

Student Professional Misconduct Procedure

Intent

This procedure outlines the University's management of allegations of misconduct by students occurring in a professional setting, including on campus, and as referenced in the Student Code of Conduct.

Scope

All students undertaking study or research with James Cook University in respect of all actions and activities (including inaction or inactivity) relating to professional conduct in clinical and professional experience, and during course work; Professional Misconduct or Unprofessional Conduct may be observed:

- on-campus in association with formal coursework, and/or
- off-campus associated with work-integrated learning, professional placements, practicums, clinical placements, fieldwork or excursions, and /or
- in professional research settings, and/ or
- during any activities of the Academic Group that take place in a professional setting.

Definitions

Except as otherwise specified in this procedure, the meanings of terms used in this procedure are as per the Student Code of Conduct. Other terms used in this procedure appear in the [Policy Glossary](#).

Unprofessional Conduct - means conduct which does not illustrate the standard of behaviour that is reasonably expected of a student in a clinical or professional setting. Unprofessional Conduct includes, but is not limited to:

- a) Offensive/inappropriate language or poor levels of communication
- b) Inappropriate dress or contravention of personal protective equipment safety requirements
- c) Inappropriate or unlawful sharing of clients'/patients' personal or private details, images or records
- d) Cultivation of relationships inappropriate to the workplace
- e) Inappropriate use of social media prior to, during or following professional placement
- f) Lack of reliability or punctuality
- g) Inappropriate use of equipment/technology
- h) Creating potential health and safety risks in a workplace
- i) Failure to comply with occupational requirements
- j) Unlawful activity
- k) Discriminating against others within the discrimination definitions contained in the Anti-Discrimination Act 1991 (Qld), Age Discrimination Act 2004 (Cth), Disability Discrimination Act 1992 (Cth), Racial Discrimination Act 1975 (Cth), and Sex Discrimination Act 1984 (Cth)
- l) Placing the public at risk of harm because the student has acted in a way that constitutes a significant departure from professional standards and/or scope of practice
- m) Attended a formal academic or clinical environment while intoxicated by alcohol or drugs
- n) Inappropriate sexual behaviour/ activities in a professional setting or context, or
- o) Engaging in behaviour which causes a placement provider to exclude the student from a professional setting

Professional Misconduct - as defined in the Student Code of Conduct Policy means behaviour or actions that a student adopts which are outside the bounds of what is considered acceptable by the governing body of the profession. Conduct that is of a lesser standard than what might be reasonably expected of a novice practitioner is regarded to be professional misconduct.

Instances of Professional Misconduct includes activities, actions and decisions in breach of professional Codes of Conduct or Professional Standards of the discipline's governing body.

Professional Misconduct administration team – For JCU students studying in Australia, the administration of all professional misconduct matters will be facilitated by the Student Matters team. For Singapore campus students, the administration of all professional misconduct matters will be facilitated by the Singapore Campus Examinations team.

Procedure

Any person; including staff, students, members of the University community or public; may refer an instance of suspected Professional Misconduct or Unprofessional Conduct to the University via the Academic Head.

1. Process for referring suspected Unprofessional Conduct or Professional Misconduct

1.1 All relevant materials associated with the suspected Professional Misconduct or Unprofessional Conduct, including the details of the allegation, must be referred to the relevant Academic Head via the Professional Misconduct administration team as soon as practicable using the [Report Academic or Professional Misconduct online form](#), attaching evidence to support the allegation.

1.2 Upon receiving that allegation, the Academic Head will determine:

1.2.1 whether a notification should be made to the discipline's governing body;

1.2.2 whether the allegation should be referred to the appropriate delegate under another JCU Procedure such as:

- a) [Student General Misconduct Procedure](#)
- b) [Academic Misconduct Procedure](#)
- c) Research Misconduct Procedure
- d) [Bullying, Discrimination and Harassment Complaint Procedure for Staff and Affiliates](#)
- e) [Sexual Assault Procedure](#)
- f) [Sexual Harassment procedure](#)
- g) [Review of a Student's Suitability to Continue a Course Involving Placement](#)

1.3 If the allegation is not referred under clause 1.2.2, the Academic Head will, within 14 working days of receiving the referral, conduct a preliminary evaluation of the allegation and determine an appropriate action based on the evidence provided.

