

[REDACTED]

16 JULY 2018

FOI Coordinator
Office of the Chief Executive
Canberra Institute of Technology
GPO Box 826
CANBERRA ACT 2601

To the Freedom of Information Officer, Canberra Institute of Technology

FREEDOM OF INFORMATION REQUEST

[REDACTED]

This is a freedom of information request for information held and being used, stored reflective of my rights to the information about myself that the Canberra Institute of Technology. I state my rights to access information pertaining to, as directly expressed by Director of Technology and Design in an action actioned by herself and refusing to provide said information to assert my rights to not be defamed, slandered or be a victim of misrepresentations and fraud. My rights to this information is provided and expressed within the Freedom of Information Act 2016 (including any amendment made under the Legislation Act 2001, part 11.3 (Editorial changes) put into force on 1 January 2018. Per link <http://www.legislation.act.gov.au/a/2016-55/default.asp>.

I rely on information communicated to me by [REDACTED] Director College of Technology and Design (Attachment A).

I formally request said information that [REDACTED] has and is holding, which she openly have admitted to be relying without any reply, equity, natural justice, or right to reply in making a decision which is forcing, I say applying duress, in forcing me to participate in agreeing to a 'contract' which provides a platform for defamation and slander by proxy, by:

- (a) request me to sign a CIT contract
- (b) providing, as written, said contract to in-industry business practitioners which are not companies I am in competition and/or have outside of CIT dealings
- (c) participating and making a decision outside of applying natural justice
- (d) or following CIT procedures and policies and applying what I say is double jeopardy to past issues that were resolved
- (e) applying policies on a non-CIT enrolled person

(f) applying a policy of refusing to deal, allowing for enrollment in courses, by a in market practitioner, to compete by accessing skills training through the Canberra Institute of Technology from the media section

(g) using misleading and deceptive information constructed AFTER information was provided to her and her staff about complaints to me submitted.

I rely also on the email communications from [REDACTED] to [REDACTED] an informal request to, reasonably, supply the information (Attachment B). I evoke my rights to examine and test, counter, the suggestions/communications that [REDACTED] is using to make a decision, where she has based in isolation said information, which is I say is breaching not only CIT policies and procedures but that regulations and laws for natural justice..

I also request, as a separate request, as a move to get to the basis of the action by the [REDACTED] [REDACTED] information emails as an example that relate, or was/has been communicated about me held and/or communicated by CIT tutors and staff, encompassing and not exclusive to: [REDACTED] and [REDACTED] Staff in Media administration. This will include correspondence to and from external parties to said tutors and staff.

Sincerely

[REDACTED]

Cc Ombudsman's Office, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

Freedom of Information request: 16 July 2018

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by Canberra Institute of Technology (CIT) on 16 July 2018.

Specifically you wrote as follows, seeking information relating to:

"information that [REDACTED] has and is holding, which she openly have admitted to be relying without any reply, equity, natural justice, or right to reply in making a decision which is forcing, I say applying duress, in forcing me to participate in agreeing to a 'contract' which provides a platform for defamation and slander by proxy, by:

- (a) request me to sign a CIT contract*
- (b) providing as written, said contract to in-industry business practitioners which are not companies I am in competition and/or have outside CIT dealings*
- (c) participating and making a decision outside of applying natural justice*
- (d) or following CIT procedures and policies and applying what I say is double jeopardy to past issues that were resolved*
- (e) applying policies on a non-CIT enrolled person*
- (f) applying a policy of refusing to deal, allowing for enrollment in courses, by a in market practitioner, to compete by accessing skills training through the Canberra Institute of Technology from the media section.*
- (g) Using misleading and deceptive information constructed AFTER information was provided to her and her staff about complaints to me submitted.....*

I also request as a separate request, as a move to get to the basis of the action by [REDACTED] information emails as an example that relate, or was/has been communicated about me held and/or communicated by CIT tutors and staff, encompassing and not exclusive to: [REDACTED]

[REDACTED] Staff in media administration. This will include correspondence to and from external parties to said tutors and staff."

I am an Information Officer appointed by the CIT Chief Executive Officer under section 18 of the Act to deal with access applications made under Part 5 of the Act.

CIT was required to provide a decision on your access application by 13 August 2018.

Decision on Access

Searches were completed for relevant documents and 50 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of these documents.

I have decided to grant full access to all relevant documents. The documents released to you are provided as **Attachment B** to this letter.

Charges

Processing charges have been waived for this request in accordance with section 107 (2)(b) of the Act.

On line Publishing

Under section 28 of the Act, CIT maintains an online record of access applications called a disclosure log. Your original application, my decision and documents released to you in response to your access application will be published in the CIT disclosure log after 10 August 2018. Your personal contact details and documents containing your personal information will not be published.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in The CIT disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: ombudsman@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

If you have any queries concerning CIT's processing of your request, or would like further information, please contact me at the following email address: paul.ryan@cit.edu.au.

Yours sincerely



Paul Ryan

Information Officer

Canberra Institute of Technology

7 August 2018

ATTACHMENT A

Freedom of Information Request Schedule

Name	What are the parameters of the Request	File no.
[REDACTED]	<p>information relating to:</p> <p>"information that [REDACTED] has and is holding, which she openly have admitted to be relying without any reply, equity, natural justice, or right to reply in making a decision which is forcing, I say applying duress, in forcing me to participate in agreeing to a 'contract' which provides a platform for defamation and slander by proxy, by:</p> <ul style="list-style-type: none"> (a) request me to sign a CIT contract (b) providing as written, said contract to in-industry business practitioners which are not companies I am in competition and/or have outside CIT dealings (c) participating and making a decision outside of applying natural justice (d) or following CIT procedures and policies and applying what I say is double jeopardy to past issues that were resolved (e) applying policies on a non-CIT enrolled person (f) applying a policy of refusing to deal, allowing for enrollment in courses, by a in market practitioner, to compete by accessing skills training through the Canberra Institute of Technology from the media section. (g) Using misleading and deceptive information constructed AFTER information was provided to her and her staff about complaints to me submitted..... <p>I also request as a separate request, as a move to get to the basis of the action by [REDACTED] information emails as an example that relate, or was/has been communicated about me held and/or communicated by CIT tutors and staff, encompassing and not exclusive to [REDACTED] and [REDACTED]</p> <p>[REDACTED] Staff in media administration. This will include correspondence to and from external parties to said tutors and staff."</p>	CIT 2018-003

