



<b>Institution</b>	Mercury Institute of Victoria
<b>Policy Name</b>	Code and Conduct Policy and Procedure
<b>Policy Governance</b>	Compliance Manager
<b>Reference to Standards</b>	Standards for RTO 2015 - Standard 6 Clause 6.1- 6.6 National Code 2018 – Standard 9 Deferring, suspending or cancelling the overseas student’s enrolment, Standard 10 Complaints and appeals
<b>Date of Approval</b>	April 2022
<b>Review Date</b>	April 2023

## PURPOSE

The purpose of this policy is to ensure that all Mercury Institute of Victoria students and staff members enjoy an atmosphere for mutual understanding, respect and professionalism in a safe and healthy learning environment that celebrates diversity, embraces equal opportunity and is free from discrimination and harassment.

Mercury Institute of Victoria establishes this policy and procedure to:

- Comply with the requirements of Standards for RTO 2015 – Standards 6 Clause 6.1- 6.6
- Comply with the requirements of the National Code 2018 – Standard 9 Deferring, suspending or cancelling the overseas student’s enrolment, Standard 10 Complaints and appeals

## SCOPE

This policy applies to all Mercury Institute of Victoria students and staff members.

## 1. POLICY

The objective of Mercury Institute of Victoria’s Code of Conduct Policy and Procedure is to promote an environment in which students and staff members develop a positive and



responsible attitude towards the work environment, customers and colleagues. As part of this, Mercury Institute of Victoria supports a system of informed consequences for actions. All students and staff members at Mercury Institute of Victoria are required to maintain an appropriate code of conduct at all times.

## **Guidelines**

Where behaviour is deemed to be improper or inappropriate as outlined below, Mercury Institute of Victoria will take action in accordance with the Code of Conduct Policy and Procedure described below.

## **Misbehaviour**

Improper or inappropriate behaviour includes, but is not restricted to:

- Being on Mercury Institute of Victoria premises and consuming or having consumed alcohol;
- Persistent, disruptive behaviour;
- Verbally abusive or hostile behaviour that affects fellow students and/or staff members;
- Smoking or the use of prohibited or illegal substances at Mercury Institute of Victoria classes or on premises;
- Deliberate misuse of Mercury Institute of Victoria equipment or materials;
- Behaviour of a discriminatory nature;
- Carriage, use of, or being in possession of a prescribed or regulated weapon or dangerous article on Mercury Institute of Victoria premises;
- Physical assault on a member of general or teaching staff, other students, or members of the public, or behaviour which is perceived to be threatening;
- Theft from staff or students at Mercury Institute of Victoria;
- Slander or harassment (whether verbal, sexual or otherwise) of staff or other students;
- Arson at Mercury Institute of Victoria property;
- Wilful or malicious damage to Mercury Institute of Victoria property or equipment;
- Conduct that is discriminatory and/or threatening on the basis of religion, culture, race,



sexual differences, age, disability, or socio-economic status, whether to other students, staff members, or any other person on Mercury Institute of Victoria premises;

- Any student who has been found to willingly, or accidentally, activate fire or security alarms which result in the calling out of emergency services such as the fire department, police, ambulance or any other emergency service, will be liable for whatever costs are incurred by their actions. Furthermore, students may be prosecuted under State or Federal laws in relation to their actions.

Improper or inappropriate behaviour may result, after appropriate investigation, in suspension or cancellation of enrolment (refer to *Deferral, Suspending or Cancelling Students Enrolment Policy and Procedure*).

### **Serious Misconduct**

- Serious misconduct is deemed to be behaviour that is illegal, wilful or premeditated. This behaviour can result in immediate suspension pending investigation and may lead to expulsion.
- Use of alcohol or drugs is prohibited on campus. Students should not attend classes or use the campus facilities while intoxicated by alcohol or other drugs. If students have medical conditions and need to take prescription drugs that could affect students' safety, that student needs to notify their Trainer/Training Coordinator before commencing class. This will enable Mercury Institute of Victoria to provide appropriate and timely assistance and enable Mercury Institute of Victoria to fulfil its duty of care responsibilities. All information provided will be treated confidentially.
- Misconduct of a criminal nature will be reported to the appropriate authority.
- Mercury Institute of Victoria takes a zero-tolerance approach to bullying and harassment. These behaviours will not be tolerated, whether they are exhibited in the classroom or elsewhere on Mercury Institute of Victoria campuses, via text messaging or other social media platforms.
- Racial harassment: unfairly disadvantages people based on negative attitudes about cultural backgrounds and physical characteristics



- Sexual harassment: verbal or physical acts which refer to a person's sexuality or gender in an offensive or degrading manner
- Verbal harassment: can overlap with any of the other forms of harassment, but also includes offensive language, slander, offensive notes or graffiti or telephone messages, SMS, email or messages on blogs or on social networking websites about others.
- Cheating and Plagiarism (please see *Plagiarism Policy and Procedure* for more detail).
- It is the student's responsibility to act in a way that does not interfere, directly or indirectly, with the learning of other students or obstruct staff from carrying out their duties during lectures or outside the classroom.
- Mercury Institute of Victoria believes that the learning environment should be comfortable for all staff and students and free from any form of harassment.

