

# TAFE SA Rules

TAFE SA is the public provider of technical and further education to domestic and international students. Its mandate is to provide technical and further education in a manner that is efficient, effective and responsive to the needs of industry, students and the general community. It has power to make rules to provide a scheme for disciplinary action against students including review of a decision to take disciplinary action and to provide for any other matter affecting the administration of TAFE SA.

The following rules are made in accordance with section 16 of the *TAFE SA Act 2012*:

## 1—INTERPRETATION

In these Rules -

**Disciplinary decision** means –

- a decision of a TAFE SA staff member at level 2 or level 3 to impose a sanction on a student; or
- a notice advising a student that a sanction will apply under a Student Behaviour Agreement between TAFE SA and the student as a consequence of the Student's breach of the Agreement;

**Exceptional circumstances** occur where, as a consequence of a student's behaviour, there is imminent risk:

- to the health and safety of any person on TAFE SA grounds; or
- that TAFE SA 's ability to perform its functions will be substantially compromised.

## 2—STUDENT BEHAVIOUR: GENERAL

- 2.1 Students enrolled in TAFE SA are to behave respectfully and fairly to staff, students, visitors, contractors and community members using TAFE SA facilities. Student behaviour will not compromise the safety, health, welfare or privacy of any person or cause damage to facilities.
- 2.2 Students must follow the standards of responsible behaviour in the *Student Code of Behaviour* and obey all policies and procedures that relate to student management and safety as displayed on the TAFE SA Internet.

- 2.3 TAFE SA may investigate student behaviour and misconduct.
- 2.4 Students, while on TAFE SA grounds or using TAFE SA facilities, are to comply with all reasonable instructions or directions of TAFE SA staff and in cases of emergency, officers of the South Australian Police or South Australian Emergency Services.
- 2.5 Students are to act honestly and truthfully in their dealings with TAFE SA.
- 2.6 Students are to abide by all relevant laws while engaged in their course of study at TAFE SA.
- 2.7 Students must actively participate in their course(s) of study at TAFE SA including meeting all course requirements and obeying policies and procedures that relate to their academic progress.
- 2.8 Behaviour that does not comply with course requirements or policies and procedures that relate to academic progress may be considered academic misconduct.
- 2.9 A breach of these TAFE SA rules by a student enrolled in TAFE SA constitutes misconduct and renders the student liable to disciplinary action in accordance with the TAFE SA Student Discipline Scheme.

### **3–TAFE SA STUDENT DISCIPLINE SCHEME**

- 3.1 TAFE SA will designate members of TAFE SA staff at 5 levels of authority to administer the Student Discipline Scheme.

### **4–WARNING A STUDENT:**

#### **STUDENT DISCIPLINE SCHEME LEVEL 1 AUTHORITY: ALL STAFF**

- 4.1 TAFE SA staff may warn students that their behaviour is not compliant with a TAFE SA rule.
- 4.2 Where TAFE SA staff members warn a student they must draw the student's attention to the behaviour and indicate how it does not comply with a TAFE SA rule. TAFE SA staff must record the details of the warning in writing.
- 4.3 Where a member of TAFE SA staff warns a student, the staff member may:
  - exclude the student from a learning activity; or
  - exclude the student from all or part of TAFE SA grounds; or
  - restrict the student's access to TAFE SA facilities;  
for up to 2 working days

## **5—TAKING DISCIPLINARY ACTION:**

### **STUDENT DISCIPLINE SCHEME LEVEL 2 AUTHORITY: AUTHORISED STAFF**

- 5.1 Where a student's behaviour is serious in nature, interrupts the provision of technical and further education or continues after one or more warnings, the student may be required to attend a Disciplinary Conference.
- 5.2 To commence disciplinary action under this Rule, TAFE SA will notify the student in writing to attend a Disciplinary Conference.
- 5.3 The notice must specify:
1. the date and location of the Conference;
  2. the names of the presiding officer and any other TAFE SA staff members who will participate in the Conference;
  3. a description of the behaviour alleged to be in breach of a TAFE SA rule and a brief explanation of how that behaviour does not comply with TAFE SA rules; and
  4. the names of persons the presiding officer of the conference may call on during the conference if required.
- 5.4 During the Disciplinary Conference the student may:
1. present their own view of the behaviour and how it relates to TAFE SA rules;
  2. present any evidence to support their view; and
  3. have a support person with them during the conference but may not have legal representation.
- 5.5 A support person does not have a right to speak for the student at the Conference.
- 5.6 The presiding officer may, if necessary, adjourn the Disciplinary Conference. However the Conference shall be concluded as soon as reasonably practicable.
- 5.7 At the conclusion of the Disciplinary Conference the presiding officer must inform the student whether his or her behaviour has been assessed as in breach of a TAFE SA rule. Where the student's behaviour has been assessed as in breach of a TAFE SA rule, the presiding officer may, subject to Rules 6 and 8:
1. apply a sanction; and/or
  2. prescribe the future behaviour required of the student as a condition of his or her continued enrolment, such behaviour to be the subject of a Student Behaviour Agreement.

- 5.8 Sanctions (as set out in TAFE SA's Student Disciplinary Procedures, as amended, from time to time) may be applied singly or in combination by a presiding officer at the conclusion of a Disciplinary Conference.