Ref No.	No of pages	Description	Date	Status	Reason for exemption	Online Release status
1	2	CIT Enrolment Form	31 Jan 18	Release	N/A	No
2	1	Email from [REDACTED]	5 Mar 18	Release	N/A	No
3	1	Email from [REDACTED]	30 Apr 18	Release	N/A	No
4	1	Email from [REDACTED]	1 May 18	Release	N/A	No
5	1	Email from [REDACTED]	1 May 18	Release	N/A	No
6	1	Email from [REDACTED]	1 Jun 18	Release	N/A	No
7	2	Email from [REDACTED]	5 Jun 18	Release	N/A	No
8	2	Email from [REDACTED]	15 Jun 18	Release	N/A	No
9	2	Email from [REDACTED]	15 Jun 18	Release	N/A	No
10	1	Email from [REDACTED]	17 Jun 18	Release	N/A	No
11	2	Email from [REDACTED]	18 Jun 18	Release	N/A	No
12	2	Email from [REDACTED]	18 Jun 18	Release	N/A	No
13	2	Email from [REDACTED]	18 Jun 18	Release	N/A	No
14	1	Email from [REDACTED]	19 Jun 18	Release	N/A	No
15	1	Email from [REDACTED]	19 Jun 18	Release	N/A	No
16	12	Email from [REDACTED]	20 Jun 18	Release	N/A	No
17	1	Email from [REDACTED]	20 Jun 18	Release	N/A	No
18	1	Email from [REDACTED]	20 Jun 18	Release	N/A	No
19	1	[REDACTED]	21 Jun 18	Release	N/A	No
20	2	Email from [REDACTED]	27 Jun 18	Release	N/A	No
21	4	Email from [REDACTED]	5 Jul 18	Release	N/A	No

Ref No.	No of pages	Description	Date	Status	Reason for exemption	Online Release status
22	5	Student complaint – [REDACTED]	16 Apr 18 (created)	Release	N/A	No
23	1	Email from [REDACTED]	20 Jun 18	Release	N/A	No
24	4	Student Issue – [REDACTED]	21 Jun 18 (created)	Release	N/A	No
25	2	Email from [REDACTED]	3 Jul 18	Release	N/A	No
26	2	Email from [REDACTED]	4 Jul 18	Release	N/A	No
27	2	Email from [REDACTED]	5 July 18	Release	N/A	No
28	2	Email from [REDACTED]	6 Jul 18	Release	N/A	No
29	1	Email from [REDACTED]	9 Jul 18	Release	N/A	No
30	2	Email from [REDACTED]	10 Jul 18	Release	N/A	No
31	3	Email from [REDACTED]	10 Jul 18	Release	N/A	No
32	1	Email from [REDACTED]	10 Jul 18	Release	N/A	No
33	7	Email from [REDACTED]	11 Jul 18	Release	N/A	No
34	3	Email from [REDACTED]	13 Jul 18	Release	N/A	No
35	2	Email from [REDACTED]	13 Jul 18	Release	N/A	No
36	6	Email from [REDACTED]	16 Jul 18	Release	N/A	No
37	2	Email from [REDACTED]	17 Jul 18	Release	N/A	No
38	5	Email from [REDACTED]	19 Jul 18	Release	N/A	No
39	2	Email from [REDACTED]	23 Jul 18	Release	N/A	No

Ref No.	No of pages	Description	Date	Status	Reason for exemption	Online Release status
40	2	Email from [REDACTED]	23 Jul 18	Release	N/A	No
41	7	Email from [REDACTED]	24 Jul 18	Release	N/A	No
42	2	Email from [REDACTED]	24 Jul 18	Release	N/A	No
43	1	Email from [REDACTED]	24 Jul 18	Release	N/A	No
44	8	Email from [REDACTED]	24 Jul 18	Release	N/A	No
45	3	Bullying and Harassment Prevention Policy	as at 26 Jul 18	Release	N/A	Yes
46	2	Bullying and Harassment Prevention Procedures	as at 26 Jul 18	Release	N/A	Yes
47	3	Unsatisfactory Student Behaviour Policy	as at 26 Jul 18	Release	N/A	Yes
48	9	Unsatisfactory Student Behaviour Procedures	as at 26 Jul 18	Release	N/A	Yes
49	2	Student Behaviour Agreement	as at 26 Jul 18	Release	N/A	Yes
50	4	CIT Student Code of Conduct	as at 26 Jul 18	Release	N/A	Yes

ATTACHMENT B

Bullying and Harassment Prevention Policy

1. Purpose

The purpose of this policy is to demonstrate CIT's commitment to an environment where all people are treated fairly with dignity and respect.

2. Scope

This policy applies to all CIT staff, contractors, visitors and students.

3. Principles

- 3.1 CIT is committed to providing a working environment that is free from harassment, bullying and violence of any kind.
- 3.2 All staff, students and visitors are entitled to be treated with dignity and respect and therefore bullying, all types of discrimination and harassment are unacceptable and will not be tolerated at CIT.
- 3.3 All staff, students and visitors to CIT must take personal responsibility to create a positive, working and learning environment and to ensure that their conduct does not include behaviours which could constitute discrimination, harassment including sexual harassment, bullying or increase the risk to another person's physical or psychological health or safety.
- 3.4 All students must abide by the CIT Student Code of Conduct.
- 3.5 All staff must abide by section 9 Public Sector Management and ACT Code of Conduct.
- 3.6 Staff, students and/or visitors who experience or witness harassment or bullying behaviour should report the incident as soon as possible. All incidents of bullying and harassment will be dealt with in accordance with the Student and Community Members Complaints Policy for students and the Resolving Workplace Issues Policy and Procedures and enterprise agreements for staff. A single incident of unreasonable behaviour may have the potential to escalate into bullying and therefore should not be ignored.
- 3.7 All reports of alleged bullying, harassment or violence will be treated in a fair, timely, sensitive manner and procedural fairness/natural justice will apply to the complainant and respondent for all matters raised.
- 3.8 Reported circumstances may result in disciplinary actions.
- 3.9 Where criminal laws may apply, CIT will refer such matters to ACT Policing.
- 3.10 Supervisors and managers have a leadership role and are responsible for preventing incidents and taking prompt action if breaches do occur.
- 3.11 The ACTPS Respect, Equity and Diversity (RED) Framework aims to ensure that all ACT public servants value and consider others at work. CIT is required to comply with this Framework and encourages staff and management to use this in conjunction with the attached Procedures.

