

6.0 POLICY/PROCEDURE OWNERSHIP

Policy Owner	Executive Director/ Head of School ACHW
Status	Reviewed on May 2021
Approval Authority	ACHW Corporate Board
Date of Approval	27 July 2021
Effective Date	18 August 2021
Implementation Owner	Head of School, ACHW
Maintenance Owner	Senior Policy and Compliance Officer
Review Due	July 2024
Content Enquiries	Candice Heskey - Head of School Email: cheskey@achw.edu.au

7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
S2.0-P2.0	10 July 2017	Head of Compliance / Director ACHW	Initial document review after purchase of MHMHE
S2.1-P2.1	10 March 2020	Academic Board	General review
S2.2-P2.2	27 July 2021	Academic Board	Procedure separated from the Student Conduct Policy. Responsibilities added. Definitions added/updated. AHPRA information added. Required Medical Leave procedure added as an Appendix.

APPENDIX 1: REQUIRED MEDICAL LEAVE PROCEDURE

PURPOSE

This procedure provides information on managing students whose inappropriate behaviour is due to a serious medical condition, and who are now required to take medical leave.

INTRODUCTION

A student's medical condition may become known because of inappropriate behaviour or because the student has disclosed it and an incident occurs. If the student's behaviour is putting the student and/or others at risk, and all options of support and counselling have not changed the behaviour, placing a student on medical leave may be the only option available. Where the student is unwilling or unable to request leave, it allows ACHW to require the student to take a period of medical leave with the option of returning to study at a later date, with or without set conditions.

PROCESS

1. **Crisis management**
    a. If the behaviour is at crisis level, as defined in the Critical Incident Policy, that policy should be initiated immediately.
2. **Investigation**
    a. Investigation by the Head of School will include consultation with Student Support to discuss what support the student has already received and should receive as an outcome of this incident.
    b. Copies of all decisions and communication must be kept on the student's file.
3. **Initiating Required Medical Leave**
    a. The Head of School will meet with the Director of Education, the Registrar, and a representative of Student Support to consult and confirm that Required Medical Leave is required for the student and to discuss the support to be provided.
    b. Where Required Medical Leave is agreed by the group, the Head of School will write to the student notifying them of this decision and arranging for a meeting between the student, Head of School, Director of Education and a senior representative of Student Support. The student will be free to bring a support person to the meeting. The meeting will include:
        - discussion on the reasons for the leave;
        - that the leave is mandatory;
        - the process and conditions (for example a medical certificate confirming fitness to return) for requesting a return to study;
        - the support that will be provided; and

- how to appeal the Required Medical Leave decision if the student wishes to do so.

c. To expediate notification to the student, the Student Support representative will contact the student by phone to notify them of the oncoming letter and its contents, to discuss their availability for attendance at the meeting and the information they will receive there, and that the requirement for leave is mandatory and will go ahead irrespective of the student's attendance at the meeting.

d. A period of Required Medical Leave will normally be for no longer than twelve (12) months.

4. **Support**

a. ACHW will utilise relevant policies and procedures to support the student and, on a case-by-case basis, minimise the impact of Required Medical Leave. This includes in academic standing and progression, and fees.

b. ACHW will maintain contact with the student where that is possible to inform support planning for the student's return to study and to reassure the student of their continued connection with the organisation while they are on leave.

5. **Return to Study**

a. The student requests a return to study by writing to the Head of School and providing evidence that any conditions previously notified for return to study have been met.

b. The Head of School will discuss the request with the Director of Education, Registrar, and the Support Unit. Additional information may be sought as required.

c. The decision can be to:

- allow the return, with or without conditions;
- to extend the leave, by no more than twelve (12) months; or
- to refer the matter to the Audit and Risk Committee with a risk assessment, following which the committee's decision will be final.

d. The decision, and any communication around it, will be recorded in the student's file.

6. **Appeals**

a. Refer to clause 3.6 in the Dealing with Inappropriate Student Behaviour Procedure. Students may appeal on any decision, including extension of Required Medical Leave following completion of the first period of such leave.

Acknowledgement: The University of South Australia's Required Medical Leave policy and procedure has been consulted in the preparation of this Appendix and is gratefully acknowledged.