1.4 The Academic Head (or College Dean in the event of a conflict) will, within that 10 day period:

- a) dismiss the matter if the evidence is insufficient, or the allegation(s) is deemed to be unfounded or trivial, sending written advice of the dismissal and reasons for the dismissal to the referring person, and notifying the student if the allegations were brought to the student's attention, or
- b) if sufficient detail and evidence are available to determine that an allegation(s) progress to hearing, the Academic Head will, according to clause 2 below, proceed as follows:
 - i) matters which are deemed to be Minor or Moderate in severity as specified in the Student Code of Conduct, Appendix 4, will be considered and decided by the Academic Head; or
 - ii) matters of a Serious nature, as specified in the Student Code of Conduct, Appendix 4, will be considered and determined by the Dean of the College.

2. Responsibility of the person considering the allegation

2.1 The delegate (i.e. Academic Head or Dean of the College) will, within 15 working days of receipt of the allegation, notify the student via the Professional Misconduct administration team in writing that an allegation of Professional Misconduct or Unprofessional Conduct has been made against them. The student will be provided with sufficient detail, including the supply of any evidence presented, to enable them to understand the precise nature of the allegation, and to respond to it properly.

- 2.2 A student who receives notice of allegation(s) must respond in writing within 10 working days and will subsequently attend a hearing with the delegate (i.e. Academic Head or College Dean). The hearing will be scheduled as soon as practicable, by the Professional Misconduct administration team, but will not be sooner than 12 working days after the allegation has been sent, to allow sufficient time for the student to seek advice and/or support.
- 2.3 A student may be assisted by a support person or representative (such as a JCUSA Student Advocate) to prepare a written response to the allegation(s). The student may be accompanied by a support person at the hearing with the delegate, but may not be legally represented. An officer from the Professional Misconduct administration team will attend the hearing to record the discussion and outcomes.
- 2.4 The delegate considering the allegations and the student's response will determine through a hearing whether the allegation is proven or not proven on the balance of probabilities, after considering:
- a) the materials provided by the person alleging the Professional Misconduct or Unprofessional Conduct, weighing up the sufficiency and reliability of various pieces of evidence; and
 - b) any oral and/or written testimony provided by the student or other evidence relevant to the allegation.
- 2.5 If the student does not provide a response in accordance with clause 2.2 and/or fails to attend a hearing, then the delegate can make a determination in absentia.
- 2.6 Within 10 working days of the hearing date, the delegate (i.e. Academic Head or Dean of College) will notify the student of the determination via the Professional Misconduct administration team and, if the decision is that Professional Misconduct or Unprofessional Conduct was proven, the penalty applied. If the Academic Head determines that an appropriate penalty is the suspension or exclusion of the student, then the Academic Head will make a recommendation to the Dean, and the Dean may impose that penalty (as per the Student Code of Conduct, Appendix 4). The outcome letter must contain detail of the considerations made in determining the matter, reasons for the decision, and information about the students' rights of appeal. The outcome must also be communicated by the Professional Misconduct administration team as appropriate to the relevant College or Divisional office and/or to staff in Student Services for any record-keeping or other actions required. The Director, Student Services and Academic Head are responsible for ensuring that administrative actions triggered by the decision are undertaken.
- 2.7 Where any allegation of Professional Misconduct has been proven, in addition to any action imposed under the relevant clauses, the student must be offered professional skills coaching by the Academic Head or College Dean to reinforce the importance of maintaining professional integrity, including advice on the possible consequences of any further Professional Misconduct or Unprofessional Conduct.
- 2.8 Where instances of a second or repeat offences of Professional Misconduct or Unprofessional Conduct are proven, the delegate may apply a serious penalty/ies as specified in the Student Code of Conduct, Appendix 4.