- 3.15 In line with the Fair Work Act an employee experiencing bullying may make application to the Fair Work Commission for a stop order. For more information see the [Fair Work Commission Anti-bullying web page](#).
- 3.16 CIT will ensure support and assistance is available to any student or staff member in cases of discrimination, bullying and harassment.
- 3.17 Suspected risk of harm to a child or young person will be dealt with in accordance with the mandatory reporting requirements in the *Children and Young People Act 2008*.

4. Documentation

Work Health and Safety Act 2011

Public Sector Management Act 1994 (in particular section 6 and 9 of the Code of Conduct)

Discrimination Act 1991

Human Rights Act 2004

Ombudsman Act 1989

Children and Young People Act 2008

Information Privacy Act 2014

5. Definitions

Bullying Bullying behaviour is a form of harassment and is based on a misuse of power in human relationships. From a workplace health and safety perspective, bullying is defined as: repeated, unreasonable behaviour directed toward a person, or group of people, which, creates a risk to health, safety and welfare.

Bullying is not:

- expressing differences of opinion in an appropriate manner;
- giving lawful instructions;
- giving feedback in an appropriate manner; or
- taking reasonable action to equitably manage the learning environment such as:
 - allocation of work to a student, and setting reasonable goals, standards and deadlines;
 - warning students about unsatisfactory behaviour;
 - appropriate management of a student's unsatisfactory behaviour;
 - appropriate management of the learning environment.

What is "reasonable" will depend on the circumstances of each case but must be assessed objectively.

Complainant A person who makes a complaint

Harassment Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated and may be biased. It is behaviour that is likely to offend, humiliate or intimidate.

Procedural Procedural fairness, also called natural justice, applies to any decision (action or



Fairness/ inaction) that can affect the rights, interests or expectations of an individual in a direct
Natural Justice or immediate way. It requires that:

- individuals are given an opportunity to be heard;
- decision makers act without bias or self-interest;
- decision makers base their decisions on evidence that is relevant to the facts in issue i.e.
 - all relevant matters are considered when reaching a recommendation/decision
 - irrelevant matters are not given weight in reaching a decision

Respondent Person about whom a complaint is lodged

Sexual Harassment Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated.

6. Contact

For more information about this policy contact Manager, Workplace Culture.

7. Procedures

This policy is implemented through the associated procedures. Authority to make changes to the procedures rests with the policy owner.

Bullying and Harassment Prevention Procedures

Associated Policy – Bullying and Harassment Prevention Policy

How to raise your concerns as a student

1. All concerns in relation to discrimination, bullying or harassment should be raised as early as possible. Advice and/or support may be sought initially and at any point of the process. This may be obtained from a number of different sources including:
 - a CIT teacher or staff member
 - a CIT Student Counsellor
 - CITSA
2. All CIT Students have the right to make a complaint, regarding anything they feel is unreasonable or unfair. Student Counsellors will support students to consider the options available and choose what they prefer to do. If a student chooses to access the complaints process, the student's enrolment or academic progress will not be jeopardised.
3. Complaints relating to bullying or harassment should be made in writing on the CIT Complaint Form and submitted to the Executive Director, People and Organisational Governance.
4. Your complaint should include:
 - what happened
 - when it happened
 - how the behaviour made you feel
 - any witnesses to the incident.
5. CIT will manage student complaints in accordance with the Complaints Students and Community Members Policy and procedures. This includes:
 - the Executive Director, People and Organisational Governance acknowledging the complaint in writing within five working days of receipt and identifying a complaint manager (a CIT senior manager who has not previously been involved) who will look into the matters raised;
 - applying natural justice/procedural fairness to the complainant and respondent for all matters raised;
 - the complaint manager making recommendations to the Executive Director, People and Organisational Governance on actions CIT should take in response to the complaint; and
 - the Executive Director, People and Organisational Governance providing written notification to all parties when the complaint has been finalised.

How to raise your concerns as a staff member

6. Staff complaints will be managed in accordance with the Resolving Workplace Issues Policy.

Definitions

Bullying Bullying behaviour is a form of harassment and is based on a misuse of power in human relationships. From a workplace health and safety perspective, bullying is defined as: repeated, unreasonable behaviour directed toward a person, or group of people, which, creates a risk to health, safety and welfare.

Bullying is not:

- expressing differences of opinion in an appropriate manner;
- giving lawful instructions;
- giving feedback in an appropriate manner; or
- taking reasonable action to equitably manage the learning environment such as:
 - allocation of work to a student, and setting reasonable goals, standards and deadlines;
 - warning students about unsatisfactory behaviour;
 - appropriate management of a student's unsatisfactory behaviour;
 - appropriate management of the learning environment.

What is "reasonable" will depend on the circumstances of each case but must be assessed objectively.

Complainant A person who makes a complaint

Harassment Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated and may be biased. It is behaviour that is likely to offend, humiliate or intimidate.

Procedural Fairness/ Natural Justice Procedural fairness, also called natural justice, applies to any decision (action or inaction) that can affect the rights, interests or expectations of an individual in a direct or immediate way. It requires that:

- individuals are given an opportunity to be heard;
- decision makers act without bias or self-interest;
- decision makers base their decisions on evidence that is relevant to the facts in issue i.e.
 - all relevant matters are considered when reaching a recommendation/decision
 - irrelevant matters are not given weight in reaching a decision

Respondent Person about whom a complaint is lodged

Sexual Harassment Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated.

