

Student Code of Conduct

1. Introduction

The Australian Performing Arts Conservatory (APAC) Student Code of Conduct outlines the standards of behaviour that are expected of higher education students at APAC.

1.1. Purpose

The intent of this document is to ensure that students conduct themselves in an appropriate manner that is respectful and lawful. The document outlines behaviours that may constitute Serious Misconduct and potential consequences for students found to have breached these behavioural standards.

1.2. Scope

This Code applies to all members of APAC's higher education community.

1.3. Principles

- APAC aims to provide a harmonious learning environment in which each member respects the beliefs, feelings, person and property of others without condition.
- Staff, students and clients have a right to work and study in an environment free from bullying; discrimination; harassment; and threatening behaviour.
- APAC treats all breaches of the Student Code of Conduct seriously.

2. Policy Statements

2.1. Work and Study Environments

All reasonable steps will be taken by APAC to create work and study environments, both on campus and online, which support the wellbeing and promote the safety of students and in which diversity and difference are respected.

2.2. Bullying, Discrimination, Harassment and Threatening Behaviour

Bullying, harassment, discrimination and other forms of threatening or unlawful behaviour is not tolerated at APAC and is never acceptable. APAC does not tolerate victimisation and will take reasonable steps to ensure that all individuals involved in dealing with, responding to, or managing these matters are not victimised.

2.3. Education and Training

APAC will take all reasonable steps to inform and educate staff and students about their rights and responsibilities under this policy and procedure through information communicated on the APAC website; in the Student Handbook; in the 'Support' course on Moodle; in the student orientation and staff induction programs; and in pre-arrival information for international students.

2.4. Privacy, Confidentiality and Transparency

Reports of bullying, discrimination, harassment or threatening behaviour will be treated confidentially and in accordance with APAC's Privacy Policy and Procedure.

Reports may be shared confidentially with appropriate officers at APAC or external authorities on a strict need to know basis; as a part of APAC's duty of care obligations; or as required by law.

De-identified data may be used by APAC for the purposes of reporting on the management of reports of bullying, discrimination, harassment, or threatening behaviour.

2.5. Adverse Impact on Student/s

APAC acknowledges that any allegations or incidents of bullying, discrimination, harassment or threatening behaviour may have an adverse impact on the wellbeing of a student or student cohort and may impede their ability to complete their course. If this is the case, a student-focused response and ongoing management of the situation is required.

2.6. Legislative and Regulatory Compliance

Practices and processes at APAC will be compliant with education provider obligations under the Higher Education Standards Framework (Threshold Standards) 2021 and Standard 6 of the National Code of Practice for Providers of Education and Training to Overseas Students (2018).

These practices and processes will also align with the TEQSA Wellbeing and Safety guidelines to actively take responsibility for fostering an environment of wellbeing and safety for its students and in alignment with the Fair Work Act to actively take responsibility for fostering a safe environment for staff.

2.7. Complaints and Appeals

If a student enrolled at APAC is dissatisfied with any aspect of the response to their bullying, discrimination, harassment, or threatening behaviour report by APAC staff, they may lodge a complaint through the process outlined in the Student Complaints and Appeals Policy and Procedure.

2.8. Monitoring and Review

APAC will monitor and analyse bullying, discrimination, harassment and threatening behaviour report data (in a form that protects the confidentiality of the individuals involved), and regularly report to the Board of Directors, including recommendations regarding risk.

APAC's approach to preventing, and responding to, bullying, discrimination, harassment, and threatening behaviour will be regularly reviewed, including through external expert advice, to ensure best practice is embedded.

3. Procedure

3.1. Responsibilities and Expectations

The responsibilities and unacceptable behaviour listed in this Student Code of Conduct are intended for behaviours outside of performance classes. In a class or performance context under supervision, some of these behaviours may be considered acceptable.

Students are expected to:

- Respect the rights of others;
- Respect the privacy of others;
- Respect other people's rights to hold different positions and views;
- Respect other people's beliefs, nationality, religion, age, associations and gender;
- Treat all people in a fair and non-discriminatory way;
- Be honest and act with integrity;
- Not use offensive language;
- Act with care and diligence on campus and at work-based training organisations;
- Maintain an environment suitable for study and work free of interruption;
- Respect and use APAC's resources in a considerate manner;
- Respect that the APAC campus is a smoke free, alcohol free, and drug free environment;
- Uphold the reputation of APAC;
- Comply with APAC's policies and procedures as published in the Student Handbook.

