Procedure	**Discipline and conduct**
Procedure number	**H 6.4.1**
Policy area	**Students**

The purpose this procedure is to detail the processes involved in the disciplining of students.

Where the student has been accused of harassment or discrimination, then the matter should be dealt with in accordance with the JMC Academy policies Harassment Free Campus and Resolving Complaints and Grievances and the JMC Academy procedure Resolving Complaints and Grievances (Harassment and discrimination).

Section A: Management of the discipline procedure

This section provides information about the management of the discipline and conduct resolution process.

1. The Senior Management Committee is responsible for overseeing the discipline and conduct resolution process at JMC Academy
2. The Senior Management Committee is responsible for ensuring all student discipline and conduct incidents are handled promptly, confidentially and in accordance with the Academy's policy's and procedures.

Section B: Resolution options

1. Informal resolution process

1.1. Where a lecturer believes that a student has contravened the Academy's Discipline and Conduct policy, then:
   1.1.1. The staff member may take whatever action is deemed appropriate to resolve the matter. Actions available include, but are not limited to:
   1.1.2. An apology from the student
   1.1.3. An undertaking to amend their behaviour immediately
   1.1.4. Amending their behaviour immediately
   1.1.5. Asking the student to meet with the Campus Manager.
1.2. The staff member will make a verbal report to the Campus Manager of the incident and the outcome
1.3. The Campus Manager will make a record in the student's notes
1.4. The Campus Manager confirms that any other complaint has not been made about the student on any other previous occasion
   1.4.1. Where a previous complaint has been made, then the Campus Manager will instigate a Formal Resolution Process
1.5. If the student again contravenes the Discipline and Conduct Policy, the Campus Manager will instigate a Formal Resolution Process.
1.6. The Campus Manager will take a record of all incidences of student misconduct to the next meeting of Senior Management. The confidentiality of all parties shall be maintained in this process. The Academy only seeks the information insofar as it assists them to improve campus culture.

©JMC Academy

2. Formal resolution process

2.1 Where the Campus Manager receives another complaint about the student's conduct, then the Campus Manager can refer the matter to the Senior Management Committee

2.2 Senior Management will consider the allegation to determine its seriousness and what action is required to resolve the matter, including:

- 2.2.1 Meeting with the student
- 2.2.2 Meeting with the staff member involved in the incident
- 2.2.3 Meet with other witnesses
- 2.2.4 Gathering other evidence as required
- 2.2.5 Seeking the involvement of police, if the complaint is serious enough.

2.3 Senior Management will seek an outcome where the appropriate behaviour of the student is restored so that the safety and security of the Academy can be ensured.

2.4 A report documenting the investigation process, the evidence, the finding and the recommended outcome/s is prepared by the Campus Manager

2.5 Within twenty one (21) days of receipt of the formal complaint, a letter is forwarded to the student informing them of the outcome of the disciplinary process.

2.6 Should the student again be accused of misconduct, then the Campus Manager will immediately refer the matter to the Chief Executive Officer to determine what action is required. This may include:

- 2.6.1 Investigation
- 2.6.2 Seeking the involvement of police if the allegation is serious enough
- 2.6.3 Suspension
- 2.6.4 Expulsion.

2.7 Senior Management will seek an outcome that secures the safety and security of JMC Academy.

2.8 A report documenting the investigation process, the evidence, the finding and the recommended outcome/s is prepared by the Campus Manager

2.9 Within twenty one (21) days of receipt of the formal complaint, a letter is forwarded to the student informing them of the outcome of the disciplinary process.

3. Appeal process

3.1 A student may appeal an outcome from a formal resolution process on one or more of the following grounds:

- 3.1.1 That the case has not been heard or decided on its merits
- 3.1.2 That the student is able to provide new evidence
- 3.1.3 The a procedural irregularity has occurred

3.2 These are the only grounds that the Governing Council will consider

3.3 A student must lodge the appeal in writing within ten (10) days of the notification of the outcome of the request for a formal resolution

3.4 The student must lodge the appeal with the Chief Executive Officer

3.5 The appeal must be lodged in the format below:

- 3.5.1 Itemise the grounds for appeal in accordance with 3.1.1, 3.1.2 and/or 3.1.3 above
- 3.5.2 Detail and provide relevant evidence relating to the ground(s) for appeal to enable the Governing Council to prepare for the hearing
- 3.5.3 If applicable state the procedural irregularity and as far as possible how this has affected the outcome of the initial review

©JMC Academy

3.5.4 Student's signature, date, family name, given names, student ID, address for notices, contact telephone, email address

3.6 Upon receipt of the appeal the Chief Executive Officer will confirm that the case has been considered in accordance with the informal and/or formal resolution process. If the case has not been considered through the formal resolution process, the matter shall be referred to Senior Management and the student advised accordingly

3.7 Where the appeal does not comply with the criteria and therefore should not be heard by the Council, the Chief Executive Officer will reject the appeal and notify the student for the reasons for the rejection

3.8 Where the appeal has not been rejected, the matter shall be forwarded to the Governing Council

3.9 The Governing Council hears all appeals in respect of complaints and grievances about JMC Academy services and products, allegations of harassment and discrimination, and other appeals.

4 Appeal hearing

4.1 Where a member of the Council has had any involvement in a student's case, that member cannot sit as a member of the Council hearing that student's appeal

4.2 The student, the staff member involved in the complaint and the Campus Manager are given a minimum of five (5) days written notice of the hearing and all relevant documentation forwarded to the members of the Council

4.3 The student, the staff member and the Campus Manager will be given the opportunity to give evidence at the hearing

4.4 The student can be represented by an advocate at the hearing

4.5 The Council must hear the matter on its merits, taking into account all circumstances of the student's case

4.6 After consideration of all evidence available in the case, the Council shall reach its decision by a majority vote by agreement by the members, each of whom has equal voting rights.

4.7 The Committee may decide to:

- 4.7.1 Confirm the outcome/decision against which the student lodged their appeal
- 4.7.2 Uphold the appeal
- 4.7.3 Cancel any penalty imposed on the student; modify any penalty imposed on the student
- 4.7.4 Direct the Campus Manager to undertake a course of action

4.8 The Secretary will then:

- 4.8.1 Document the decision and the reasons for the decision
- 4.8.2 Contact the Campus Manager with the decision and the reasons for the decision
- 4.8.3 Prepare the written communication for the student for co-signing by the Governing Council and the Campus Manager
- 4.8.4 The written advice shall be sent to the student's contract address.

5. External appeals

Should the student be dissatisfied with the outcome of an Appeal hearing, they may seek resolution from an external mediation service.

Positions responsible for implementing policy

- Students

©JMC Academy

- Administration
- Marketing and Recruitment
- Campus Manager
- Director of Education
- Chief Executive Officer
- Senior Management
- Governing Council

©JMC Academy