1 Purpose and application

(1) These provisions:
   (a) prescribe a transparent process for managing allegations of unprofessional behaviour, as defined in the Sydney Medical School – SMP Statement of Expectations Provisions 2013; and
   (b) constitute standards for the purposes of clause 78(1) of the Coursework Policy 2014

(2) These provisions apply to all students in the Sydney Medical Program.

2 Commencement

These provisions commence on 1 August 2016.

3 Interpretation

In these provisions:

- **academic dishonesty** has the meaning given in the Academic Honesty in Coursework Policy 2015, which at the date of these provisions is:
  seeking to obtain or obtaining academic advantage for oneself or for others (including in the assessment or publication of work) by dishonest or unfair means.

  **Note:** See Part 3 of the Academic Honesty in Coursework Policy 2015 for further examples and explanation.

- **By-law** means the University of Sydney By-Law 1999 (as amended) or any University Rule or policy which may replace it.

- **Dean** means the Dean of Medicine.

- **Director** means any of the co-directors of the Sydney Medical Program.

- **Educational Integrity Coordinator** means the nominated academic to whom the Dean has given responsibility for coordinating and reporting on allegations of plagiarism and academic dishonesty with the Sydney Medical School.

  **Note:** See Academic Honesty in Coursework Policy 2015.
misconduct has the meaning prescribed by clause 54 of the *By-Law*, which at the date of these provisions is:

misconduct includes:

(a) conduct on the part of a student which is prejudicial to the good order and government of the University or impairs the reasonable freedom of other persons to pursue their studies or research in the University or to participate in the life of the University, and

(b) refusal by a student to give satisfactory particulars of the student’s identity in response to a direction to do so by a prescribed officer and any other form of wilful disobedience to a reasonable direction of a prescribed officer.

plagiarism has the meaning given in the *Academic Honesty in Coursework Policy 2015*, which at the date of these provisions is:

presenting another person’s work as one’s own work by presenting, copying or reproducing it without appropriate acknowledgement of the source

Note: For the avoidance of doubt, this includes all plagiarism, dishonest or not.

responsible academic means any member of the academic staff of the Sydney Medical School who is responsible for reviewing allegations of unprofessional behaviour, in accordance with subclause 5(2) of these provisions.

SPSC means the Student Professionalism Support Committee of the Sydney Medical School

Stage means any of the stages of the Sydney Medical Program, which are:

- Stage 1 - Year 1
- Stage 2 - Year 2
- Stage 3 - Years 3 and 4.

Statement of Expectations means the *Sydney Medical School – SMP Statement of Expectations Provisions 2013*.

Sydney Medical Program means the Bachelor of Medicine and Bachelor of Surgery (MBBS) award course or the Doctor of Medicine (MD) award course.

Sydney Medical School means the Faculty of Medicine.

unprofessional behaviour means conduct which breaches the *Statement of Expectations*. 
4 Professional behaviour requirements

(1) The Statement of Expectations prescribes student professional behaviour requirements.

(2) All students must demonstrate appropriate professional behaviour, relative to their Stage, by complying with the Statement of Expectations.

(3) A student who is found to have committed a serious breach of the Statement of Expectations may be asked to show good cause why he or she should be allowed to re-enrol, as provided in clause 78 of the Coursework Policy 2014.

5 Reporting unprofessional behaviour

(1) Any of the following may report an allegation of unprofessional behaviour:
   (a) the SPSC;
   (b) any student;
   (c) any member of academic or professional staff; or
   (d) any affiliate of the Sydney Medical School.

(2) All such reports will be reviewed by the responsible academic.

(3) No person will be subjected to victimisation or adverse action as a result of reporting an allegation of unprofessional behaviour, except for appropriate disciplinary action in relation to a report which is not made in good faith.

(4) A report of alleged unprofessional behaviour will be treated confidentially, subject to the need to provide procedural fairness and any legislative requirements. Information concerning the alleged behaviour will be disclosed on a “need to know” basis, having regard to the Sydney Medical School’s obligations under privacy legislation and as required by the Health Practitioner Regulation National Law (NSW) 2009.

Note: See Privacy Policy 2013 and Privacy Management Plan.

6 Allegations involving academic dishonesty and plagiarism

(1) All allegations involving academic dishonesty and plagiarism must be dealt with in accordance with the Academic Honesty in Coursework Policy 2015.
   (a) The consequences of a determination under that policy may only be those specified in that policy.
   (b) These provisions must not be applied to a matter which has already been determined under that policy.

(2) The responsible academic must refer allegations of academic dishonesty and plagiarism to the relevant Educational Integrity Co-ordinator.
(3) If a report involves both academic dishonesty and plagiarism issues and other professionalism issues, the issues must be separated and those relating to academic dishonesty and plagiarism dealt with under the Academic Honesty in Coursework Policy 2015.

(4) All other allegations of unprofessional behaviour will be addressed in the manner provided in clauses 7 – 9 of these provisions.

7 Preliminary inquiry and assessment.

(1) The responsible academic must:
   (a) formulate a clear description of the alleged unprofessional behaviour;
   (b) form preliminary views of whether the alleged unprofessional behaviour might, if proved:
      (i) constitute a breach of the Statement of Expectations; and
      (ii) constitute misconduct.

