

1. POLICY STATUS AND DETAILS

Policy Number	12.2
Approving Authority	Board of Directors
Date Implemented	August 2022
Current Version	2.0
Date of Review	August 2024
Contact Officer	Director Learning and Innovation
Related Policies, Procedures and Documents	<ul style="list-style-type: none"> • Student Handbook • Academic Complaints and Appeals Policy • Non-Academic Complaints and Appeals for Students Policy • Academic Integrity and Plagiarism Policy • Assessment Sheets and Marking Rubrics • NIDA Student Charter, including the NIDA Code of Conduct • Fee Policy (Domestic Students) • Fee Policy (International Students) • Credit Transfer and Recognition of Prior Learning Policy and Procedure • Course Regulation Documents

2. DEFINITIONS

Term	Definition
Academic Misconduct	<p>Academic misconduct relates to actions and behaviours that have the potential to have an impact on assessment outcomes or that may impact another student's academic progression. It includes, but is not limited to:</p> <ul style="list-style-type: none"> ▪ Plagiarism ▪ Providing false or misleading information on a Special Consideration Application form ▪ Inaccurate or absent referencing ▪ Submitting the same assignment twice (for different subjects) ▪ Forging documents ▪ Threatening, harassing, or intimidating behaviour to staff or other students ▪ Illegal or unauthorised downloading of web-based materials
Accredited Course	<p>A course that is recognised under the Australian Quality Framework (AQF) and is registered with one of the two main regulatory agencies, being TEQSA (Tertiary Education Quality Standards Authority) for Higher Education and ASQA</p>

	(Australian Skills Quality Authority) for Vocational programs. An accredited course is one that leads to the conferral of a degree or the award of a certificate or diploma.
Act	A law of either the Commonwealth or NSW parliaments that apply/ies to this policy and to which all members of the NIDA community must comply.
Assessment	A process to determine a student's achievement of identified learning outcomes and may include a range of written and oral methods and practice or demonstration
Compassionate or Compelling Circumstances	Compassionate or Compelling Circumstances are those that are outside of the control of the student and which have an impact on the student's course progress or wellbeing. These could include, but are not limited to: <ul style="list-style-type: none"> • Serious illness or injury, where a medical certificate states that the student was unable to attend classes • bereavement of close family members such as parents or grandparents major political upheaval or natural disaster in the student's home country requiring emergency travel and this has impacted on the student's studies; or • a traumatic experience; or inability to begin study on the course commencement date due to the delay in receiving a student visa
Complainant	The individual makes a complaint or raises an appeal.
Day	24-hour period, or any part thereof.
Due date	The time and date nominated for the final submission point on the assessment task.
ESOS Act	Education Services for Overseas Students Act 2000 (Cth). The legal framework which governs the delivery of education to overseas students studying in Australia on a student visa. The framework sets out clear roles and responsibilities for providers of education and training to international students and complements Australia's student visa laws.
Expulsion	Permanent cancellation of a student's NIDA enrolment with no right to return, and a permanent record on that student's student record.
Exclusion	A prohibition from enrolling in a NIDA Course for a specified period. The exclusion period exceeds the period as determined for Suspension.
Suspension	Suspension requires a student to be absent from normal classes and activities for a specific period of time. Suspension means that the student is not permitted to be on NIDA grounds for a particular period of time (up to 30 consecutive days)
Grievance - Serious	Matters which are considered serious including but not limited to: bullying, sexual harassment, discrimination, assault, unlawful behaviour and those contrary to NIDA's codes, rules, and policies.
Laws of the Land	Any Australian State, Territory or Commonwealth laws and the laws of any land in which the student may be undertaking an industry placement.