3.2. Unacceptable Behaviour

Unacceptable behaviour includes, but is not limited to:

- Bullying, discrimination, harassment, or physical assault;
- Intimidating or threatening behaviour;
- Making racist or sexist comments;
- Behaving in a disruptive manner such as swearing, yelling or using offensive language including in online interactions and surveys;
- Endangering the safety of yourself or others;
- Breaching relevant State and Federal Laws, e.g., Work Health and Safety;
- Selling, using, distributing or being in possession of drugs while attending classes/work experience, or under the influence of drugs;

- Wilful damage to or theft of APAC property;
- Accessing, storing, processing or transmitting any information deemed to be threatening, obscene, pornographic or harassing in nature.

3.3. Serious Misconduct – Students

APAC identifies certain examples of student behaviour as ‘Serious Misconduct’. All APAC enrolling students sign an APAC Code of Practice Agreement that they understand the guidelines of what constitutes an incidence of Serious Misconduct. They likewise agree that if an allegation of Serious Misconduct is substantiated that they must cease study immediately and remove themselves from the premises.

In all Serious Misconduct cases, subsequent enquiries after an initial interview with the primary party/ies concerned may be conducted with the affected student remotely or off-site if necessary for the safety of all, until the issue is completely resolved including all appeal processes and mediation processes pertaining to the same.

Examples of Serious Misconduct may fall under, but are not limited to, the following categories. The Chief Executive Officer (CEO) and an appointed panel determine if an incident of Serious Misconduct has occurred where it does not fall specifically under any heading listed below:

- Bullying/threatening of any kind on or off campus either - physical/verbal/cyber (inc. texting) from any: student to student, staffer to student, or student to staffer.
- Discriminatory behaviour of any kind on or off campus either - physical/verbal/cyber (inc. texting) from any: student to student, staffer to student, student to staffer or staffer to staffer.
- Sexually harassing behaviour of any kind on or off campus either - physical/verbal/cyber (inc. texting) from any: student to student, staffer to student, or student to staffer.
- Theft on campus of any kind.
- Intoxication on campus of any kind (alcohol, drug induced or otherwise. On-campus includes all off-campus sites utilised by APAC in the course of all its commercial delivery and assessment activities. These include live theatre venues; music recording facilities; identified off-campus sites for filming student or APAC projects; and graduation sites.
- On-campus selling or solicitation of sales of any illegal substances or products.
- On-campus selling of any legal substances or products without prior permission in writing by the CEO.
- Public or publicised interactions/declarations of a defaming nature (verbal, texted, web sourced) on or off campus, offered in the presence (cyber or otherwise) of other students, staff members or members of the general public, that are generated by a

student that relate to their opinions or grievances toward other students, staff members or any APAC protocols, practices, methods or systems of operation.

- Solicitation for any kind of paid or unpaid work on or off campus either - verbal, texted, web sourced from any: student to student, staff member to student, or student to staff member prior to a student being fully and permanently withdrawn or graduated whether the work is related to performing arts or not. Any student who enters study or employment at APAC knowingly in an existing working relationship of this nature with any student or staff member - who does not declare this conflict prior to entry or employment - is likewise deemed to be in breach of the Serious Misconduct guidelines.
- Social relationships or solicitations of any kind between any academic or non-academic staff and enrolled students is prohibited. If a student is not 'permanently' withdrawn from APAC or completely graduated, social interactions on or off campus between students and staff members are strictly prohibited – including any kind of cyber or phone (call, texting, email or otherwise) relationship. In the event of accidental social contact at an external function, all staff members are expected to ensure all contact during the function is kept at a minimum and that the contact desists completely at the functions end.
- Receiving the private contact details of a current students without the prior written permission of the CEO and appropriate Head of Discipline is prohibited. Permission can be temporarily given to enable the collaboration for an identified assessable project. Once this project is complete, student contact details must be immediately erased from the phone and/or computer memory of the staff member and cannot be used by the staff member to contact the student again unless permission is again sought separately.
- Any conduct that would generate disrepute toward any APAC staff member or student or guest or APAC in the greater professional sense.
- Unreported observances of Serious Misconduct of any kind constitute Serious Misconduct on behalf of the party who fails to report the same.

3.4. Reporting Breaches

APAC staff and students are responsible for maintaining a harmonious learning environment. Students are encouraged to report any unnecessary pressure, disturbance, or harassment by any member of staff or by any other student. Any potential breaches of this Student Code of Conduct should be reported to Student Administration or a staff member immediately.

Reports of breaches can be submitted in writing or verbally clearly outlining the details to Student Administration, Lecturer, Director of Higher Education or CEO.

If you are uncertain about your rights and responsibilities, please contact the Student Support Office for clarification. Your rights as a student will always be respected and you are

in turn, expected to respect the rights of others. APAC will not tolerate victimisation of anyone who reports potential breaches of this policy.

3.5. Disciplinary Procedures

APAC treats all breaches of the Student Code of Conduct seriously. Reports of breaches will be acknowledged and investigated as soon as possible and involved parties will be informed in writing. Reports of breaches are investigated by a Committee that will be convened by the CEO. The Committee includes the CEO, Student Administration, and where deemed necessary, relevant students and staff.