(2) Subject always to the requirements of clause 5(4), in forming the preliminary views required by subclause 7(1)(b), the responsible academic may consult with any appropriate person.

(3) If the responsible academic forms the view that the alleged behaviour, even if proved, would not constitute either misconduct or a breach of the Statement of Expectations, the responsible academic must take no further action apart from recording the determination.

(4) If the responsible academic forms the view that the alleged behaviour, if proved, might constitute misconduct, the responsible academic must refer the report to the Registrar.

(5) If the responsible academic forms the view that the alleged behaviour, if proved, might constitute a serious breach of the Statement of Expectations, the responsible academic must refer the report to a Director.

(6) In all other cases, the responsible academic:
   (a) may:
      (i) determine to take no further action;
      (ii) make written recommendations or requirements
      (iii) counsel the student;
      (iv) take such other remedial action as appropriate to the circumstances; or
      (v) refer to a Director if appropriate as stated in Clauses 7(4) and 7(5);
   and
   (b) must make a record of:
      (i) the alleged unprofessional behaviour;
      (ii) the student’s response;
      (iii) any counselling provided; and
(iv) any remedial action taken.

**Note:** All such records are subject to and must comply with clause 5(4) of these provisions, the University Recordkeeping Policy, Privacy Policy 2013, Recordkeeping Manual and Privacy Management Plan.

8 **Notice and interview**

(1) On receipt of a referral under subclause 7(5), a Director will inform the student in writing of:

(a) the alleged unprofessional behaviour, as formulated under subclause 7(1)(a);

(b) the preliminary view formed;

(c) an appointed time and place for an interview to discuss the alleged unprofessional behaviour;

(d) the names or roles of people proposed to be present at the interview;

(e) the student’s entitlement to invite a support person or representative to attend the interview; and

(f) the student’s entitlement to submit relevant documentary materials.

(2) The interview will be conducted by a panel of no more than three senior academic members of Sydney Medical School, including the Director who will chair the interview.

(a) All members of staff or affiliates present must be free of conflicts of interests.

(3) The Director will provide the student with copies of:

(a) any supporting documents necessary for the student to understand and respond to the allegation; and

(b) copies of:

   (i) the Statement of Expectations; and

   (ii) these provisions.

(4) The appointed time for interview must be such as to allow the student a reasonable period of time to consider the allegation and any supporting documents.

(5) The Director must create, and Sydney Medical School will retain, a written record of the interview and copies of relevant documentation.

9 **Determination**

(1) Following the interview, the panel will consider:

(a) the alleged unprofessional behaviour;

(b) any related reported allegations of unprofessional behaviour to which the student has had a reasonable opportunity to respond;

(c) any relevant supporting material, including any material submitted by or on behalf of the student;

(d) any submissions or responses made by or behalf of the student; and

(e) make recommendations to the Director.
(2) The Director will then determine:

(a) whether the alleged behaviour occurred; and if so

(b) whether the student’s behaviour constituted a breach of the Statement of Expectations;

and

(c) record the determinations made.

Note: All such records are subject to, and must comply with, clause 5(4) of these provisions, the University Recordkeeping Policy, Privacy Policy 2013, Recordkeeping Manual and Plan. If the Director determines that the student’s behaviour has not breached the Statement of Expectations, he or she must take no further action apart from recording the determination.

(3) If the Director determines that the student’s behaviour constitutes misconduct, the Director must refer the matter to the Registrar.

(4) If the Director determines that the student’s behaviour constitutes a serious breach of the Statement of Expectations, the Director must refer the matter to the Associate Dean to be dealt with in accordance with Division 6 of Part 15 of the Coursework Policy 2014.

(5) In all other cases the Director:

(a) may:

(i) determine to take no further action:

(ii) counsel the student; or

(iii) take such other remedial action as appropriate to the circumstances; and

(b) must make a record of:

(i) the alleged unprofessional behaviour;

(ii) the student’s response;

(iii) any counselling provided; and

(iv) any remedial action taken.

Note: All such records are subject to, and must comply with, clause 5(4) of these provisions, the University Recordkeeping Policy, Privacy Policy 2013, Recordkeeping Manual and Privacy Management Plan.

10 Rescission and replacement

This document replaces the Sydney Medical School – SMP Professionalism and Satisfactory Progress Provisions 2013, which is rescinded as from the date of commencement of this document.
NOTES

Sydney Medical School - Professionalism Provisions 2016

Date adopted:  1 August 2016
Date commenced:  1 August 2016
Approved by:  Professor Arthur Conigrave, Acting Dean
Signature:

Related documents:  
- Health Practitioner Regulation National Law (NSW) 2009
- Health Records and Information Privacy Act 2002 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)
- University of Sydney By-Law 1999 (as amended)
- University of Sydney (Coursework) Rule 2014
- Academic Honesty in Coursework Policy 2015
- Coursework Policy 2014
- Privacy Policy 2013

Privacy Management Plan

Sydney Medical School – Statement of Expectations Provisions 2013