

Misconduct Policy

RTO Number 90198

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| Related Policies | Complaints and Appeals Internal Appeals External Appeals |
| Related Procedures | Misconduct Complaints Internal Appeal External Appeal |
| Forms and supporting documents | Student Handbook Trainer and Assessor Handbook Program Guides Complaint Form Appeal Form RTOEO Misconduct Register |
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DOCUMENT HISTORY

| Version | Issued | Author | Reason for Change |
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| 1.0 | January 2022 | RTOEO | New Policy and Procedure |
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Issued by the Executive Manager, NSW Health RTO under the authority of the Chief Executive (CE)

Definitions

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| Misconduct | Behaviour or conduct which seriously or repeatedly breaches expected standards. The terms 'minor misconduct' and 'substantial misconduct' in the Policy indicate NSW Health RTO's view of the gravity of the impact of the alleged breach of the Policy. |
| Minor Misconduct | Low level behaviour that is judged by the RTO to be a minimal act or minimal threat to the integrity, honesty and ethical practice. |
| Substantial Misconduct | Behaviour that is judged by NSW Health RTO to be either/or a: <ul style="list-style-type: none"> - Significant threat to the integrity, honesty and ethical practice. - Behaviour where the student's level of experience might reasonably be interpreted as evidence that the student was aware that the behaviour was not in keeping with standards or practices related to ethical practice. <p>The following instances of alleged misconduct will always be treated as 'substantial misconduct':</p> <ul style="list-style-type: none"> • Once a student has been found to have committed minor or substantial misconduct, any subsequent allegation, unless the student is still in their first session of study and that is judged by the RTO to be a mitigating factor; • All allegations of repeated misconduct in assessment including examinations; and • All allegations of collusion provided students have been given clear instructions about the nature and extent of collaboration that is permissible in group work. • Where a student has committed an act that requires referral to the police. |
| Procedural Fairness | The guiding principles for ensuring a fair and just process. Respondents are provided with an opportunity to respond and be heard; decision makers are free from bias and decisions are based upon factual and credible evidence. |
| Program | AQF Qualification, Skill Set, Skill Cluster and standalone Unit of Competency Or any other RTO Training run by NSW Health RTO or it's delivery sites. |
| RTO | Registered Training Organisation |
| RTOEO | NSW Health RTO Executive Office |
| SRP | Student Review Panel |
| DSD | Delivery Site Director |
| VET | Vocational Education and Training |

Purpose

This Policy is a key component of the NSW Health RTO approach to students' ethical conduct during their enrolment. This includes the educational aspects of studying ethically, learning the ethical requirements of the professions, as well as understanding the policies that govern ethical behaviour.

Scope

- This policy applies to all students enrolled with NSW Health RTO. Poor performance due to Academic Progression is addressed in the Academic Progress Policy and Procedures.
 - This Policy:
 - Defines the actions that constitute misconduct by students
 - Only applies to alleged or proven misconduct, as defined in this Policy
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Policy

1. This policy should be read in conjunction with the NSW Health Code of Conduct. All NSW Health RTO staff and students are bound by the NSW Health Code of Conduct. A breach of the Code of Conduct by a student may result in an allegation of student misconduct.
https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2015_049.pdf
2. NSW Health RTO is committed to academic integrity, honesty and the promotion of ethical actions and behaviour. It is expected that RTO students and staff respect these values and practices.
3. This policy and associated procedure define the actions that constitute misconduct by all NSW Health RTO students and outlines the process for investigating allegations of student misconduct. It also describes the potential consequences should an allegation be proven.
4. Misconduct by NSW Health staff who are also students enrolled in NSW Health RTO programs are managed by both this policy and the NSW Health Policy Directive Managing Misconduct (or other relevant NSW Health policy directives) and referred to local Human Resources, where appropriate.
https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2018_031.pdf
5. All allegations of bullying will be managed in line with the NSW Health Prevention and Management of Bullying in NSW Health Policy Directive PD2021_030
https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2021_030.pdf
6. Prevention and management of violence, including any threatening behaviours will be managed in line with the NSW Health Workplace – A Zero Tolerance Approach Policy Directive, PD2015_001.
https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2015_001.pdf
7. NSW Health will ensure the health and safety of all staff, students and other stakeholders. Where there is an act that is considered to be threatening or of potential harm by students to the health and welfare of RTO stakeholders, those students will be removed immediately from the premises and suspended from their studies, including clinical placements until the matter is investigated.
8. All allegations of student misconduct will be investigated in a manner that is fair, consistent and transparent providing all concerned with an opportunity to be heard.

