

Moodle Site Policy and Terms of Use (UPA)

Navitas Pty Ltd
 ACN 109 613 309



Document

Document Name	Moodle Site Policy and Terms of Use (UPA)
Brief Description	This policy sets out UPA's policy and terms of use in relation to the Moodle website. When users first log in to UPA's Moodle website in each UPA College, they are required to agree to the Moodle Policy and Terms of Use before being able to use the website.
Responsibility	Chief Executive Officer, University Partnerships Australasia
Initial Issue Date	26/05/2020

Version Control

Date	Version No.	Summary of Changes	Reviewer Name and Department/Office
26/05/2020	1.0	Initial Release	Director of Learning Teaching UPA

Related Documents

Name	Location
Privacy Policy	Policy HUB
Recording Live Course Content Policy	Policy HUB
Digital Learning and Teaching Policy	Policy HUB
IT Usage Policy	Policy HUB

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1 Purpose and Scope

1.1 Introduction

- a) This Moodle Site and Terms of Use Policy (“**Policy**”) sets out the approach of University Partnerships Australasia (“**UPA**”) and its affiliated colleges and campuses (together the “**Division**”) relating to the management of the Moodle site in the learning and teaching process.

1.2 Purpose

- a) The purpose of this Policy is to confirm that the Division takes very seriously the correct use of the Moodle site for purposes of our learning and teaching process. The policy also sets out the terms of use in relation to the Moodle website.
- b) It is designed to ensure that users understand that when they first log into the UPA Moodle website that they are required to agree to this Policy before being able to use the website.
- c) It is also intended to ensure that the use of the site follows the requirements of the IT Usage Policy and data protection measures implemented by the Division.

1.3 Scope

- a) This Policy has been prepared in accordance with a range of legislative and regulatory instruments, see full details in Section 4.3 of this Policy.
- b) The Policy sets out how the Division complies with relevant legal standards and regulations regarding the use of Moodle and it covers all staff and students using Moodle as the Division’s Learning Management System (**LMS**).
- c) The Division requires all users of its technology resources and systems to do so in a legal, ethical and responsible manner.
- d) Use of these systems by all staff and students is subject to the full range of State and Federal laws that apply to communications and to the use of computers, as well as any other relevant laws and Division policies. This includes (but is not limited to) copyright, intellectual property, breach of confidence, defamation, privacy, contempt of court, harassment, vilification and anti-discrimination legislation, the creation of contractual obligations, and civil and criminal laws.

1.4 Disclaimer

- a) Whilst every effort has been taken to ensure that the information contained on the Division’s Moodle website (referred to as ‘**Moodle**’ and/or ‘**Website**’) is accurate, the information on the website is for personal and/or educational use only and is provided in good faith without any implied or express warranty.
- b) The Division gives no guarantee as to the accuracy or currency of any individual item on the website.
- c) The Division accepts no responsibility for any loss or damage whatsoever caused by the use or reliance of any information contained on the website nor from any access to the website.
- d) Access to and use of the website are at the risk of the user.
- e) Information provided on the website about courses, units, modes of study, staffing and any arrangements relating to same are an expression of intent only and are not to be taken as a firm offer or undertaking.

- f) The Division reserves the right to discontinue or vary such courses, units, modes of study or any arrangements including staffing at any time without notice and to impose limitations on enrolment in any course or unit for any reason.
- g) The Division has referenced certain linked material on the website as a service to the users of the website. This service does not mean that the Division endorses those linked sites or material on those sites in any way.
- h) The Division is not responsible for the use of a hypertext link for which a commercial charge may apply. The onus of responsibility rests with the user for any charges that their use may incur.