Staff members who are employed and students who are enrolled at Mercury Institute of Victoria should adhere to the following:

- Respect of other people's rights to hold different positions and views in our society;
- Be receptive to others point of view;
- Not discriminate against another person for their beliefs, nationality, religion, age, associations or sex;
- Not impose their own values on other students or staff members;
- Allow students the capacity and right to learn with equal opportunities to develop their maximum potential.
- Proper use of computers and internet. Computers and internet are available to help Mercury Institute of Victoria students in their learning and completing their assignments. Student must follow the Mercury Institute of Victoria terms and conditions using computers and internet on campus.

### **Duty of Care**

It is Mercury Institute of Victoria's legal "Duty of Care" to make sure that it undertakes a safe workplace environment. That is, the students and staff members at Mercury Institute of



Victoria:

- Share the responsibility for safety and health at the Mercury Institute of Victoria campus.
- Have to be familiar with Workplace Health and Safety Policy.
- Must take reasonable care of themselves and others on campus by being aware of the effects of their actions.
- Are obliged to report all potential hazards, incidents and injuries at Mercury Institute of Victoria campuses.

## 2. PROCEDURE

A disciplinary procedure exists for the proper management of disciplinary issues. The procedure is designed to ensure fairness and objectivity, and its primary purpose is not intended as a form of punishment but rather a means of providing students with the opportunity to correct or modify their behaviour through fair and objective means.

### Student Disciplinary Procedure

In the case where student behaviour conflicts with Mercury Institute of Victoria's Code of Conduct, disciplinary action will be taken and the following will occur in a private and confidential manner:

- In the first instance the Administration Manager will issue the student with an official warning, '*Letter of Student Misconduct*' about his or her behaviour. One copy of this warning goes to the student and another copy will be filed in the student's file on the Student Management System
- In the second instance of unacceptable behaviour the Trainer will arrange a meeting with the Administration Manager and issue second warning '*Letter of Student Misconduct*'
- In the third instance, a '*Letter of intention to suspend*' will be issued to the student with provision to access complaints and appeals procedure in the next 20 working days (Please refer to *Complaint and Appeal Policy and Procedure*).
- Any further instances will lead to Cancellation of Enrolment.



- The details of all disciplinary interviews and warnings will be recorded in the *Student Misconduct Register* and the student file on the Student Management System.
- A note will be placed on the Student Management System to identify that a disciplinary interview has taken place and that details are located on the student's file.
- Persistent disciplinary problems are to be dealt with by the Administration Manager in liaison with the Training Coordinator/Student Support Officer.
- If the student is on an international student visa, Mercury Institute of Victoria must report to the Department of Home Affairs any variation in the student's enrolment as outlined in Mercury Institute of Victoria's *Deferral, Suspending or Cancelling Students Enrolment Policy and Procedure*.
- In cases of serious misconduct the Administration Manager /CEO will make an immediate decision on suspension or expulsion.
- The student has the right to appeal against any decision on student misconduct or disciplinary action. Please see the *Complaint and Appeal Policy and Procedure* for further details.

### **Staff Disciplinary Procedure**

In the case where staff behaviour conflicts with Mercury Institute of Victoria's Code of Conduct, disciplinary action will be taken and the following will occur in a private and confidential manner:

- In the first instance the Administration Manager will issue the staff with an official warning, '*Letter of misconduct*' about his or her behaviour. One copy of this Warning Letter goes to the staff file.
- In the second instance Administration Manager will issue the staff with Second Warning '*Letter of misconduct*'
- In the third instance, or in case of serious misconduct (stated above) a *Letter of intention to suspend / terminate employment at Mercury Institute of Victoria* is handed over to the staff member. The letter may also be emailed/ posted to the staff member. Staff member has a provision to access *Complaint and Appeal Policy and*



*Procedure* in the next 20 working days.

- The details of all disciplinary interviews and warnings will be recorded in the staff file.
- The staff has the right to appeal against any decision on staff misconduct or disciplinary action. Please see the *Complaint and Appeal Policy and Procedure* for further details.

Administration Manager will ensure all records are kept under the *Student Misconduct Register*.