

FACULTY OF MEDICINE AND HEALTH - PROFESSIONALISM PROVISIONS 2019

1 Purpose and application

- (1) These provisions:
- (a) prescribe a transparent process for managing alleged breaches of the *Faculty of Medicine and Health - Professionalism Requirements Provisions 2019*; 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 Faculty.

2 Commencement

These provisions commence on 1 January 2020.

3 Interpretation

In these provisions:

AHPRA	means the Australian Health Practitioner Regulation Agency.
Associate Dean	means the relevant Associate Dean of the Faculty.
co-ordinator	means, as appropriate to the relevant award course, the academic co-ordinator, the academic year co-ordinator or the post-graduate co-ordinator.
counsel	means to provide advice, guidance or direction about compliance with the Professionalism Requirements, and may include giving a warning, where appropriate in the circumstances.
Educational Integrity Coordinator	means the nominated academic(s) to whom the Executive Dean, Head of School and Dean, or Head of School (as relevant) has given responsibility for coordinating and reporting on allegations of plagiarism and academic dishonesty.
	Note: See Academic Honesty in Coursework Policy 2015 .
Faculty	means the Faculty of Medicine and Health.
misconduct	has the meaning prescribed by section 2.1 of the University of Sydney (Student Discipline) Rule 2016 .
National Law	means the Health Practitioner Regulation National Law (NSW) 2009 .

Professionalism Requirements	means the <i>Faculty of Medicine and Health - Professionalism Requirements Provisions 2019</i> .
School	means, as applicable, the: <ul style="list-style-type: none"> • School of Dentistry; • School of Health Sciences; • School of Medical Sciences; • School of Medicine; • School of Nursing and Midwifery; • School of Pharmacy; • School of Public Health.
serious breach	has the meaning prescribed in clause 10.
student	means a person who is currently admitted to candidature in an award course offered by the Faculty.
School Student Professionalism Committee	means a Student Professionalism Sub-Committee of a School, established in accordance with subsection 4.5(4) of the University of Sydney (Governance of Faculties and University Schools) Rule 2016 .
Student Affairs Unit	means the specialist staff within the office of the Registrar who assist with the resolution of student issues in accordance with University policies and procedures.
Student Professionalism Advisory Committee	means the Student Professionalism Advisory Committee of the Faculty of Medicine and Health.

4 Professionalism requirements

- (1) The *Faculty of Medicine and Health - Professionalism Requirements Provisions 2019* prescribe student professionalism requirements.
- (2) All students must demonstrate professional behaviour, by complying with the Professionalism Requirements.
- (3) A student who is found to have committed a serious breach of the Professionalism Requirements may be asked to show good cause why they should be allowed to re-enrol, as provided in clause 78 of the [Coursework Policy 2014](#).

5 Reporting an alleged breach

- (1) Any person may, by notice in writing to the relevant co-ordinator, report an alleged breach of the Professionalism Requirements.
- (2) No person will be subjected to victimisation or adverse action as a result of reporting an alleged breach.
- (3) Subject to subclause (4), 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](#).

- (4) The relevant co-ordinator, the Chair of the School Student Professionalism Committee or the Associate Dean 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, health care providers, Faculty staff, local health district staff, patients 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](#);
 - (b) an alleged breach of the [Student Sexual Assault and Sexual Harassment Policy 2018](#); or
 - (c) matters other than a breach of the Professionalism Requirements;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) When a co-ordinator becomes aware of an alleged professionalism breach, they must:
 - (a) formulate a clear description of the alleged conduct;
 - (b) form a preliminary view of whether the alleged conduct might, if proved:
 - (i) constitute a breach of the Professionalism Requirements;
 - (ii) constitute a breach of a University policy; or
 - (iii) constitute misconduct.
- (2) Subject to the requirements in clause 5(4), in forming the preliminary views required by subclause 7(1)(b), the co-ordinator may consult with any appropriate person, including but not limited to students, academics, clinicians, health care providers, and Faculty and local health district staff.