2 Policy Statement

- a) The Policy is intended to highlight the use of Moodle as an online learning platform used to provide resources, activities and announcements for units of study and to facilitate the submission of assignments. Moodle is also used for discussion forums within each unit of study, entire programmes of study and Moodle Messaging. Moodle supports digital learning and teaching through video conferencing and academic interactions within and outside of formal teaching.
- b) The Division will take all reasonable security measures to protect your personal information from unauthorised access, misuse or disclosure.
- c) As far as is permissible under law and unless expressly agreed with the user, the Division has no further responsibility in relation to the privacy or confidentiality of any information the Division collects from or records about users of the website.

2.1 Security and Privacy

- a) The information supplied by you within these systems will only be used:
 - i. to provide you with information about study opportunities;
 - ii. for the administration of courses and subjects;
 - iii. to maintain proper academic records; and,
 - iv. to deliver services reasonably expected of an educational institution.
- b) While the Division will take every precaution to protect the security and privacy of its users' IT accounts and the information stored within its accounts and systems, users should be aware that Commonwealth, State and Territory legislative and other requirements require retention and inspection of some electronic files and communications held on the Division's systems.
- c) Staff treat the content of electronic communications and data as confidential. However, users must be aware that educational administration, normal operation, record-keeping and maintenance of the systems generally requires:
 - i. backup and caching of communications and data;
 - ii. the logging of activity; and,
 - iii. monitoring of general usage patterns.
- d) Users should be aware that electronic records may be subject to the Division's obligation to respond to subpoenas or other legal orders (e.g. a request under freedom of information legislation). For example, an email is considered a document under the law and can be legally requested, as can any other document.

- e) If you choose not to provide certain information this may impact your ability to participate in, progress through and/or complete your course or unit of study. This includes, but is not limited to, learning activities and requirements within the online class space.
- f) Users who have legitimate access to personal and confidential information must respect the privacy of others and maintain the confidentiality of the information to which they have access.
- g) The Division accepts no responsibility for the unauthorised use of personal information held by it.
- h) You have the right to access the personal information that the Division holds about you. If you would like access to this information your request must be in writing. The process for accessing your personal information held by the Division is available in the Privacy Policy and Procedure.

2.2 Intellectual Property (IP)

- a) This site contains a variety of material which is protected by intellectual property laws, including copyright.
- b) Unless otherwise stated on this site, the material on this site is and remains the intellectual property of the Division.
- c) You may only copy and use material on this site for your own personal and private use, provided that:
 - i. textual and graphical content are not altered; and,
 - ii. the context and source are acknowledged.
- d) The Division reserves the right to revoke this permission at any time.
- e) Without limiting any permission given in the previous paragraph, **permission is not given** for:
 - i. the further dissemination of this material; or,
 - ii. any commercial use or sale of this material.
- f) Material anywhere on the website which is the intellectual property of someone other than the Division may not be:
 - i. copied;
 - ii. used; or,
 - iii. further disseminated without the express and written permission of the holder of intellectual property in that material (except as expressly permitted by law).

3 Responsibilities

- a) Each of the positions involved in implementing and achieving policy objectives and carrying out procedures are clearly described in the following RASCI table.

3.1 RASCI Table

Task	IT Lead UPA	Director L and T	CEO UPA	GMQRC	QRC Mgrs	Academic Director	Academic Staff	Students	All
Ongoing support of systems to support implementation of this Policy	A and R	C	A	S	S	I			
Oversight and approval of this Policy	C	C	A	R	S	S			
Training and awareness for staff and students	S	C and S	I	S	S	A and R			
Compliance with this Policy								R	R and A
Maintaining records of compliance with this Policy			I	S	R and A	C			
Ensuring that students have read and understood the Policy	I	I		C	S	A	R	R	
R = Responsible, A = Accountable, S = Supporting, C = Consulting, I = Informed.									

4 Compliance

4.1 General

- a) Staff will be required to read this policy as part of using the LMS in the learning and teaching activities undertaken in each college and campus.
- b) It is the responsibility of the Academic Director to ensure that all staff have easy access to this policy and have confirmed via email that they have read and understood it.
- c) The Quality, Risk and Compliance Manager will be responsible for maintaining records that confirm staff have read the policy.
- d) The Academic Director will take responsibility and accountability for ensuring that Academic Staff take responsibility for ensuring students are accessing, reading and understanding the Policy.