Unsatisfactory Student Behaviour Policy

1. Purpose

To define unsatisfactory student behaviour as a breach of expected standards of behaviour for CIT students and outline the CIT response when a breach of the standards occurs.

Unsatisfactory student behaviour is defined as behaviour that:

- limits CIT's capacity to provide a learning environment which is free from discrimination and harassment;
- interferes with the potential of other CIT students to learn;
- interferes with the rights of CIT staff and students to be safe; treated fairly and with respect;
- results in damage to CIT property or other property on CIT premises; and
- is not academic misconduct under the Academic Misconduct by CIT Students Policy.

2. Scope

This policy covers all CIT students in relation to their behaviour towards CIT students, staff and visitors. This policy does not cover criminal offences which need to be referred to police, however may cover interim measures for safety.

3. Principles

- 3.1 CIT students, while on CIT premises or engaged in CIT activities associated or in contact with a staff member or another student, must not engage in unsatisfactory student behaviour, as defined by this policy. CIT has a zero tolerance policy on acts or serious threats of violence including sexual assault and sexual harassment.
- 3.2 CIT will make appropriate support services available to students and staff to assist them when dealing with unsatisfactory student behaviour.

Student support services include:

- CIT Counselling services
- CIT Disability Support
- CIT Youth Advisor
- CIT Equity Officers within Student Support
- CIT Student Association (CITSA)

Staff support services include:

- CIT Human Resources
- CIT Employee Assistance Program (EAP)
- relevant CIT supervisor/manager

- 3.3 Unsatisfactory student behaviour should be dealt with according to the degree of risk involved and be consistent with ensuring that the behaviour ceases and that the needs of all interested parties are met, apart from immediate action taken under principle 3.9.
- 3.4 Classroom management is the responsibility of the teacher. This policy however, can assist in dealing with unsatisfactory behaviour both within and outside of the classroom on CIT premises or during activities associated with CIT.

- 3.5 Staff are encouraged to note and report any incidents of unsatisfactory student behaviour, utilising available mechanisms such as: the Report of Student Behaviour Incident Form; notes in roll books; emails to HoDs; emailing CITSaferCommunity@cit.edu.au
- 3.6 Staff should consider inviting CIT Student Support Counsellors or staff into the classroom to address issues and behaviours that may be affecting the whole group.
- 3.7 In assessing an Incident of unsatisfactory student behaviour, CIT will take into account the requirements of the Bullying and Harassment Prevention Policy, and the Responsibilities in Learning and Student Code of Conduct.
- 3.8 Where the behaviour is unsatisfactory, but deemed low risk, the Stage One disciplinary process should be followed. Stage Two is for continuing or escalating behaviour. Where a student's behaviour is considered serious or a high risk in terms of physically or emotionally harming others, the Stage Three or Four disciplinary process should be followed (see attached Unsatisfactory Student Behaviour Procedures).
- 3.9 Unsatisfactory student behaviour will be managed in accordance with the principles of procedural fairness and natural justice.
- 3.10 Allegations of unacceptable behaviour which have been referred to the police for criminal investigation will not be dealt with under this policy until the legal process has been completed. In this case, interim arrangements to support student safety will be enacted where necessary; refer to Procedures
- 3.11 Unsatisfactory behaviour may result in exclusion from CIT, classes or other activities and all CIT campuses. Responsibility for excluding students is as follows:
 - a teacher or Head of Department may exclude a student from a learning activity or individual class;
 - a Head of Department or Director/ Manager Student Support can impose, (for serious threats or acts of violence), an immediate time out for the student of up to two weeks while the stage four disciplinary process is conducted;
 - the Director may exclude a student from a particular class for a period such as the rest of the semester where the disciplinary action is stage four due to serious threats or an act of violence; this may include exclusion from all CIT premises/programs until the end of the semester;
 - the Executive Director, Education and Training Services may exclude a student from a subject or program;
 - the Chief Executive may exclude a student from CIT.
- 3.12 If a student is a trainee or apprentice and engages in unsatisfactory student behaviour, their employer must be informed of the outcome of the disciplinary process. Duty of care requirements for all students under 18 years of age may require specific action as per CIT policy.
- 3.13 A staff member who witnesses a student engaging in unsatisfactory student behaviour on CIT premises may direct that student to leave that immediate area or to leave CIT premises.
- 3.14 Staff may also notify the Campus Manager to direct student/s away from CIT premises, but Facilities staff are not to be relied on to deal with students' problem behaviours alone.
- 3.15 Disciplinary action has the purpose of ensuring that unsatisfactory student behaviour ceases and does not reoccur, and to keep the student and others safe. Disciplinary action may include:
 - Exclusion or timeout from CIT
 - exclusion from a program or subject
 - exclusion from one or more CIT activities
 - a requirement to enter into a contract that includes conditions for continued enrolment



- the issuing of a reprimand
 - a combination of one or more of these or other actions that is appropriate under the circumstances.
- 3.16 If an exclusion or timeout occurs, consideration should be given to providing advice on pathways options. For these occurrences an Institute file must be created.
- 3.17 Where a student has been excluded they will be invited to attend a meeting to discuss and address the behaviour incident/s and to provide their response to the issues. At this meeting, potential outcomes such as behaviour contracts or disciplinary actions can be discussed and if required a behaviour risk analysis can be undertaken.
- 3.18 Notification of exclusion or timeout of under 17s must be made to Manager, Student Support via CITunder17Alert@cit.edu.au who will then notify the Education and Training Directorate (ETD).
- 3.19 Directors must notify the Chief Executive of all instances of time outs or exclusion and send notification to CITSaferCommunity@cit.edu.au.
- 3.20 All staff will treat matters that are the subject of disciplinary action in accordance with the CIT Privacy Policy.
- 3.21 Where a behaviour contract is developed or potential exclusion considered as part of disciplinary action, a CIT Counsellor will be included in all meetings.
- 3.22 Any consequent serious behavioural issues will be escalated to the Executive Director Education and Training Services for further action.
- 3.23 Where a student wishes to appeal an exclusion outcome they need to contact the office of the Executive Director, Corporate Services. Time outs cannot be appealed.
- 3.24 Where an International Student is receiving a timeout or exclusion, staff at CITSOL ISU (International Students Unit) must also be informed and the procedures used must comply with the ESOS National Code.