9. Potential misconduct must be treated seriously and an initial review of any apparent or potential misconduct must take place without delay.
10. Program staff will not, at any time, make any promises or pre-empt any investigations, decisions and outcomes.
11. An up to date Register of Misconduct matters must be maintained in a timely manner.
12. Examples of Misconduct include, but are not limited to:
 - 12.1 Cheating
 - (a) cheating or acting dishonestly in any way; or
 - (b) assisting other student to cheat or act dishonestly in any way; or
 - (c) seeking assistance from others in order to cheat or act dishonestly; or
 - (d) attempting (a) or (b) or (c) in an examination, test, assignment, essay or any other assessment task that a student undertakes as part of the educational requirements of the course in which the student is enrolled;
 - 12.2 Collusion - Unauthorised collaboration between students, for example, it could be where two students collaborate on a piece of work with the intention that at least one of them passes the work off as their own.
 - 12.3 Accessing or using another person's work by theft or other unauthorised means;
 - 12.4 Using, or attempting to use, any material or equipment that is not specified on an examination paper for use in the examination;
 - 12.5 Plagiarising - to seek to gain an advantage by unfair means i.e. Taking and using someone else's ideas or manner of expressing them and passing them off as his or her own by failing to give appropriate acknowledgement of the source;
 - 12.6 Acting in contravention of any official statement that defines acceptable academic practice;
 - 12.7 Contravening any provision of the program rules, code of conduct, policies, procedures, directives, guidelines and any other form of regulation of the RTO;
 - 12.8 Breach of confidentiality or privacy requirements or obligations in respect of the RTO or its staff, students or other relevant parties;
 - 12.9 Unreasonably interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of the program;
 - 12.10 Bullying, harassing or engaging in any other form of improper or discriminatory behaviour towards another student, an RTO staff member, a visitor to the RTO, or any other person; such misconduct may relate, but is not limited, to race, ethnic or national origin, gender, marital status, sexual preference, disability, age, political conviction or religious belief;
 - 12.11 Intimidating or assaulting another student, RTO staff, or any other person on RTO premises or premises where NSW Health RTO training is taking place;
 - 12.12 Behaving disgracefully, improperly or inappropriately:
 - (a) in a class, meeting or other activity in or under the control or supervision of the RTO; or
 - (b) on RTO premises or facilities; or
 - (c) on any other RTO premises or facilities.

- 12.13 Publishing material which is abusive, offensive, vilifying, harassing, discriminatory or inappropriate about the RTO, another student, or an RTO staff member, in any forum or media, including but not limited to print, internet, social media, email, digital or electronic communications and broadcasting forums;
- 12.14 Failing to comply with the prescribed provisions relating to the student's placement, place of learning or place of business;
- 12.15 Knowingly making any false or misleading representation about things that concern the student as a student of the RTO
- 12.16 Knowingly making any false or misleading representation in relation to funding;
- 12.17 Fabrication, falsification or misleading representation of data or results;
- 12.18 Wilful concealment or a facilitation of research misconduct by others;
- 12.19 Altering or attempting to alter any document or record of the RTO, or causing or attempting to cause any unauthorised alteration of such a document or record;
- 12.20 Altering or falsifying any document that the RTO requires of the student (e.g. medical certificate, professional authority form or other supporting documentation);
- 12.21 Impersonating another student, or arranging for anyone to impersonate a student, in an examination, assessment task, an assessment requirement or in any other RTO related activity;
- 12.22 Misusing any RTO facility in a manner which is illegal or will be detrimental to the rights or property of others;
- 12.23 Stealing, destroying, damaging or causing loss or cost in respect of a facility or property of the RTO, or any other property of any other person within the RTO premises;
- 12.24 Sexual harassment, any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature;
- 12.25 Indecent assault, which for the purposes of these Rules is any assault that has a sexual connotation.
- 12.26 Failing to comply with the prescribed provisions relating to the student's placement, place of learning or place of business.

NSW Health

Registered Training Organisation

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