4.2 Breaches

- a) Breaches of compliance with this Policy may result in disciplinary action being taken against the offender.
- b) Depending on the type and/or severity of the breach, the offender may be reported to external legal authorities.

4.3 Relevant Legislation

- a) The Division, as part of the global organisation known as Navitas Pty Ltd (**Navitas**) has a responsibility to maintain compliance with the laws within our host nations.
- b) All Navitas and therefore Divisional users, are responsible for aiding the Division in identifying relevant legislation and for complying with all relevant legislation and regulation.
- c) The following pieces of legislation are the primary legislative and regulatory instruments that govern activity in the Division's colleges and campuses based in Australia; however, those colleges and campuses outside of Australia (i.e. New Zealand, Singapore, Sri Lanka and the UAE) but, which are part of the Division, are required to comply with the equivalent pieces of legislation and regulation in their respective operating environments.
- d) Key pieces of relevant legislation include but are not limited to:

- i. Privacy Act 1988 <https://www.legislation.gov.au/Details/C2020C00025>;
- ii. Australian Privacy Principles <https://www.oaic.gov.au/privacy/australian-privacy-principles/>;
- iii. Copyright Act 1968 <https://www.legislation.gov.au/Details/C2019C00042>; and,
- iv. The Division's IT Usage Policy; Sexual Harassment Policy; Bullying Policy; and the Mental Health and Wellbeing Policy.
- v. Higher Education Support Act 2003 <https://www.legislation.gov.au/Details/C2020C00078>;
- vi. Tertiary Education Quality and Standards Agency Act 2011 <https://www.legislation.gov.au/Details/C2019C00324>;
- vii. National Vocational Education and Training Regulator Act 2011 <https://www.legislation.gov.au/Details/C2020C00096>;
- viii. Education Services for Overseas Students (ESOS) Act 2000 <https://www.legislation.gov.au/Details/C2020C00039>;
- ix. National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students <https://www.legislation.gov.au/Details/F2017L01182>;
- x. Higher Education Standards Framework (Threshold Standards) 2015 <https://www.legislation.gov.au/Details/F2015L01639>;
- xi. Australian Qualifications Framework (AQF) <https://www.aqf.edu.au/> and,
- xii. Associated Commonwealth and State legislation.

5 Definitions

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

Term	Meaning
Academic Staff	Means the permanent and sessional employees engaged in the teaching and assessment of courses in the Division's colleges and campuses.
Company	Means Navitas Pty Ltd ACN 109 613 309 having its registered office at Level 8, Brookfield Place, Perth, 6000.
Division	Means the group of colleges and campuses that collectively make up the University Partnerships Australasia (UPA) Division Divisional Executive General Manager, Group General Manager or Managing Director of the relevant Company operational area (as appropriate to that division).
Group	Means the Company and all of its subsidiaries.
International Student	Means a student who is required to hold a student visa in order to study in one of the Divisions colleges and/or campuses.
Students	Means those enrolled in units of study at any one of the Division's colleges and campuses.

6 Review

- a) This Policy is tested and reviewed annually by the Director of Learning and Teaching with support from the General Manager, Quality, Compliance and Risk, in line with the IT Security readiness schedule and, any changes to the regulatory compliance requirements, legislation, regulation and guidelines.
- b) This review process aims to ensure alignment to appropriate strategic direction and continued relevance to the Division's current and planned operations.

7 Records Management

a) All records in relation to this document will be managed as follows:

Record type	Owner	Location	Retention	Disposal
Policy	GMQRC	Policy HUB	<p>The Policy is to be retained as a perpetual record.</p> <p>When this version of the Policy is changed following a review process, this version is to be archived in the Policy HUB's archive library.</p>	Archived in secure folder in the Policy HUB's archive store.