

Student Expulsion Policy and Procedure

1. Introduction

The Australian Performing Arts Conservatory (APAC) Student Expulsion Policy and Procedure sets out the scope, purpose, policy statements, procedures and responsibilities relating to student expulsion.

1.1. Purpose

The purpose of the expulsion policy and procedure is to outline the rules and procedures for removing a student from APAC due to severe or repeated violations of APAC's policies, code of conduct, or participation expectations.

Expulsion is considered a serious disciplinary action and is often a last resort after other disciplinary measures have been exhausted.

1.2. Scope

This Policy and Procedure applies to students of APAC.

2. Policy Statements

Decisions to exclude a student are made in a fair and transparent manner. In particular, and where possible, they are made only after APAC has made all reasonable efforts to assist students through interventions and provisions of support.

Where possible, APAC ensures students are aware that they are at risk of expulsion well before a decision to exclude is made and in sufficient time to take steps to avoid expulsion. In addition, prospective students and students are made aware of the range of matters relevant to inclusion and expulsion in materials they receive, prior to and at commencement, and in the orientation program.

In particular, and they are advised to acquaint themselves with this Policy and Procedure. Decisions to exclude may be appealed, using internal and external mechanisms, under APAC's Student Complaints and Appeals Policy and Procedure.

2.1. Code of Conduct

APAC has a Student Code of Conduct that outlines the expected behavior and standards for students. APAC's Student Code of Conduct (Section 3.3. Serious Misconduct – Students), sets the foundation for addressing student misconduct and provides a framework for disciplinary actions.

2.2. Due Process

APAC follows a fair and impartial process when investigating and adjudication of cases for expulsion from the college. This process ensures that students are afforded their rights and have an opportunity to appeal the decision. This process is in-line with APAC's Student Complaints and Appeals Policy and Procedure (Section 3.3 – Stage One: Formal Complaint).

2.3. Investigation

When an allegation / complaint is made, APAC will initiate an investigation. This will involve gathering evidence, interviewing witnesses, and reviewing any relevant documentation. The findings of the investigation are then documented in a report. This process is in-line with APAC's Student Complaints and Appeals Policy and Procedure (Section 3.3 – Stage One: Formal Complaint).

2.4. Disciplinary Procedures

APAC has established disciplinary procedures that guide the handling of misconduct cases. These procedures often involve a series of steps, such as written warnings, probation, suspension, and expulsion. The severity of the misconduct and any previous disciplinary history may influence the specific disciplinary action taken.

2.5. Appeal Process

APAC provides students with the right to appeal disciplinary decisions using the Student Complaints and Appeals Policy and Procedure. The appeal process allows students to challenge the decision on specific grounds, such as procedural errors or the discovery of new evidence.

2.6. Confidentiality and Privacy

APAC maintains confidentiality and privacy throughout the disciplinary process to protect the rights and privacy of all parties involved. However, information may be shared on a need-to-know basis to ensure the safety and welfare of the community.

APAC's Student Complaints and Appeals Policy and Procedure (Section 3.6ii – Record Keeping and Confidentiality) states:

'All records relating to complaints and appeals will be treated as confidential and will be maintained in accordance with APAC's Privacy Policy and Procedure. Staff involved in handling student complaints and appeals will receive the ongoing training necessary to enable them to carry out their roles effectively and consistently with this Policy and Procedure, and, in particular, to honour the values stated in the Policy and Procedure Principles'.

2.7. Support and Resources

APAC will endeavour to direct students, involved in an investigation, to appropriate support services and provide relevant resources to support the student. This may include, counselling services or referrals to other support mechanisms.

2.8. Educational and Preventative Measures

APAC also focuses on educational and preventative measures to promote a safe and respectful environment. This can include awareness campaigns, educational programs, and training sessions on topics such as ethics, integrity, and respectful behaviour.

2.9. Legislative and Regulatory Compliance

The management of student expulsions will be compliant with education provider obligations under the Higher Education Standards Framework (Threshold Standards) 2021.

3. Procedure

3.1. Investigation:

Once a complaint has been received regarding a student, APAC will initiate an investigation in accordance with the Student Complaints and Appeals Policy and Procedure. This may involve gathering evidence, conducting interviews, and reviewing relevant documentation.

3.2. Student Interview with DoHE and/or CEO:

If the investigation finds sufficient evidence to support the allegations documented in the complaint received, the student may be called for an interview with the Director of Higher Education (DoHE) and / or the Chief Executive Officer (CEO).

The purpose of this interview is to allow the student to present their evidence and defend themselves against the allegations.