Misconduct	Any behaviour/s that do not comply with the NIDA Code of Conduct, Student Charter, or any of the other NIDA Student Policies and Procedures or the laws of the land.
Natural justice	The principles of natural justice are also referred to as procedural fairness and have been developed to ensure that decision making is fair and reasonable. Simply speaking, natural justice involves decision makers informing people of the complaint or concern made against them and by whom, where an investigation will lead to recommendations about the matter. giving them an opportunity to state their answer, if any, to the complaint or to make any other relevant comment and telling them the outcome of the consideration of the complaint. It is not necessary to apply these principles in cases where information only is being sourced.
NIDA Code of Conduct	The Code outlining the rights and responsibilities of all members of the NIDA community in terms of behaviour whilst at NIDA, working for NIDA or involved in NIDA-related activities offsite.
NIDA community	All NIDA staff, contractors, volunteers, and full-time and part-time NIDA students enrolled in accredited courses.
NIDA property	Any premises, machinery, facilities, or equipment, leased, owned, operated, or supervised by NIDA, including NIDA vehicles and any location at which NIDA activities occur.
Performance Management Plan (PMP)	A supportive and negotiated intervention plan in which identified issues or areas for improvement are monitored regularly.
Sexual Misconduct	Includes sexual indecency, sexual harassment, sexual assault, and/or other prohibited sexual behaviour.
Show Cause	The student is given the opportunity to provide an explanation and provide any supporting evidence they feel is required to explain why they should be given an opportunity to continue their studies or in the case of exclusion to explain how they are ready to return to NIDA studies.
Student	Any person enrolled in an accredited course at NIDA.
Unlawful	An action prohibited by law.
Vexatious	An action or the action of a person that is brought forward without sufficient grounds purely to cause annoyance or harm to another person or persons.
Warning Letter	A numbered warning letter which outlines the misconduct identified and the changes required from the student if they are to continue as a NIDA student.
Working day	Monday to Friday, inclusive of public holidays and holiday periods.

3. SCOPE OF POLICY

This policy applies to students enrolled in accredited courses at NIDA.

This policy and the associated NIDA Misconduct Procedure does not replace or modify NIDA's obligations, including reporting requirements under state or federal law.

This policy and procedure has rights and responsibilities as follows:

- Director Learning and Innovation is responsible for:
 - Ensuring the accessibility of this policy by staff and students.
 - Implementation of this policy.
- All NIDA staff are responsible for ensuring students comply with this policy.
- All NIDA students are responsible for:
 - Complying with and always supporting the policy when on NIDA property or engaged offsite on NIDA related activities.
 - Reporting any behaviours that contravene this policy and or pose a potential risk to students, staff or NIDA's reputation.
- All persons making a complaint or against whom a complaint is made has a right to natural justice and to be dealt with fairly and with respect in accordance with this policy.

4. PURPOSE

The purpose of this policy is to support ethical and respectful conduct by all NIDA staff and students and to outline processes and penalties for contravention of the NIDA Code of Conduct. It sets out the penalties and processes to be applied when a non-academic breach of the NIDA Student Code of Conduct and or the NIDA Student Charter or other non-academic policies is determined to have occurred.

5. PRINCIPLES

- NIDA is committed to ensuring the health, safety and welfare of its students, staff, volunteers, contractors and visitors whilst at NIDA and to providing a healthy learning and teaching environment.
- NIDA values the diversity of thought and experience and believes that an inclusive and collaborative culture underpins teaching excellence in the performing arts.
- NIDA considers that any penalty applied under this policy should be aligned with the nature of the breach and be supportive of the health, safety, and welfare of the NIDA community.

6. POLICY

6.1 General

- All members of the NIDA community are entitled to a learning/work environment where risk is minimised, and students can maximise their learning experience. Behaviour that breaks laws of the land, breaches the NIDA Code of Conduct, the Student Charter or any other NIDA policies and procedures, or poses a potential risk to the safety or well-being of others is not acceptable.
- Students who have been suspended or excluded must reapply for admittance at the end of the exclusion period and show cause as to how they are ready to recommence studies.
- Students suspended, excluded, or expelled from NIDA in accordance with this policy shall not be entitled to any refund of course fees.
- NIDA's published procedures do not preclude NIDA from instituting civil or criminal proceedings against a student should this be warranted.