- (3) If the co-ordinator forms the view that the alleged conduct, if proven, would not constitute a breach of the Professionalism Requirements, a breach of another University policy, or misconduct, the co-ordinator:
 - (a) will take no further action; and
 - (b) will make a record of the alleged breach, the student's response and the outcome in the University's student record keeping system.
- (4) If the co-ordinator forms the view that the alleged conduct, if proved, might constitute a breach of the Professionalism Requirements, they will follow the steps in clause 8 and 9.
- (5) If the co-ordinator forms the view that the alleged conduct, if proved, might constitute a serious breach of the Professionalism Requirements, they must refer the report to the Chair of the School Student Professionalism Committee, which will follow the steps in clause 8 and 9.
- (6) If the co-ordinator forms the view that the alleged conduct, if proven, might constitute a breach of a University policy, they must refer the allegation to the Student Affairs Unit.
- (7) If the co-ordinator forms the view that the alleged conduct, if proven, might constitute misconduct, they must refer the allegation to the Registrar for handling in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#).
- (8) If the co-ordinator forms the view that the alleged conduct, if proven, 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.
- (9) Subclauses 7(5) to 7(8) are not mutually exclusive.

8 Notice and interview

- (1) The co-ordinator or the Chair of the School Student Professionalism Committee will inform the student in writing of:
 - (a) the alleged conduct, as formulated under subclause 7(1)(a);
 - (b) the alleged breach of the Professionalism Requirements;
 - (c) an appointed time and place for an interview to discuss the alleged conduct;
 - (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 or other materials.
- (2) The co-ordinator or Chair of the School Student Professionalism Committee will provide the student with copies of:
 - (a) any supporting information necessary for the student to understand and respond to the alleged breach;
 - (b) the Professionalism Requirements; and
 - (c) these provisions.
- (3) The notice required by subclause 8(1)(c) must allow the student a reasonable period of time to consider the alleged breach and any supporting information.

- (4) If the alleged breach has been referred to the Chair of the School Student Professionalism Committee, the interview will be conducted by a Committee constituted in accordance with clause 14.
- (5) If the alleged breach has not been referred to the Chair of the School Student Professionalism Committee, the interview will be conducted by the co-ordinator, who may invite one other staff member of the School.
- (6) The co-ordinator or Chair of the School Student Professionalism Committee will keep a written record of the interview and copies of relevant documentation in the University's student record keeping system.
Note: See [University Recordkeeping Policy](#) and [Recordkeeping Manual](#).
- (7) If, following receipt of the notice required by clause 8(1), the student admits the alleged conduct and the alleged breach of the Professionalism Requirements, and:
 - (a) the breach is not a serious breach, the co-ordinator or the Chair of the School Student Professionalism Committee:
 - (i) may take no further action; or
 - (ii) may counsel the student or require the student to undertake remedial action, as appropriate in the circumstances; and
 - (iii) must make a record of the alleged breach, the student's response and any counselling or remedial action in the University's student record keeping system;
 - (b) the breach is a serious breach, the Chair of the School Student Professionalism Committee:
 - (i) may take no further action; or
 - (ii) may counsel the student or require the student to undertake remedial action, as appropriate in the circumstances; and
 - (iii) must make a record of the alleged breach, the student's response and any counselling or remedial action in the University's student record keeping system; or
 - (iv) may recommend to the Associate Dean that the student be asked to show good cause, in accordance with clause 78 of the [Coursework Policy 2014](#).

9 Determination

- (1) The co-ordinator or School Student Professionalism Committee will consider:
 - (a) the alleged conduct;
 - (b) any related alleged conduct to which the student has had a reasonable opportunity to respond;
 - (c) the alleged breach;
 - (d) any relevant material, including any material:
 - (i) from witnesses; or
 - (ii) submitted by or on behalf of the student; and
 - (e) any submissions or responses made by or behalf of the student.

- (2) The co-ordinator or School Student Professionalism Committee will then determine:
 - (a) whether the alleged conduct occurred; and
 - (b) whether the alleged breach of the Professionalism Requirements occurred.
- (3) If the co-ordinator or School Student Professionalism Committee determines that the student has not breached the Professionalism Requirements, they:
 - (a) will take no further action; and
 - (b) will make a record of the alleged breach, the student's response, and the determination in the University's student record keeping system.
- (4) If the co-ordinator determines that the student has breached the Professionalism Requirements, the co-ordinator:
 - (a) may counsel the student; or
 - (b) may require the student to undertake remedial action as appropriate; and
 - (c) must make a record of the breach, the determination and any counselling or remedial action in the University's student record keeping system.

Note: See [University Recordkeeping Policy](#) and [Recordkeeping Manual](#).
- (5) The co-ordinator may take into account any previous breaches of the Professionalism Requirements when deciding whether to counsel the student or to require them to undertake remedial action.
- (6) If the School Student Professionalism Committee determines that the student has breached the Professionalism Requirements, but the breach is not serious, the Chair of the Committee:
 - (a) may counsel the student;
 - (b) may require the student to undertake remedial action as appropriate; and
 - (c) must make a record of the breach, the determination and any counselling or remedial action in the University's student record keeping system.

