



THE AUSTRALASIAN
COLLEGE OF
PHLEBOLOGY

Academic & Non-Academic Misconduct Policy

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PURPOSE

The purpose of this policy is to provide information that enables the ACP to apply a fair, equitable, consistent and transparent approach to dealing with alleged cases of academic and non-academic misconduct for programs offered by the ACP.

SCOPE

This policy is applicable to all staff, trainees, students and fellows enrolled in and/or delivering education and professional development programs offered by the College and is run in conjunction with policies and procedures where trainees/fellows/students are employed.

DEFINITIONS

Collaboration: is authorised cooperative work between individuals and may include activities such as: work produced as part of an authorized group exercise/assignment; discussion about a particular assessment item/content prior to submission

Collusion: refers to unauthorized collaboration on assessment tasks whereby work completed by one or more people is presented as one person's. It also includes allowing work to be copied from one individual and be submitted by another as their own, or payment to a third party for completing academic on behalf of the student.

Plagiarism: refers to a person using the work or ideas of another person, whether intentionally or not, and presenting this as their own without clear acknowledgement of the source of the work or ideas.

Student: in this policy refers to any individual (e.g. trainees, non ACP Fellows and ACP Fellows enrolled in education and professional development programs offered by the College).

PRINCIPLES OF DEALING WITH ALLEGED CASES OF MISCONDUCT

- Each case of alleged misconduct is dealt with on its merits and in accordance with this policy.
- Fairness and equity will be applied with regard to privacy and the principles of natural justice and procedural fairness.
- Knowledge of a student's previous behaviour will not be assumed to be evidence that they have acted in the same manner again. Such knowledge may be considered relevant to the penalty that may be imposed.
- Students are to be informed of their rights and responsibilities in relation to academic misconduct and its investigation.

WHAT IS AN ACT OF MISCONDUCT?

An act of misconduct can be academic or non-academic in nature.

Academic misconduct

Academic misconduct refers to any form of dishonesty related to the delivery of program material or assessment. It includes, but is not limited to:

- submitting fraudulent documents to gain admission to an ACP program
- acts of plagiarism or collusion
- activities that may impair the learning or assessment performance of others
- actions which are contrary to the instructions given by ACP at an exam or other teaching and learning activity
- the removal or attempted removal (either physical or electronic) of examination materials from the examination environment.
- interfering with the freedom of others to pursue their studies.
- gross insubordination or wilful disobedience in carrying out lawful requirements of the Training Program.

Non-academic misconduct

Non-academic misconduct is any action relating to people or property, which is contrary to the generally accepted standards expected by ACP. It may include, but is not limited to:

- behaving inappropriately in an activity under supervision or direction by ACP, or failure to comply with College Direction or Requirement
- misusing, stealing, destroying or damaging any property belonging to the ACP, other students or the training facility
- Falsification of training records, patient documentation or patient treatment notes or altering or defacing any document or record belonging to ACP
- Abusive, violent, threatening or obscene behaviour.
- Harassing, bullying, discriminating or intimidating student or staff members because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, religious beliefs or political conviction or for any other reason
- Bribery, intimidation or favouritism by anyone in the College to gain a favourable outcome in College activities
- being under the influence of alcohol or drugs while at work.
- the use/distribution of prohibited or illegal substances at ACP accredited premises
- Fraudulent conduct, theft, fraud or misappropriation of funds or submission of fraudulent documentation.
- Bringing the College's name into disrepute, as determined by the BoD
- Abandonment of employment or training post.
- Being found guilty of a criminal offence which results in a jail term or on restrictions being placed on their ability to practice medicine.
- placing others at potential threat to their own health and safety. Where there is a breach of patient safety or potential breach of safety to others or self, the student will be suspended immediately from the Postgraduate and/or Training Program without prejudice to any subsequent investigation.
- Failure to satisfy medical registration or employment requirements
- Failure to pay outstanding training fees/monies.

SUSPECTED CASES OF ACADEMIC MISCONDUCT

Stage 1: Notification

If a staff member/instructor/SOT/DOT/supervisor/assessor/student/trainee or other person suspects a case of Academic Misconduct they are required to inform Executive Manager within five (5) working days via email or written form. The report must contain:

- who was involved;
- when the event occurred;
- the nature of the event;
- any action taken;
- other information deemed relevant.