- Students have the right to appeal a determination of misconduct, and any penalty applied. Appeals are managed in accordance with the Academic and Non-Academic Complaints, and Appeals Policies and Procedure.

6.2 Penalties

a) If it is proven that a student has breached the NIDA Code of Conduct, the Student Charter or any other policy, NIDA may apply one or more penalties, or require a student to participate in supportive intervention strategies.

b) Intervention strategies NIDA may engage to support students to modify behaviour include:

- Require the students to enter into mediation with relevant parties.
- Refer a student (or group of students) to counselling or recommend the student seek professional assistance and support.
- Exclude the student from NIDA premises for a short period.
- Place the student on a Performance Management Plan (PMP).

c) Penalties NIDA may apply for misconduct include:

- Issue a formal reprimand or warning to the offending student.
- Issue a Warning Letter.
- Provide restricted access to facilities and resources.
- Require financial restitution of damages.
- Require a formal apology to be made to an injured party or parties.
- Withdraw student access to some or all NIDA activities, facilities, or services for a specific period of time. This may include being removed from productions or assessments, removal from external activities, including travel opportunities nationally and internationally, or the requirement to return home from travel early.
- Suspend the student from NIDA and NIDA courses for a period of any duration up to the end of the current academic year.
- Removal of privileges, including but not limited to dismissal from casual or part-time employment at NIDA
- Exclude the student from NIDA for a period of up to 24 months, including the option of conditional return from exclusion.
- Expulsion from NIDA with no refund of tuition fees.

6.3 Grievance - Serious /Illegal behaviour

a) NIDA has a legal obligation to report illegal behaviour to relevant authorities for investigation. This policy does not replace or modify procedures or any other responsibilities that may arise under other higher education, vocational education and training provider policies, acts, or any other law.

b) NIDA's published procedures do not preclude NIDA from instituting civil or criminal proceedings against a student should this be warranted.

6.4 Implementation

All decisions will be advised to the student in writing.

6.5 Appeals

Students have the right to lodge an appeal via the Academic or Non Academic Complaints and Appeals Form.

All appeals will be handled as appropriate in accordance with the Academic or Non Academic Complaints and Appeals Policy.

6.6 Reporting

In cases where the determination is to exclude or suspend an international student from studies, NIDA will also report this decision via PRISMS as required under Section 19 of the ESOS Act.

An international student will not be reported via PRISMS until the final stage of the appeal process has been finalised.

In all cases where the determination is to exclude or suspend or expel a student or impose restrictions on a student enrolment or employment, the CEO/Director Learning & Innovation may advise the Board of Directors.

7. CHANGE HISTORY

Date	Change Description	Reason for Change	Author	Version
August 2022	Updates to roles and responsibilities. Revision and updating of definitions and language.	CRICOS audit feedback	SSQA	
June 2020	Changed name, added detail around satisfactory progress for international students, appeals, warning letters etc.	Review	SSQA	
March 2011		Created	Director Education	Trim Record 14/06487

8. CONSULTATION/BENCHMARKING

Benchmarked against policies and practice from a number of higher education providers and other sources.

Relevant policy documents from the following are gratefully acknowledged:

- University of Sydney
- University of New South Wales (UNSW)

Legislation and
Regulatory Frameworks

- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Anti-Discrimination Act 1977 (NSW)
- Smoke Free Environment Act 2000 (NSW)
- Smoke Free Environment Regulation 2007 (NSW)
- Work Health and Safety Act 2011 (NSW)
- Drugs, Poisons and Controlled Substances Act (DPSCA)
- Commonwealth regulations related to NIDA's funding and sub-lease agreements
- Other relevant legislation and industry standards