Note: See [University Recordkeeping Policy](#) and [Recordkeeping Manual](#).
- (7) The School Student Professionalism Committee may take into account any previous breaches of the Professionalism Requirements when deciding whether to counsel the student or to require them to undertake remedial action.
- (8) If the School Student Professionalism Committee determines that the student has breached the Professionalism Requirements, and the breach is serious, the Chair of the Committee will recommend to the Associate Dean that the student be asked to show good cause, in accordance with clause 78 of the [Coursework Policy 2014](#).
- (9) If the School Student Professionalism Committee determines that the student's conduct might constitute a breach of a University policy, they must refer the allegation to the Student Affairs Unit.
- (10) If the School Student Professionalism Committee determines that the student's conduct might constitute misconduct, they must refer the allegation to the Registrar for handling in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#).
- (11) If the School Student Professionalism Committee determines that the student's conduct might constitute criminal conduct, they must refer the alleged breach to the Office of General Counsel for consideration of whether the matter should be referred to the police.

10 Meaning of 'serious breach'

- (1) A 'serious breach' of the Professionalism Requirements is a breach that raises reasonable concerns about a student's:
 - (a) ability to safely participate in the course;
 - (b) ability to safely attend clinical placements or other professional experience placements;
 - (c) suitability and fitness to participate in the course, including clinical placements or other professional experience placements; or
 - (d) ability to manage their own mental and physical wellbeing.
- (2) When determining whether a breach is serious, the Student Professionalism Committee will have regard to all relevant circumstances, including:
 - (a) potential risks of the student's continuing participation in the course, including risk of harm to themselves or to others;
 - (b) any internal or external complaints about the student's conduct;
 - (c) any drug or alcohol misuse;
 - (d) any serious health issues, including:
 - (i) acute or chronic mental or physical illness;
 - (ii) infectious diseases, including transmissible blood-borne viral infections;
 - (e) the student's attendance record, including unexplained absences;
 - (f) any serious criminal charges or convictions; and
 - (g) any previous breaches of the Professionalism Requirements.

11 Interim measures

- (1) Interim measures should not be interpreted as anticipating or revealing the outcome of any inquiry, assessment or determination to be made in accordance with these provisions.
- (2) In order to minimise the potential for harm to any person, the co-ordinator may take interim measures against a student in response to an alleged breach of the Professionalism Requirements.
- (3) As an interim measure, the co-ordinator may:
 - (a) restrict a student's access to particular classes;
 - (b) prohibit a student from attending a clinical placement or other professional experience placement; or
 - (c) prohibit a student from speaking to or approaching another person (including by social media, email, letter or through a third party);for such period and on such terms as the co-ordinator considers necessary.
- (4) Interim measures must be:
 - (a) taken on a case-by-case basis;
 - (b) set for a fixed period of time; and
 - (c) reasonable and proportionate;

- having regard to the seriousness and circumstances of the alleged breach.
- (5) Interim measures may be taken summarily, and the co-ordinator:
 - (a) is not required to provide a hearing to the student before making a decision; and
 - (b) may inform themselves in relation to any matter in any manner that they think fit.
 - (6) Interim measures will continue to apply until they:
 - (a) are revoked or varied by the co-ordinator; or
 - (b) expire in accordance with their terms.
 - (7) A co-ordinator who exercises their power to impose interim measures on a student in accordance with this clause must, within 24 hours:
 - (a) notify the Associate Dean and the Head of the relevant School; and
 - (b) provide a written notice to the student:
 - (i) specifying the terms of the interim measures;
 - (ii) specifying the period of the interim measures;
 - (iii) summarising the reasons for the interim measures; and
 - (iv) providing a copy of, or an electronic link to, these provisions.

12 Review of interim measures

- (1) A student who is the subject of interim measures may seek an internal review of those measures by the Associate Dean.
- (2) Applications for internal review of interim measures must be lodged:
 - (a) in writing to the Associate Dean;
 - (b) within 5 working days of the date on which written notice of the interim measures was provided to the student.
- (3) Any internal review will be:
 - (a) conducted on the basis of the written material; and
 - (b) limited to a review of the terms, period and reasons for taking the interim measures.
- (4) Where reasonable, the Associate Dean will review the interim measures within 10 working days of the application for review.
- (5) Where 10 days is not reasonable, the Associate Dean will advise the student of the reasons for the delay, and the projected timeframe for completion of the internal review.
- (6) At the conclusion of the internal review, the Associate Dean will provide the student with a written statement of the outcome of the review, including reasons.
- (7) Nothing in these provisions affects the power of:
 - (a) the Registrar to suspend a student in accordance with the [University of Sydney \(Student Discipline\) Rule 2016](#); or
 - (b) a University representative to issue a Termination of License Notice in accordance with the [University of Sydney \(Campus Access\) Rule 2009](#).

