

# SYDNEY MEDICAL PROGRAM - PROFESSIONALISM PROVISIONS 2016

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## 1 Purpose and application

- (1) These provisions:
- (a) prescribe a transparent process for managing alleged breaches of 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:

<b>AHPRA</b>	means the Australian Health Practitioner Regulation Agency.
<b>Dean</b>	means the Dean of Medicine.
<b>Director</b>	means any of the co-directors of the Sydney Medical Program.
<b>Educational Integrity Coordinator</b>	means the nominated academic to whom the Dean has given responsibility for coordinating and reporting on allegations of plagiarism and academic dishonesty for the Sydney Medical School.  <b>Note:</b> See <a href="#">Academic Honesty in Coursework Policy 2015</a> .
<b>misconduct</b>	has the meaning prescribed by section 2.1 of the <a href="#">University of Sydney (Student Discipline) Rule 2016</a> .
<b>National Law</b>	means the <a href="#">Health Practitioner Regulation National Law (NSW) 2009</a> .
<b>responsible academic</b>	means any member of the academic staff of the Sydney Medical School who is responsible for reviewing alleged breaches of the Statement of Expectations, in accordance with subclause 5(2) of these provisions.
<b>SPSC</b>	means the Student Professionalism Support Committee of the Sydney Medical School

<b>Stage</b>	means any of the stages of the Sydney Medical Program, which are: <ul style="list-style-type: none"><li>• Stage 1 - Year 1</li><li>• Stage 2 - Year 2</li><li>• Stage 3 - Years 3 and 4.</li></ul>
<b>Statement of Expectations</b>	means the <a href="#">Sydney Medical School – SMP Statement of Expectations Provisions 2013</a> .
<b>student</b>	means a person who is currently admitted to candidature in an award course offered by the Faculty.
<b>Student Affairs Unit</b>	means the specialist staff within the office of the Deputy Vice-Chancellor (Registrar) who assist with the resolution of student issues in accordance with University policies and procedures.
<b>Sydney Medical Program</b>	means the Bachelor of Medicine and Bachelor of Surgery (MBBS) award course or the Doctor of Medicine (MD) award course.
<b>Sydney Medical School</b>	means the Faculty of Medicine.

#### 4 Professionalism requirements

- (1) The [Statement of Expectations](#) prescribes student professionalism requirements.
- (2) All students must demonstrate 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 an alleged breach

- (1) Any of the following may report an alleged breach of the [Statement of Expectations](#):
  - (a) the SPSC;
  - (b) any student;
  - (c) any member of academic or professional staff; or
  - (d) any affiliateof 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 alleged breach.
- (4) Subject to subclause (5), information concerning an alleged breach will be treated confidentially and will be disclosed on a “need to know” basis, having regard to the Faculty’s obligations under privacy legislation.

**Note:** See [Privacy Policy 2013](#) and [Privacy Management Plan](#).

- (5) The responsible academic or Director may disclose information about the alleged breach in order to:
  - (a) investigate the alleged breach;
  - (b) provide procedural fairness;
  - (c) ensure the health and safety of students, academics, clinicians, Faculty staff, local health district staff and members of the public; or
  - (d) comply with the University's legal requirements, including its obligations under the National Law and the *Government Information (Public Access) Act 2009*.

## 6 Allegations about matters other than a professionalism breach

- (1) Allegations that primarily concern an alleged breach of the [Academic Honesty in Coursework Policy 2015](#) must be handled by the relevant Educational Integrity Coordinator in accordance with that policy.
- (2) Allegations that primarily concern:
  - (a) an alleged breach of the [Bullying, Harassment and Discrimination Prevention Policy 2015](#); or
  - (b) matters other than a breach of the [Statement of Expectations](#);must be referred to the Student Affairs Unit for handling in accordance with the relevant policy and procedure.
- (3) These provisions must not be used to address a matter that is being, or has already been, handled in accordance with another University procedure.

## 7 Preliminary inquiry and assessment.

- (1) The responsible academic must:
  - (a) formulate a clear description of the alleged breach;
  - (b) form preliminary views of whether the alleged breach 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 Deputy Vice-Chancellor (Registrar) for handling in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#).
- (5) If the responsible academic forms the view that the alleged behaviour, if proved, might constitute criminal conduct, they must refer the allegation to the Office of

General Counsel for consideration of whether the matter should be referred to the police.

- (6) 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.
- (7) 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; or
    - (iv) take such other remedial action as appropriate to the circumstances;and
  - (b) must make a record of:
    - (i) the alleged breach;
    - (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(6), a Director will inform the student in writing of:
  - (a) the alleged breach, 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 breach;
  - (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 breach;
  - (b) any related reported allegations of a breach of the [Statement of Expectations](#) 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 Deputy Vice-Chancellor (Registrar) for handling in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#).
- (4) If the Director forms the view that the student's behaviour might constitute criminal conduct, they will refer the alleged breach to the Office of General Counsel for consideration of whether the matter should be referred to the police.
- (5) 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 clause 78 of the [Coursework Policy 2014](#)
- (6) 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 breach;
  - (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 Plan.

## 10 Professional reporting obligations

- (1) If the responsible academic or Director forms a reasonable belief that the student has behaved in a way that constitutes notifiable conduct under the National Law, the responsible academic or Director must notify the Student Affairs Unit before making a notification to AHPRA or the Medical Council of New South Wales.
- (2) The Student Affairs Unit will review the matter, including seeking advice from the Office of General Counsel where appropriate, and consult with the responsible academic or Director regarding the notification.
- (3) If a notification is considered appropriate, such notification can be made without obtaining the prior response of the student to the alleged conduct where obtaining such response may:
  - (a) prejudice an external investigation;
  - (b) place a person's health or safety at risk; or
  - (c) place a person at risk of intimidation or victimisation.

## 11 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 Program - Professionalism Provisions 2016

Date adopted: 1 August 2016

Date commenced: 1 August 2016

Date amended: 19 June 2017, to commence 1 July 2017

Approved by: Professor Arthur Conigrave, 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 (Coursework) Rule 2014*

*University of Sydney (Student Discipline) Rule 2016*

*Academic Honesty in Coursework Policy 2015*

*Coursework Policy 2014*

*Privacy Policy 2013*

*Privacy Management Plan*

*Sydney Medical School – Statement of Expectations Provisions  
2013*

## **AMENDMENT HISTORY**

<b>Provision</b>	<b>Amendment</b>	<b>Commencing</b>
Various	Various amendments to reflect University complaints handling policies and procedures	1 July 2017