The Committee will decide on whether disciplinary action should be taken based on evidence and any documented compassionate or compelling circumstances. This could include cancellation of enrolment.

Potential outcomes for substantiated breaches are, but not limited to:

- Written Warning
- Suspension from Class
- Request for Apology
- Referral to Counselling
- Student Monitoring
- Mediation
- Removal from class with supervision from another APAC staff member, other than the lecturer
- Cancellation of Enrolment

Where the breach is perceived as being an immediate risk to the wellbeing of students, staff or the general public, APAC will report the breach to relevant authorities, including the Police.

3.6. Cancellation of Enrolment

In cases where APAC intends to cancel a student's enrolment because of a breach of the Student Code of Conduct, students will be notified in writing of APAC's intention to cancel their enrolment and the detailed reasons for this decision.

Students are advised in writing of their right to appeal this decision through the internal complaints and appeals process, in accordance with the Student Complaints and Appeals Policy and Procedure. Students have twenty (20) working days to appeal from the date of intention to cancel their enrolment has been received.

International students are advised to seek advice from the Department of Home Affairs on the potential impact on their visa of their cancellation of enrolment.

The cancellation of the international student's enrolment cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is at risk.

3.7. Appeals Process

If a student enrolled at APAC is dissatisfied with any aspect of the response to their bullying, discrimination, harassment or threatening behaviour report by APAC staff, they may lodge a complaint through the process outlined in the Student Complaints and Appeals Policy and Procedure.

4. Responsibilities

4.1. The Board of Directors

Ensure compliance with relevant legislation and regulatory requirements through the oversight of APAC activities and the development, monitoring and review of policies and practices and initiating prompt action where compliance is deemed to have lapsed;

Monitor and oversee the assessment and management of risks, ensuring APAC is equipped with sufficient strategies to mitigate risks that may eventuate;

Monitor and oversee formal complaints, allegations of misconduct, appeals processes for non-academic matters, breaches of academic or research integrity and critical incidents.

4.2. Chief Executive Officer (CEO)

Reports of breaches are investigated by a Committee that will be convened by the CEO. The Committee will decide on whether disciplinary action should be taken based on evidence and any documented compassionate or compelling circumstances.

4.3. Director of Higher Education

The Director of Higher Education is responsible for monitoring student behaviour and taking action, where necessary, to ensure that others can enjoy a harmonious learning environment.

4.4. Staff and Students

All APAC staff and students are responsible for maintaining a harmonious learning environment. Students are encouraged to report any undue pressure, disturbance, or harassment by any member of staff or by any other student.

5. Relevant Documents

- Age Discrimination Act 2004 (Cth)
- Anti-Discrimination Act 1991 (Qld)
- APAC Code of Practice Agreement
- Australian Human Rights Commission Act 1986 (Cth)

- Disability Discrimination Act 1992 (Cth)
- Fair Work Act 2009 (Cth)
- Higher Education Standards Framework (Threshold Standards) 2021
- Human Rights Act 2019 (Qld)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Staff Health, Safety and Wellbeing Policy and Procedure
- Student Complaints and Appeals Policy and Procedure
- Student Health, Safety and Wellbeing Policy and Procedure
- TEQSA Guidance Note: Wellbeing and Safety

6. Definitions

- **Bullying** is repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons.
- **Discrimination** is any distinction, exclusion or preference made on the basis of race, colour, age, medical or criminal record, sex, religion, marital status, sexual preference, impairment, mental or physical disability, political opinion, national extraction or social origin that has the effect of nullifying or impairing equality of opportunity or treatment.
- **Harassment** is repeated behaviour directed at an individual or group of students or staff, which is offensive, humiliating, intimidating or threatening. Harassment occurs in circumstances where a reasonable person would have expected that the behaviour is going to be offensive, humiliating or intimidating and is sexual in nature or is based on gender, race, disability, sexual orientation.
- **Harmonious** in the context of this policy means a campus where staff and students are treated with dignity and respect to enable high levels of collaboration and academic success
- **Offensive** means conduct or language that any reasonable person would consider insulting or humiliating

Version Control and Document Owner

| Policy Category | Operational | Approval Date | 19 October 2022 | |
|------------------------|--------------------------------|--|------------------------|----------------|
| Document Owner | Director of Higher Education | Approval Authority | The Board of Directors | |
| Audience | Staff and Students | Review Date | October 2022 | |
| Revision History | | | | |
| Version | Author | Change Summary | Date Approved | Date Effective |
| 1 | APAC | New document. | 19 December 2016 | |
| 1.1 | APAC | Current. | 9 June 2017 | |
| 2.0 | DVE Business Solutions Pty Ltd | Review and update of the policy and procedure. | 19 October 2022 | |
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