4. Documentation

Responsibility in the Learning Environment in the Student Information Guide
Student Code of Conduct
Bullying and Harassment Prevention Policy
Student Behavioural Risk Policy
Unsatisfactory Student Behaviour Procedures

5. Definitions

All terminology used in this policy is consistent with definitions in the CIT Policy Glossary.

6. Contact

For more information about this policy contact Manager, Student Support.

7. Procedures

This policy is implemented through the associated procedures. Authority to make changes to the procedures rests with the policy owner.

Unsatisfactory Student Behaviour Procedures

Associated Policy

These Unsatisfactory Student Behaviour Procedures have been developed in conjunction with the Unsatisfactory Student Behaviour Policy. These procedures outline steps to take in dealing with unsatisfactory behaviour from students both in and outside of the classroom.

Stages of Disciplinary Actions

STAGE ONE DISCIPLINARY PROCEDURES – FIRST OR MINOR OFFENCE

In most cases student discipline problems can and should be dealt with directly with the student.

1. Staff should discuss the unsatisfactory behaviour with the student as soon as possible and privately in the first instance, unless there are safety concerns. Remind students of the rights and responsibilities of students as outlined in the Student Information Guide on the Website and the Student Code of Conduct, request that the unsatisfactory behaviour ceases, and inform student of potential consequences of disciplinary action. Staff should make a note of the incident/chat; note in roll book (if teacher); email note to yourself; email to CITSaferCommunity@cit.edu.au.
2. A teacher who determines a student is engaging in unsatisfactory behaviour may exclude that student from a learning activity or individual class. If the student is a trainee or apprentice the teacher must notify the employer and the student directed to return to work. If the student is less than 18 years of age duty of care requirements may require specific action as per the CIT Commitment to Training for Young People Aged to 24 Years Policy. Where the student is an international student, the departmental pastoral care coordinator should be contacted and CIT international student policies followed. Where the behaviour occurs outside the classroom the staff member who sees it or to whom it is reported, should follow step 1 above and may also request the student to move away from the location of the issue.
3. A verbal agreement of expected behaviour is made or clarified for the student and if by a teacher, this is noted in the roll book. The teacher/staff member may also make a record of the incident using the 'Report of Student Behavioural Incident' form attached to these procedures.
4. If the behaviour or similar behaviour issues continue – speak to them again, and let them know it is not ok and you may be referring this to the HoD. NB: if student behaviour is just low grade annoying- you may give them a few warnings BUT always note it in the roll book or email CITSaferCommunity@cit.edu.au. If the unsatisfactory behaviour is more than low grade and continues or escalates the second or third stage procedure is commenced.
5. If there are any concerns at this stage, staff should consider having another staff member with them when they explain to the student/s that their behaviour is unsatisfactory. With potentially difficult cases witnesses could be important. Students may also bring a support person.
6. Where an agreement can't be reached, escalate to stage two.

STAGE TWO DISCIPLINARY PROCEDURES – REPEATED OR CONTINUOUS UNSATISFACTORY BEHAVIOUR

If behaviour being addressed in Stage One Disciplinary Procedure continues this more formal procedure should be used.

1. To commence stage two disciplinary procedures, staff must complete the 'Report of Student Behavioural Incident Form' (attached to these procedures).
2. The student is informed that the unsatisfactory behaviour remains or is an issue.

3. The Head of Department is informed and a meeting is arranged between the Head of the Department and the student. The student is advised that they may bring a support person and/or a CIT counsellor can be requested to attend.
4. A written Behaviour Contract/Action Plan will be drawn up in consultation with the student and staff member, which outlines the expected behaviour and conditions for the student. The contract should include consequences of any breaches of the behaviour contract.
5. Staff should offer the student support and inform them of the support services available as stated in Principle 3.2 of the Unsatisfactory Student Behaviour Policy.
6. A record of this is kept on file in the teaching area and noted in roll book. If the unacceptable behaviour continues the third stage disciplinary procedure is commenced.

STAGE THREE DISCIPLINARY PROCEDURES – SERIOUS OFFENCE

The stage three disciplinary procedures are intended for unsatisfactory behaviour considered to be serious, a high risk or a breach of a behavioural contract previously agreed to. Where the behaviour involves acts or serious threats of violence it must be dealt with by the Stage Four procedure.

1. Inform the student

- 1.1. The staff member involved should explain to the student why their behaviour is unsatisfactory and that they are taking disciplinary proceedings. It is recommended that another staff member be present and a record of the conversation be kept.
- 1.2. The staff member should advise the student that part of the disciplinary procedures is to keep a record of the incident and all subsequent actions.
- 1.3. Advise student of their right to get support and the role of the Student Counsellor which is to provide support for the student in the following ways:
 - establish a rapport with the student prior to the meeting if possible
 - assist the student/s to present their case
 - accompany the student/s to meeting/s to ensure they are given an opportunity to present their case, clarifying points in the discussion and checking that records are an accurate and fair reflection of the outcomes of the meeting.
- 1.4. Advise of possible consequences of their actions.

2. Report the incident

- 2.1 The staff member must complete a Report of Student Behavioural Incident form describing the incident. The report should be given to the Head of Department and the Director. Relevant staff members will be asked to prepare an account of the incident and collect any relevant witness statements.
- 2.2 If required, staff may seek support as outlined in Principle 3.2 of the policy.