3.3. Review of evidence:

The evidence collected during the investigation is presented and reviewed. During the interview, the student is given an opportunity to respond to the evidence and provide any supporting documentation or witnesses if applicable.

3.4. Decision-making

After considering the evidence, the DoHE and the CEO will deliberate and reach a decision. The decision may be to dismiss the case, impose a lesser penalty, or recommend expulsion.

3.5. Notification:

If the decision is to expel the student, they will be formally notified of the outcome in writing. The notification will include the reasons for the expulsion and any applicable appeal procedures.

3.6. Appeal process

Refer to the Student Complaints and Appeals Policy and Procedure (Section 3.4i Stage Two: Appealing an Outcome).

‘If a complainant is not satisfied with the outcome, or the management, of Stage One, they may submit a formal application to appeal the outcome’.

3.7. Final decision of Appeal

After the appeal process is concluded and no further external review has been requested by the complainant, a final decision is made regarding the expulsion. This decision is made by the DoHE and the CEO of APAC.

3.8. International Students Only

If an international student is identified for expulsion, the student is notified in writing of APAC's intention to report the student to the Department of Home Affairs for expulsion (unsatisfactory course progress) – a Notification of Intent to Report to Immigration.

Appeal Process

The Notification of Intent to Report to Immigration informs the student that they can appeal under APAC's Student Complaints and Appeals Policy and Procedure (Section 3.4ii Stage Two: Appealing an Outcome). and that they have twenty (20) working days in which to lodge an appeal. This appeal should outline the reasons why they feel they should not be excluded from their course. This appeal will be viewed with professional judgement and each appeal is assessed on its merits.

When determining whether compassionate or compelling circumstances exist, all documentary evidence provided to support the claim is considered. Copies of these documents, together with a record of the decision and rationale for the decision, is retained on the student's file.

If the appeal is successful, the student is not reported to the Department of Home Affairs.

If the appeal is unsuccessful, the student is advised of the external appeals process provided for in APAC's Student Complaints and Appeals Policy and Procedure.

If both appeals are unsuccessful, the Chief Executive Officer confirms, to the relevant administrative staff member, that the student's enrolment is to be cancelled and that the student is to be reported via PRISMS as "unsatisfactory course progress". The relevant administrative staff member advises the student that this cancellation has been processed and that their enrolment is terminated.

4. Responsibilities

4.1. The Board of Directors

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

4.2. The Chief Executive Officer (CEO)

The Chief Executive Officer is responsible for:

- the effective implementation of this Policy and Procedure in so far as it concerns non-academic matters.
- confirming to the relevant administrative staff member, that a student's enrolment is to be cancelled and that the student is to be reported via PRISMS as "unsatisfactory course progress".

4.3. The Director of Higher Education (DoHE)

The Director of Higher Education is responsible for:

- the effective implementation of this Policy and Procedure in so far as it concerns academic matters;

4.4. Staff

Staff involved in the management of student allegations is responsible for ensuring adherence to this Policy and Procedure, in particular seeking advice when necessary and maintaining required confidentiality.

4.5. Students

Students are responsible for refraining from making frivolous or vexatious complaints and, when party to a particular complaint or appeal process, adhering to the requirements of this Policy and Procedure.

5. Relevant Documents

- Higher Education Standards Framework (Threshold Standards) 2021
- Privacy Policy and Procedure
- Student Code of Conduct
- Student Complaints and Appeals Policy and Procedure
- The Privacy Act 1988 (Cth)

6. Definitions

- **Appeal** is a written application by a complainant to have a decision affecting the complainant investigated.
- **Complaint** in the context of this policy and procedure is a generic term including any expression of dissatisfaction with some aspect of a student's experience with APAC (including with agents or other related parties who represent or act on behalf of the provider).
- **External Review** is an application to an external agency by a complainant seeking an appraisal of the fairness and appropriateness of the complaints or appeals process undertaken by APAC .
- **Frivolous Complaint** is a complaint that is groundless or trivial.
- **Mediation and Conciliation** refers to informal discussions and negotiations involving the complainant and respondent(s) to reach a mutually acceptable resolution of a complaint by agreement rather than by an imposed decision.
- **Vexatious Complaint** is a complaint made maliciously with the intent to annoy or embarrass the respondent or made with another ulterior purpose.

Version Control and Document Owner

Policy Category	Governance	Approval Date	28 June 2023	
Document Owner	Director of Higher Education	Approval Authority	The Board of Directors	
Audience	Staff and Students	Review Date	June 2026	
Revision History				
Version	Author	Change Summary	Date Approved	Date Effective
1.0	APAC	New document.	28 June 2023	06 July 2023