

# Policy – Behavioural Misconduct

Navitas Professional  
ABN 25 100 404 199

## Document

<b>Document I.D.</b>	NP-01.01.15P Behavioural Misconduct Policy
<b>Responsibility</b>	National Business Manager, NP
<b>Initial Issue Date</b>	27 October 2015

## Version Control

<b>Issue Date:</b>	<b>Summary of Changes</b>	<b>Review Date</b>
27 October 2015	Initial Document, v1.0	27 October 2017
29 February 2016	Update position titles; change strike to warning, v1.1	27 October 2017
1 February 2018	Change of Business Unit name; update in line with review, v1.2	1 February 2020
28 May 2021	Full review, update Position titles; expansion clauses 2.3.3 and 2.3.5, v2.0	28 May 2023

## 1. Purpose and Scope

The purpose of this policy is to provide a fair, equitable and confidential framework and procedure for investigating and resolving alleged cases of participant misconduct.

This policy and procedure applies to all participants enrolled in a Navitas Professional program.

## 2. Policy

### 2.1. Provision of information

2.1.1. Participants are provided information on the Behavioural Misconduct Policy during the participant induction process and in the Participant Handbook.

### 2.2. Behavioural Misconduct

2.2.1. Behavioural Misconduct (Non-Academic Misconduct) can be defined as any action or conduct by participants relating to people or property which does not meet NP's standards. Behavioural misconduct includes but is not limited to:

- Continuous and/or belligerent interruptions to the trainer whilst delivering the program content;
- Smoking in non-smoking areas;
- Being disrespectful to other participants;
- Harassment;
- Using offensive language;
- Sexual harassment;
- Bullying;
- Acting in an unsafe manner that places themselves and/or others at risk;
- Refusing reasonable requests to participate when required in group activities;
- Continued absence at required times;
- Displaying unacceptable or disruptive behaviour during their internship.
- A failure to comply with any reasonable direction of a Navitas Professional employee or Host Company representative who is in a position of authority in relation to the student
- Participating in any part of a Navitas Professional program while under the influence of illicit or intoxicating substances

### 2.3. Action to be taken on Behavioural Misconduct

2.3.1. In order to achieve a satisfactory resolution, all participant misconduct issues will be handled:

- Professionally;
- Confidentially;
- fairly and equitably; and
- as efficiently as possible.

2.3.2 Any participant who displays unacceptable or disruptive behaviour during delivery of training may be asked to leave the session and/or the program.

- 2.3.3 Where behavioural misconduct has been identified during classes, the Trainer will discuss the matter with the participant involved. If behavioural misconduct occurs during the internship, the host company will contact the Industry Placement Consultant to discuss the matter with the participant involved.
- 2.3.4 A written report on the misconduct must contain evidence of the misconduct and be provided to the State/Territory Operations Manager, who will give the participant an opportunity to respond to the allegation through a scheduled meeting. Note. Participant will have the opportunity to invite a third party to any such meetings with the State/Territory Operations Manager.
- 2.3.5 If misconduct has been deemed to have occurred by the State/Territory Operations Manager the following action may be taken:
- the participant should be counselled;
  - A warning may be issued. Navitas Professional adheres to a 3-warning policy which applies at all times during classes and during the participant's internship;
  - the participant may be suspended from partaking in their course for a period of time appropriate to the offence;
  - The participant may be removed from their internship and be required to self-source their own replacement internship
  - the participant may be permanently removed from undertaking the course and their enrolment cancelled;
  - the appropriate external authority will be informed where the alleged misconduct under investigation is considered to warrant intervention or action from an external agency.
  - The appropriate Australia law enforcement authority may be contacted and involved in cases of serious misconduct and/or criminal activity.

## 2.4. Appeal on Misconduct

As outlined in the Complaints and Appeals Policy.

Where the complainant or appellant is not satisfied with the resolution provided, they may appeal in the first instance to the National Operations Manager Upon review and to avoid any potential or perceived conflicts of interest, the National Operations Manager may escalate to the General Manager, NP.

## 3. Responsibilities

- The **General Manager, NP** is accountable for the ongoing development, approval, implementation, awareness and effectiveness of this Policy and the supporting processes and documentation.
- **National Business Manager, NP** and **State/Territory Operations Managers, NP** are responsible for ensuring that all team members are aware of this Policy and their responsibilities defined herein.
- **NP employees** are responsible for being aware of and complying with this Policy.

## 4. Definitions

Unless the contrary intention is expressed in this Policy, the following words (when used in this policy) have the meaning set out below:

- **Academic Misconduct** - Any action(s) or behaviour likely to result in an unfair academic advantage, whether by unfairly advantaging a participant or disadvantaging another. Acts of academic misconduct include, but are not limited to:
  - refusing to observe the instructions of an assessor during the assessment process;
  - sharing or publishing assessment materials;
  - collusion with another participant;
  - plagiarism;
  - cheating.
- **Harassment** – if a person finds a particular behaviour by another person to be offensive, humiliating or intimidating.
- **Sexual Harassment** - Anti-discrimination law defines sexual harassment as:
  - unwanted sexual advances, or unwelcome requests for sexual favours; or other unwelcome conduct of a sexual nature; and
  - in the circumstances, a reasonable person would have expected you to be offended, humiliated or intimidated by this behaviour.
- **Bullying** - behaviour that is targeted at an individual or a group and is intended to make the person feel intimidated, humiliated and/or offended.

## 5. Review

This document is reviewed every 2 years by the relevant manager to ensure alignment to appropriate strategic direction and its continued relevance to Navitas Professional’s current and planned operations.

The next scheduled review of this document is listed in the Version Control section on Page 1.

## 6. Records

All records in relation to this policy will be managed as follows

Record type	Responsible	Location	Retention
Participant File Notes	State Administration	Participant File	7 years

## 7. Related documents

- CEP Participant Handbook; NPIP Participant Handbook; PYP Participant Handbook
- NP-01.01-06P Complaints and Appeals Policy
- NP-01.01-07P Academic Misconduct Policy
- NP-01.01-19P Internship Framework Policy
- NP-02.03-174G-Warning Issuance Guidelines