3. Arrange a meeting

- 3.1 The Director will contact the student/s as soon as possible and request their attendance at the meeting to discuss their behaviour. The student/s will be informed of the nature of the issue/incident and advised that they may bring a support person to the meeting.
- 3.2 The meeting will be with at least two staff members including the Director and a CIT student counsellor and the student and their support person if required.
- 3.3 Before a meeting is arranged any cultural diversity and equity issues should be considered. For example if the student is an Aboriginal or Torres Strait Islander, one of the staff members should be of Aboriginal or Torres Strait Islander origin if possible.
- 3.4 Prior to the meeting the student will be given the opportunity to provide a written response or they may respond verbally at the meeting.
- 3.5 All evidence will be provided to the Director who will assess and review the facts to determine whether further information gathering is required; breaches of policy or the Student Code of Conduct have occurred; and identify appropriate disciplinary action. Behaviour Risk Assessment

Team can be convened through contacting Manager, Student Support or Head of Counselling see Student Behavioural Risk Policy to offer advice to Director.

4. The meeting

4.1 At the meeting:

- discuss what occurred
- give the student an opportunity to explain their behaviour
- clarify the points of difference between the student's account and the other information provided by the staff and witnesses
- develop a contract with the student that includes undertakings, limits and consequences, copies of which should be distributed to the student, the teacher, the Head of Department, the Director and the Counsellor, signed by all parties
- discuss proposed sanctions
- establish support strategies and options to give the student the best opportunity to succeed.

4.2 All proceedings and outcomes of the meeting must be recorded and filed in the office of the Director.

5. Outcomes

A written letter will be provided to the student advising of the outcome of the disciplinary process, including any agreements, within five days of the meeting where possible. The Head of Department/teacher or Director as appropriate will monitor the outcomes.

If the contract of agreement is broken, the Head of Department should inform the Director, who will commence further disciplinary action as deemed appropriate.

6. Right of appeal

If a student is unhappy with the outcome of a disciplinary process they may appeal in writing to the Executive Director, CIT People and Organisational Governance at CIT.

STAGE FOUR DISCIPLINARY PROCEDURE – ACT OF VIOLENCE OR SERIOUS THREAT OF VIOLENCE

This stage is to be used in cases where an act of violence or a serious threat of violence has occurred at CIT or during a CIT event/activity if off campus. This stage requires a fast response to ensure safety to all. An exclusion period will be imposed for acts of this nature that may be up to the end of the semester or potentially longer.

1. Student is informed the incident will have disciplinary action and a timeout of two weeks is issued. Head of Department or Director/Senior Manager will inform student the incident of violence or serious threat of violence is unacceptable and that an immediate timeout from CIT and CIT activities is in force for a period of two weeks and that the student will be invited to a meeting to discuss the issue.
2. Staff must complete the 'Report of Student Behavioural Incident Form' (attached to these procedures) and forward to Head of Department and Director. A Riskman incident should be recorded.
3. If the matter has been referred to the police for criminal investigation, CIT disciplinary processes will be suspended until the matter is legally resolved. Interim measures may be taken to protect the safety of others on campus following the timeout period. This may include arranging for the student to change classes to separate them from another student or staff member who has made the allegation, or that they may use online study options where this is possible. If these options are not possible, it may be necessary to suspend the student's study until they can join a different class. It may involve arranging alternative accommodation for the student facing the allegations, if a complainant student is in the same CIT Accommodation facility. If interim

measures will not assure the safety of others at CIT, the student may be suspended from attendance at CIT pending the outcome of the legal processes.

4. The Director or nominated person will contact the student/s as soon as possible and request their attendance at a meeting to discuss their behaviour or, where the matter is under Police Investigation, to discuss interim arrangements until the matter is resolved. The student/s will be informed of the nature of the issue/incident and advised that they may bring a support person to the meeting.
5. Where the matter has not been referred for criminal investigation, the student may respond to the incident in writing prior to the meeting or verbally at the meeting with the Director.
6. The meeting will include the Director and possibly staff member or Head of Department, a Student Counsellor and the student and an advocate of their choice. Cultural diversity and equity issues will be considered prior to the meeting. At the meeting discuss what occurred:
 - Give the student an opportunity to explain their behaviour.
 - Clarify the points of difference between the student's account and the other information provided by the staff and witnesses.
 - Inform student of consequence of behaviour.
7. Outcome of meeting - All proceedings and outcomes of the meeting must be recorded and filed in the office of the Director. Where the incident is verified and exclusion applied the Director is to request Banner to apply a Hold to the student's account and that the student will need to attend a re-entry meeting prior to re enrolment, at which time a behaviour contract may be developed as a condition of re enrolment.
8. Exclusion Delegations:
 - Directors can exclude a student from a particular learning activity/class for a period up to end of semester. Can also exclude a student from all CIT locations for the rest of the semester for a stage 4 incident
 - HoDs, Directors, Senior Managers can impose an immediate 'time out' of up to 2 weeks for a stage 4 incident
 - Executive Director, Education and Training Services can exclude a student from a subject or program for unsatisfactory student behaviour
 - Chief Executive Officer can exclude a student for any length of time from the institute for unsatisfactory student behaviour.
9. An Institute file will be created and the Chief Executive and Executive Director, Education and Training Services will be notified where any student has been excluded by a Director in this process. Notification form attached at end of these procedures.
10. If the timeout or exclusion involves an under 18 year old, the Manager, Student Support must be notified, who will then notify ETD and the General Manager Student and Academic Services where under 17 year olds are involved. Notification forms at end of these procedures.
11. If after an exclusion period the same behaviour is exhibited, the situation will be escalated to the Executive Director, Education and Training Services for recommended action.

OUTSIDE THE CLASSROOM:

If students or other people on CIT locations are observed behaving inappropriately staff should, if safe, approach and inform them the behaviour is unacceptable and request it ceases.

Where behaviour issues have arisen outside of the classroom the Campus Manager should be informed as well as the Head of Department and or Director/Senior Manager if known.