## **6—MANAGING A DISCIPLINARY CONFERENCE**

- 6.1 Authorised Level 2 staff will preside at a Disciplinary Conference. The responsibility of a presiding officer at a Disciplinary Conference is to ensure that:
1. information relied on to assess a student's behaviour as in breach of a TAFE SA rule is presented to or summarised for the student;
  2. the student is provided the opportunity to speak and present evidence at a Disciplinary Conference;
  3. where a sanction is being considered as an outcome of the Conference, the impact on the student's enrolment is discussed with the student; except where the student fails to attend the Conference; and
  4. an outcome is determined and communicated to the student and to relevant TAFE SA staff involved in the student's course of study.
- 6.2 Where a sanction is imposed, a record must be kept of:
1. the behaviour of the student that constituted misconduct;
  2. the impact on the learning of the student or other students, any compromise to the safety of persons on TAFE SA grounds or the security of TAFE SA facilities;
  3. the evidence relied on in assessing the student's behaviour;
  4. the sanction imposed;
  5. the reasons for imposing the sanction; and
  6. the details of any Student Behaviour Agreement entered into.
- 6.3 Where a sanction is not imposed, a record of must be kept of the Disciplinary Conference and findings.
- 6.4 Where a student fails to attend a Disciplinary Conference, its presiding officer may adjourn the Conference or may, if satisfied that the student has had due notice of the Conference, progress the Conference to an outcome in the absence of the student. The student will be notified of the outcomes of the Disciplinary Conference within 2 working days of its conclusion.

## **7—STUDENT BEHAVIOUR AGREEMENT**

- 7.1 A student may enter into a Student Behaviour Agreement with TAFE SA during or following a Disciplinary Conference. The agreement will contain statements about the standards of the behaviour that the student must observe while enrolled at TAFE SA, or, for a time specified in the Agreement.
- 7.2 The Student Behaviour Agreement may contain conditions under which the student will manage his or her behaviour for a period of time, in specific facilities or learning environments or limitations to the student's access to TAFE SA facilities for a period of time. The Agreement may also contain sanctions that will apply if the student does not meet the standards or conditions of the behaviour contained in the Agreement.
- 7.3 Where a student fails to meet a standard or condition of a Student Behaviour Agreement, any sanctions contained in it will apply from the time the student's behaviour did not meet the standard or breached a condition. TAFE SA will notify the student within 2 working days of it becoming aware of the failure to meet the standards or breach of the condition that the sanctions apply.

## **8—EXPELLING A STUDENT:**

### **STUDENT DISCIPLINE SCHEME LEVEL 3 AUTHORITY: AUTHORISED STAFF**

- 8.1 Where a sanction applied at the conclusion of a Disciplinary Conference includes expulsion, the presiding officer of the Disciplinary Conference must refer the decision to apply the sanction of expulsion to an authorised Level 3 staff member for review. The Level 3 staff member must review the expulsion within 1 working day and must either confirm or cancel the expulsion.
- 8.2 The student will be notified of the decision of the authorised Level 3 staff member within 1 working day of the decision. A sanction of expulsion does not take effect until a student has received notice of the Level 3 staff member's decision to confirm the expulsion.

## **9—EXECPTIONAL CIRCUMSTANCES**

- 9.1 Authorised Level 3 staff may suspend or expel a student without notice with immediate effect in exceptional circumstances.

## **10— REQUESTING A REVIEW OF A DISCIPLINARY DECISION**

- 10.1 With the exception of sanctions imposed following a warning in accordance with Rule 4, a student may request the review of a disciplinary decision made by a TAFE SA staff member.
- 10.2 Requests for review of a disciplinary decision must be in writing within 10 working days of receiving notification of the decision. The request should contain the student's grounds for disagreement with the assessment of their conduct, the disciplinary decision or the sanction imposed.

## **11—MANAGING REQUESTS FROM STUDENTS TO REVIEW A DISCIPLINARY DECISION**

- 11.1 TAFE SA will consider the grounds provided by a student in a request for review of a disciplinary decision within 15 working days of receiving a student's written request.
- 11.2 Subject to Rules 12 and 13, TAFE SA will confirm, vary or reverse a disciplinary decision.

## **12—STUDENT DISCIPLINE SCHEME LEVEL 4 AUTHORITY: INTERNAL REVIEW PANEL MEMBER**

- 12.1 TAFE SA will establish guidelines for implementation that will include appointing a panel of reviewers from existing staff members (excluding staff involved in original decision) who are suitably qualified to determine review requests.
- 12.2 A member of the panel will be allocated to each request from a student to review a disciplinary decision (other than a decision to expel a student). Following the review, the review panel member will determine the review request by -
- confirming the decision to which the review relates; or
  - reversing the decision; or
  - making a disciplinary decision in place of the decision to which the review relates.
- 12.3 No person who presides at a Disciplinary Conference, or is involved in management of the behaviour of the student requesting the review, can determine the review.
- 12.4 Review panel members who consider requests for review may set their own procedure. However, a review panel member must afford the student requesting the review a reasonable opportunity to present further evidence or make further submissions relevant to the review, either in writing or in person. Review panel members' determinations must include a statement of their methodology, their findings and the reasons for the findings.

### **13—REVIEW OF A DECISION TO EXPEL A STUDENT:**

#### **STUDENT DISCIPLINE SCHEME LEVEL 5 AUTHORITY: CHIEF EXECUTIVE OFFICER TAFE SA**

- 13.1 A request to review a decision to expel a student must be determined by the Chief Executive of TAFE SA in accordance with the procedure in Rule 12. The Chief Executive may be assisted as necessary by a review panel member.
- 13.2 A person who has been expelled from TAFE SA may not re-enroll in TAFE SA except at the discretion of the Chief Executive Officer of TAFE SA.

### **14—ANNUAL REPORT**

- 14.1 The Chief Executive of TAFE SA must provide an annual report on the operations and outcomes of the TAFE SA Disciplinary Scheme to the TAFE SA Board.

Dated this 11<sup>th</sup> day of April 2013

Confirmed in Executive Council



**GOVERNOR**