3. Internal Appeal

A student can appeal a decision made under this Procedure through the Student Appeal Policy and Procedures.

4. External Appeal

- 4.1 A student can appeal a decision of the University to the Queensland Ombudsman. The Ombudsman focuses on issues relating to procedural fairness rather than issues relating to academic or professional judgement and will usually only review a matter once all internal rights of review have been exhausted.
- 4.2 Students studying at the Singapore campus can appeal a decision of the University via the Singapore Government's SkillsFuture Singapore (SSG) dispute resolution service. The student

may approach SkillsFuture Singapore for help. Note: after reviewing a complaint, SkillsFuture Singapore may refer students to the SSG Mediation – Arbitration Scheme and there may be additional costs to use this scheme.

5. Keeping records regarding Professional Misconduct or Unprofessional Conduct

- 5.1 All misconduct related matters will be documented, consistent with University records policies. Notes and documentation must be kept at all stages of the misconduct process including records of hearings, discussions, and precautionary actions proposed or taken. These documents may be used in Appeal processes.
- 5.2 All records and notes produced and documents considered must be stored using TRIM in an appropriate and confidential file in line with University policy.
- 5.3 Where allegations of Professional Misconduct or Unprofessional Conduct against the student is proven:
 - a) the outcome letter, including details of the type of Professional Misconduct or Unprofessional Conduct and the penalty imposed, shall be recorded on the student record using TRIM; and
 - b) the existence of a proven allegation of Professional Misconduct or Unprofessional Conduct will be noted on the student's record on the Student Management System. This information will not appear on the official transcript of a student's academic record unless the seriousness of the offence warrants public or professional disclosure.
 - c) proven matters of Professional Misconduct or Unprofessional Misconduct that are deemed by the Academic Head or Dean of College to be sufficiently serious, dangerous, or in the public interest will be referred to the Deputy Vice-Chancellor of the relevant Academic Division to decide whether or not the offence warrants public disclosure, professional disclosure or inclusion on the official transcript of the student's academic record.

6. Confidentiality

The proceedings of any allegation of Professional Misconduct shall be treated as confidential and in the strictest privacy.

Related policy instruments

Student Code of Conduct
Review of a Student's Suitability to Continue a Course Involving Placement Policy
Social Media Policy
Digital Technologies Acceptable Use Policy
Student Complaint Management Policy and Procedures
Bullying, Discrimination, Harassment and Sexual Misconduct Policy and Procedures
Student Appeal Policy and Procedure
Academic Misconduct Procedure
Student General Misconduct Procedure

Schedules/appendices

Nil

Administration

NOTE: Printed copies of this procedure are uncontrolled, and currency can only be assured at the time of printing.

Approval Details

Policy Domain	Academic Governance
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Policy Sub-domain	Student Experience
Policy Custodian	DVC Education
Approval Authority	Academic Board
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Revision History

Version	Approval date	Implementation date	Details	Author
24-2	20/10/2024	22/10/2024	Minor amendment to update the administrative team to the Professional Misconduct administration team and administrative amendment to update Singapore external appeal avenue.	Team Leader, Student Matters; Student Matters Advisor
24-1	31/07/2024	31/07/2024	Minor amendment to clause 1.1 to incorporate use of the Report Academic or Professional Misconduct Online Form.	Student Matters Advisor
21-1	20/04/2021	20/04/2021	Administrative amendment to update name of Committee (previously Council for Private Education, now Committee for Private Education)	Quality, Standards and Policy Officer
19-1	28/10/2019	19/11/2019	Procedure established to support implementation of the Student Code of Conduct Policy	Project Manager, Student Facing Policy

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Contact person	Director, Student Services