1. If the inappropriate behaviour is serious enough that staff feels physically threatened or will be seeking medical advice/treatment due to the behaviour, then staff must fill in the Riskman Incident Report and this will be dealt with in a stage four process.
2. Campus Facilities staff are not trained as security personnel, however, staff can call on them to provide assistance in difficult situations such as issuing appropriate warnings or to request student/s to leave the premises.
3. Where a student refuses to leave and is continuing to behave in a manner that is disturbing the classes or other students or is perceived as inappropriate or threatening, the relevant Campus Manager should be contacted. If there is an immediate risk to safety, ACT Police should be contacted on 000; if not an emergency, police attendance can be requested on 131444.

Fee Refunds: A refund or partial refund of fees may be considered where a student is being excluded from their program of study. Each case will need to be considered individually to determine if any refund is reasonable and this may require approval from the Director of Finance and/or the Executive Director Corporate Services.

REPORT OF STUDENT BEHAVIOURAL INCIDENT FORM

Who should use this report? <i>Any staff member who has been part of or witnessed unacceptable student behaviour</i>	Date of report:	
	Your name:	
	Date of incident:	
	Time of incident:	
	Location of incident:	
When should it be used? <i>If you feel uncomfortable or concerned about the behaviour of a student fill in the report as soon as possible after the incident.</i>	Names of CIT staff/students directly involved:	
	Description of incident: <i>*Where the incident involves unsatisfactory student behaviour, identify the unsatisfactory behaviour consistent with the CIT Student Rights and Responsibilities policy, i.e. Tick which of these responsibilities did they fail to carry out?</i>	<input type="checkbox"/> to treat other students and staff with respect and fairness <input type="checkbox"/> to behave in a non-discriminatory, non-harassing manner to other students and staff <input type="checkbox"/> to behave so as not to offend, embarrass or threaten others <input type="checkbox"/> other – describe e.g. drug, alcohol, OH&S issue
Why should you use it? <i>CIT can only take action if there is a record of any unsatisfactory behaviour. This report records the information CIT needs to follow up on unsatisfactory behaviour.</i>	What did you say to the student?	
	What did the student say to you? <i>If possible record the actual words; otherwise summarise the content</i>	
What do you do with it once you've filled it in? <i>Send it to your Head of Department or Director.</i>		
How is it useful? <i>If students are infringing CIT's policies you need to record exactly what they are doing and what impact their behaviour has on others so we can take appropriate steps.</i>	Describe the student's actions	



	Describe the student's tone of voice	
	If relevant, please attach any written correspondence to students e.g. emails, letters	
	Please attach student's reply if relevant	
	Names of people who witnessed the incident if any	
	Did you fill this form in yourself?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If No who filled in the form	

NB You should read the attached policy for advice on when it may be appropriate to complete the ACT Public Service Riskman Incident Report.

SIGNATURE: _____

DATE: _____

ACTION: - Send to Head of Department or Director

Reporting Students on Timeout or Exclusions

This form is completed when a student has been given a Timeout or Exclusion form CIT in accordance with the *CIT Unsatisfactory Student Behaviour Policy*.

This form must be forwarded to the Chief Executive's Office and where the student is under 17 years of age a copy to be sent to CITUnder17Alerts@cit.edu.au. *Print a copy for your Institute file*

Student Details

Student name	Student ID	CIT
Is the student Under 17?	Click here to select	Student Type
College	Click here to select College	Apprentice/Trainee
	Enrolled program	

Disciplinary Stage:

Action imposed by; *HoD or Director name*

Exclusion type Timeout

Start Date Click here to enter a date. End date Click here to enter a date.

Subject/activity/program name/s

Review Date Click here to enter a date.

Other information you may want to provide:

Review outcome:

This part of form to be completed after review and forwarded again to the Chief Executive's Office and where the student is under 17 years of age a copy to be sent to CITUnder17Alerts@cit.edu.au. Print a copy for your Institute file.

Review Date [Click here to enter a date.](#)

Review attended
by

Outcome [Click here to select outcome](#)

Conditions, if
applicable [Behaviour contract](#)

End date of exclusion or
return date [Click here to enter a date.](#)

Other information you may want to provide:

Institute File
number

Banner Hold ☐
applied

Student Behaviour Agreement

This agreement is made on (insert date)

Between (Head of Department)

And (Name of student/potential student)

(insert name of student/potential student) agrees to the following in respect to future conduct:

I will abide by the CIT Student Code of Conduct, in particular:

- Not using offensive language
- Speaking with respectful language and tone of voice to CIT students and staff
- Not engaging in sexual harassment behaviour which affects CIT students or staff

CIT agrees to the following in respect to future conduct:

CIT Student Support is available to provide free confidential counselling.

Breach

If (*insert name of student/potential student*) breaches this agreement (*insert name of Head of Department*) will organise a meeting with the College Director, (*insert name of College Director*), and the student to discuss conditions for continued participation in the class and enrolment at CIT.

Declaration

I, (*insert name of student/potential student*) confirm that I understand the meaning of this agreement, and that the consequences of a breach of this agreement have been explained to me.

Signed: (Student/potential student)

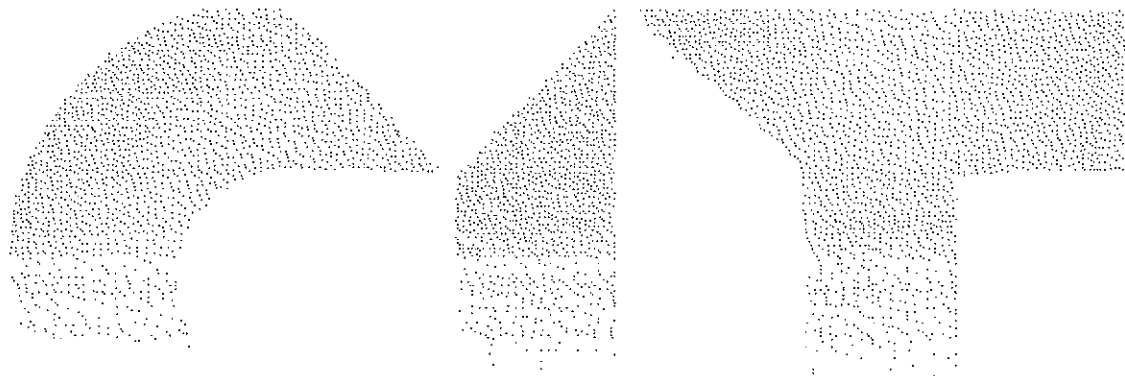
Date:

Signed: (Head of Department)

Date:

Review

This agreement will be reviewed by (*insert name of student/potential student and Head of Department*) on (*insert date*)



CIT Student Code of Conduct

**Canberra Institute
of Technology**

RTO Code 0101 | CRICOS No. 00001K



Purpose

The Canberra Institute of Technology (CIT) is committed to upholding the CIT values of respect, integrity, collaboration and innovation and to changing lives through quality education and skills development for individuals, industry and community.