13 Student Professionalism Advisory Committee

- (1) The role of the Student Professionalism Advisory Committee is to:
 - (a) promote consistency in the handling of student professionalism matters across the Faculty;
 - (b) oversee and provide guidance to the School Student Professionalism Committees;
 - (c) monitor and evaluate the operation and effectiveness of these provisions, and make recommendations for revision, as appropriate;
 - (d) monitor the currency and efficacy of the Professionalism Requirements and make recommendations for revision, as appropriate; and
 - (e) report to the Faculty Board on student professionalism.
- (2) The Committee will comprise:
 - (a) the Associate Dean (Education), or their nominee, who will convene and chair Committee meetings; and
 - (b) the Chairs of the School Student Professionalism Committees, or their nominees.
- (3) The Committee may develop guidelines for the handling of student professionalism matters, including:
 - (a) the assessment and classification of different types of professionalism breaches; and
 - (b) what constitutes a serious breach of the Professionalism Requirements.

14 School Student Professionalism Committee

- (1) The role of the School Student Professionalism Committee is to hear and determine alleged breaches of the Professionalism Provisions, in accordance with these provisions.
- (2) Each School Student Professionalism Committee will comprise:
 - (a) a Chair, appointed by the Head of School and Dean, or Head of School (as relevant);
 - (b) a member selected by the Chair from a panel of no less than two and no more than four academic staff of the School, appointed by the Head of School and Dean, or Head of School (as relevant); and
 - (c) an academic staff member from another School, selected by the Chair, who may but need not be the person appointed to chair student professionalism committee meetings in the other School.
- (3) A person must not be selected as a member of a School Student Professionalism Committee if:
 - (a) they have been directly involved in managing the alleged breach of the Professionalism Provisions; or
 - (b) they have an actual or perceived conflict of interests.
- (4) The Chair will convene a meeting of the School Student Professionalism Committee whenever an alleged breach of the Professionalism Requirements is referred to them in accordance with clause 7.

- (5) The Chair of a School Student Professionalism Committee must participate as a member in at least one student professionalism committee meeting held in another School each year.

15 Professional reporting obligations

- (1) If the co-ordinator, the Student Professionalism Committee or the Associate Dean forms a reasonable belief that the student has behaved in a way that constitutes notifiable conduct under the National Law, they must notify the Student Affairs Unit before making a notification to AHPRA.
- (2) The Student Affairs Unit will review the matter, including seeking advice from the Office of General Counsel where appropriate, and consult with the co-ordinator or Student Professionalism Committee 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.

16 Faculty reporting obligations

- (1) Each School will provide a de-identified report of student professionalism breaches to the Student Professionalism Advisory Committee biannually.
- (2) The Student Professionalism Advisory Committee will provide a de-identified report of student professionalism breaches to the Faculty Board annually.

NOTES

Faculty of Medicine and Health – Professionalism Provisions 2019

Date adopted: 8 October 2019

Date registered: 24 October 2019

Date commenced: 1 January 2020

Approved by: Professor Robyn Ward, Executive Dean

Signature:

Rescinded documents: *Faculty of Dentistry – Professionalism Expectations Provisions 2015*

Faculty of Dentistry – Professionalism Provisions 2017

Faculty of Pharmacy – Professionalism Expectations Provisions 2017

Faculty of Pharmacy – Professionalism Provisions 2017

Sydney Medical School – SMP Professionalism Provisions 2016

Sydney Medical School – SMP Professionalism Requirements Provisions 2017

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)

Schedule 3, Public Health Regulation 2012 (NSW)

University of Sydney (Coursework) Rule 2014

University of Sydney (Student Discipline) Rule 2016

Academic Honesty in Coursework Policy 2015

Bullying, Harassment and Discrimination Prevention Policy 2015

Coursework Policy 2014

Privacy Policy 2017

Privacy Management Plan

Recordkeeping Policy 2017

Recordkeeping Manual

Student Sexual Assault and Sexual Harassment Policy 2018

Faculty of Medicine and Health - Professionalism Requirements Provisions 2019

AMENDMENT HISTORY

Provision Amendment

Commencing