Stage 2: Investigation

1. The Executive Manager, the Dean of Education and two representatives from the Board of Education will form a Misconduct Committee to conduct an initial investigation into the alleged incident. This will normally take no longer than ten (10) working days.
2. If the initial investigation reveals no misconduct or that the allegations are not substantiated the person will be notified by the Hon Sec within five (5) working days of the initial investigation concluding.
3. If the initial investigation finds that the allegations are substantial, further investigations will be undertaken. The person will be notified by the Hon Sec with five (5) working days of the initial investigation concluding. The person will be informed that an interview will take place and will be informed of the meeting details no less than ten (10) working days in advance of the date of the meeting. Intention to attend and any written submissions to the meeting must be received by the Executive Manager no later than 48 hours before the scheduled meeting.
4. The Misconduct Committee, including the Dean, will interview the person accused of misconduct. The Executive Manager will take minutes of the meeting. The interview may occur by teleconference or in person and the person may bring a support person to the interview, but not a practicing solicitor or barrister. Assessment results may be withheld until all proceedings relevant to the allegation have been finalized, however training may continue.
5. If the person having been duly notified declines or fails to attend the meeting, the Board of Education may nevertheless consider the student's performance and may make a recommendation to the BoD.
6. Minutes of the meeting must be agreed to by all parties and be provided to the candidate within ten days of the meeting so they may respond within ten (10) working days.
7. The interview panel will review the notes and make a recommendation (including penalty) to the full Board of Education which will then make a recommendation to the BoD for discussion at the next meeting available meeting, or within one month.
8. The Dean may not participate in the BoD decision but may provide additional and/or clarifying information.
9. The Hon Sec will write a letter to the person outlining the decision reached by the BoD within five (5) working days of the decision being made. This will provide a summary of the process and the decision reached.
10. Where applicable, the employing authority including the hospital, any private employer, the relevant health service (as applicable), must be kept informed and be provided with the opportunity to contribute to the decision making process should they wish. The employing authority will be advised of the BoD decision.

Stage 3: Penalty

Penalties imposed are to be appropriate to the nature of the Act of Misconduct established by the evidence. The decision on the penalty will take into account, but is not limited to:

- whether the act was intentional or unintentional
- any previous discipline record of the person
- whether or not there were any extenuating circumstances or mitigating factors
- the impact of the act of misconduct
- the benefit derived from the misconduct by the person
- any other similar cases or precedent of student disciplinary and their outcomes.

Penalties for Acts of Academic Misconduct

One or more of the following penalties may be imposed on the student:

- a formal caution or reprimand
- counselling with a probationary period (which may require regular reporting to nominated supervisor/mentor)
- modified training/study conditions, including a requirement to undertake additional training
- loss of accreditation of one or more years training, or pro rata
- suspension from a course of study for a period of time
- dismissal from the relevant Training Program or course
- a deduction of all or a specific number of marks for the assessment item
- the imposition of a maximum allowable grade (i.e. 'Pass' grade) for the assessment
- a requirement to complete additional assessment tasks
- a requirement to undertake supplementary assessment with all costs to be borne by the student
- the awarding of a 'fail' grade relating to that assessment item or subject.
- to make good any damage caused by the student to the property, performance or standing of the institution, a staff member or another student.

- expulsion from college membership in the case of extraordinary or repeated misconduct Should the student fail to comply with or complete remedial action as outlined in a letter from the Hon Sec they will be dismissed from the relevant Training Program.

One or more of the following penalties may be imposed on an instructor, supervisor or fellow:

- A formal caution or reprimand
- Counseling with a probationary period
- Suspension of training centre status
- Expulsion from the College.

SUSPECTED CASES OF NON-ACADEMIC MISCONDUCT

Suspected cases on non-academic misconduct will be dealt with under the College Code of Conduct. In cases where a student is found in possession of, or under the influence of, prohibited substances or alcohol they may be reported to the police and/or other relevant authorities as appropriate (e.g. MBA, HR department). They may be immediately suspended from the Training Program or safely removed from the environment, when necessary, until further investigation is conducted.

APPEALS

Students may appeal the decision through the Appeals, Reconsideration & Review Policy.