The CIT Student Code of Conduct has been formulated to provide a clear statement of CIT's expectations for student behaviour. The Student Code of Conduct has been developed in collaboration with the CIT Student Association (CITSA) who are able to assist you in furthering your understanding of the Student Code of Conduct if required.

Student rights and responsibilities

As CIT is an adult learning environment with a focus on delivering vocational outcomes you are expected to conduct yourself in a manner that is appropriate for industry. All students are protected by CIT Student Policies that provide a professional learning environment and students are expected to adhere to their responsibilities as outlined in the Student Information Guide.

Prevention of Discrimination, Bullying and Harassment

CIT is committed to providing students and staff with a healthy learning environment that is free from discrimination, harassment, bullying and violence of any kind. All staff, students and visitors are entitled to be treated with dignity and respect and therefore bullying, all types of discrimination and harassment are unacceptable and will not be tolerated at CIT.

You must take personal responsibility to contribute to a positive, healthy learning environment and to ensure that your conduct does not include behaviours which could constitute discrimination, harassment, bullying or impact on another person's physical or psychological health or safety. More detailed information is provided in the Bullying and Harassment Prevention Policy.

Unsatisfactory Behaviour

Unsatisfactory Behaviour, managed by the Unsatisfactory Student Behaviour Policy, will not be tolerated and may impact your enrolment at CIT. This includes any behaviour which:

- limits CIT's capacity to provide a study environment which is free from discrimination and harassment;
- interferes with the potential of other CIT students to learn; and
- interferes with the rights of CIT staff and students to be safe, treated fairly and with respect.

Illegal behaviour, including physical violence, will not be tolerated at CIT and may be referred to the police.

Academic Misconduct

Academic misconduct is any action undertaken by a student that unfairly advances his, her or another student's progress in a subject and/or program. This includes plagiarism,

cheating and copyright violations. Academic misconduct is managed through the Academic Misconduct policy.

Work health and safety

- You must comply with the Work Health and Safety policies, procedures and guidelines, and conduct yourself in a safe manner and not place yourself or others at risk.
- You should dress appropriately as in industry, for example appropriate footwear must be worn and Personal Protective Equipment (PPE) used where required and/or directed.
- Any medical management plans or medication you are taking which may affect your performance should be disclosed to your teacher.
- CIT has a duty of care to provide First Aid assistance, however should it be deemed you require further medical assistance such as a Paramedic and/or Ambulance, you are required to pay for the associated costs. CIT strongly encourages you to have ambulance insurance, CITSA has information on ambulance insurance <http://www.citsa.com.au/ambulance-cover-for-students>.
- Students with infectious diseases must advise their teaching college of their condition and remove themselves from CIT until a medical clearance certificate is provided.
- CIT is Smoke Free and encourages the appropriate disposal of cigarette butts.

Do you meet adult education and industry expectations in the following areas?

Attendance and punctuality

- You should be on time, return from breaks at the agreed times and notify your teacher or supervisor beforehand if you need to leave early.
- If you cannot attend an activity you should contact the teacher or supervisor directly or the department office.
- You should follow-up an absence by either speaking with the teacher or obtaining the necessary notes from another student or eLearn (if available).
- If you are regularly late or absent and cannot fulfil the requirements for participation you should discuss your options with the class teacher or supervisor.

Effective and respectful communication

- You should address other students, staff and teachers in a courteous and civil manner at all times, for example this means one person speaking at a time and everyone having the right to speak.
- It's OK to disagree with an idea, not the person. Be aware that the group is made up of diverse cultures, ages and backgrounds – be sensitive and tolerant to differences.
- Inappropriate swearing, jokes and 'put downs' must be avoided.
- The safety and wellbeing of all students in all work areas including the classroom is paramount. No student, CIT staff member or any other class participant (i.e. guest speaker) should feel threatened by another or tolerate unwelcome attention.

- Be respectful and maintain confidentiality for all sensitive information obtained while studying at CIT. This includes information about other students and information accessed as part of your work placements.
- Video and voice recording is not acceptable in the class unless permission is granted from the teacher and all participants.

Effective participation

- You should participate effectively and support and encourage the participation of others.
- Wearing headphones or using a mobile phone/tablet/laptop (for either calls/emails or games other than those prescribed in class) is not appropriate.
- You should come to work or class with the necessary materials and be aware of your responsibilities towards the materials of others.
- If you have any concerns about your ability to participate effectively you can seek support from [CIT Student Support](#) or [CITSA](#).
- Negativity can affect the participation and enjoyment of others so feedback should be constructive.
- You are required to take responsibility for your learning. [Unsatisfactory Academic Progress](#) may result in you not being able to complete or re-enrol in the course.

Student complaints

You have the right to make a complaint about a particular situation in which you have been involved or witnessed. Guidance, referral and support are available at CIT through [CIT Student Support](#) while independent support is available through [CITSA](#). More information is provided in the [Complaints Students and Community Members Policy](#).

Feedback

Your [feedback](#) is valued and is an important part of continuous improvement and maintaining a positive learning environment at CIT. If you have any feedback, either positive or negative, you are encouraged to contact:

- a relevant staff member
- [CIT Student Support](#)
- [CITSA](#) phone (02) 62073600
- [CIT - Feedback](#)