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|  | LEARNER MISCONDUCT PROCEDURE |  |
| L2-LED-PRO-036 | Version: 1 | Effective from: 4 th May 2020 |

Approval

| | Name | Position | Signature |
|--------------------------|------------------|-----------------------|----------------------------------|
| Document Author | Corinne Knowlson | RTO Manager | Email dated 27/04/2020 @ 18:29pm |
| Document Endorser | Chad Burke | Head of Metro Academy | Email dated 27/04/2020 @ 22:21pm |
| Approving Manager | Catherine Baxter | RTO CEO | Email dated 28/04/2020 @ 13:09pm |

Amendment Record

| Approval Date | Version | Description |
|---------------|---------|-------------------------|
| 04/05/2020 | 1 | Initial issue under MTM |

1. Purpose

This procedure outlines the MTM RTO's position in relation to learner misconduct which includes both Academic Misconduct and Non-academic Misconduct.

2. Scope

This procedure applies to all learners enrolled in any course offered by the MTM RTO and Metro Academy, including both accredited and non-accredited programs.

3. Abbreviations and Acronyms

MTM – Metro Trains Melbourne

RTO – Registered Training Organisation

4. Definitions

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| Academic Misconduct | <p>Any act or attempted act that may result in an unfair academic advantage to one or more learners. Academic misconduct includes but is not limited to the following:</p> <ul style="list-style-type: none"> • Cheating • Collusion • Plagiarism <p>Refusing to abide by the assessors instructions or direction during the assessment process is also considered a form of academic misconduct.</p> |
| Cheating | The act of fraud, deceit or dishonesty in an assessment or test. This may include the use of electronic devices or unauthorised materials during a test. |
| Collusion | The act of two or more learners, or one learner and another person (not a learner) collaborating together in order to gain an unfair advantage. This may include the sharing or publishing of assessment content, including the questions and answers. |
| Plagiarism | <p>The act of presenting the work of others as a learners own. This includes but is not limited to the following:</p> <ul style="list-style-type: none"> • Copying all or part of the work of others • Paraphrasing all or part of the work of another if not referenced appropriately • Using quotes, images, diagrams, tables and figures if not reference appropriately. |

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| Non-academic Misconduct | <p>Any act or conduct by learners relating to people or property which does not meet Metro Academy or the MTM RTOs standards. Non-academic misconduct includes but is not limited to the following:</p> <ul style="list-style-type: none"> • Harassing or intimidating another person, including sexual harassment, bullying or discrimination • Engaging in the misuse, theft or wilful destruction of any property of MTM, an MTM employee (or representative) or another learner • Acting in a way that causes any person to fear for their personal safety • Acting in a way that dangers the health and/or safety of any person • Trespassing or knowingly entering any place within the premises of MTM that is out of bounds. |
| Show cause | <p>The production of satisfactory grounds for exemption from the application of a procedure or penalty.</p> <p>The learner of a show cause notice will be required, in writing, to explain why disciplinary action should not be taken against the individual or group of people involved.</p> |

5. Process

5.1. Informing Clients of the Learner Misconduct Process

5.1.1. Information relating to the learner misconduct process is accessible to learners via this procedure, the Learner Information Handbook and the Metro Academy website.

5.2. Confidentiality



5.2.1. The MTM RTO expects that all persons involved in the investigation of an alleged instance of learner misconduct to maintain confidentiality at all times and only discuss the investigation with those persons directly involved in the management and resolution of the investigation.

5.3. Identification

5.3.1. Where an instance of learner misconduct is believed to have been identified, the RTO Manager must be notified immediately.

5.3.2. Notification can be verbal in the first instance however formal notification in writing must be provided within one (1) business day of the original verbal notification being received.

5.3.3. Written notification must detail the reasons for the allegation including all available supporting evidence.



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|---|---|--|
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5.4. Initial Review

- 5.4.1. Each allegation of learner misconduct will undergo an initial review to determine if the allegation:
- a. Is reasonable and requires further investigation
 - b. Is not reasonable and no further action is required.
- 5.4.2. If the outcome of the initial review is that an investigation is required, the RTO Manager will inform the learner in writing that:
- a. An allegation of learner misconduct has been made against them
 - b. The allegation will be subject to an investigation
 - c. The learner is being given fourteen (14) days to show cause
 - d. The learner may be required to attend an interview to discuss the allegation including an exceptional or mitigating circumstances
 - i. The learner will be given three (3) days' notice of the interview
 - ii. The learner has the right to be accompanied by a support person. The support person may attend the interview by is not permitted to interfere with the interview or process
 - iii. If the learner cannot attend the interview, they have the opportunity to respond formally in writing.

5.5. Investigation

- 5.5.1. The investigation will be led by the RTO Manager and will include the relevant Training Manager.
- 5.5.2. The investigation will include as a minimum, a review of:
- a. All evidence provided at the time of the allegation
 - b. The learners show cause response, if applicable
 - c. The learners' interview, including any circumstances and mitigating factors.
- 5.5.3. Additional interviews with persons relevant to the investigation may be required. This may include other learners, trainers, assessors, Metro Academy employees or any person considered necessary to ensure a fair and equitable outcome
- a. The relevant person will be given a minimum of three (3) days' notice of the interview
 - b. If applicable, the relevant person will be afforded the right to be accompanied by a support person. The support person may attend the interview by is not permitted to interfere with the interview or process.
 - c. If the relevant person cannot attend the interview, they have the opportunity to respond formally in writing.

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|---|---|--|
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5.5.4. The investigation will determine if the allegation:

- a. Is substantiated and an academic penalty should apply
- b. Is not substantiated and the allegation will be dismissed.

5.6. Penalties

5.6.1. In the event the allegation is proven and a penalty is to be applied, the MTM RTO (Metro Academy) will only apply academic penalties.

- a. MTM employees may be subject to further performance related penalties as per L0-HMR-PRO-048 Counselling and Disciplinary Procedure.
- b. Performance related penalties will be applied at the discretion of the MTM business and not the MTM RTO (Metro Academy).

5.6.2. When determining appropriate academic penalties, the following factors are considered:

- a. The circumstance and any mitigating factors as advised by the learner (refer to clause 5.5.2 (c) and (d).
- b. The severity of the learner misconduct
- c. Any relevant previous behaviour of the learner.

5.6.3. Academic penalties may include:

- a. Re-assessment of the assessment item
- b. Failure of the assessment item
- c. Withdrawal from the course.

5.7. Outcome and Notification

5.7.1. The RTO Manager will provide the learner a formal response in writing within two (2) business days of the conclusion of the investigation. The response will detail the outcomes of the investigation, including the reasons for the decision and if any academic penalties apply.

5.7.2. The RTO Manager in consultation with the relevant Training Manager will provide a formal written report within five (5) business days of the learner being notified of the investigation outcome.



5.8. Appeals

5.8.1. Where a learner does not agree with the outcome of the investigation, they have the right to appeal the decision.

5.8.2. Any appeals related to investigation outcomes will be dealt with in accordance with the L2-LED-PRO-022 RTO Complaints and Appeals Procedure.

5.8.3. The RTO Complaints and Appeals Procedure is accessible on the Metro Academy website, on the MTM Intranet (The Depot) or upon request via metroacademy@metrotrains.com.au.

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| Approving Manager: RTO CEO | Approval Date: 28/04/2020 | Next Review Date: 28/04/2023 |
| PRINTOUT MAY NOT BE UP-TO-DATE; REFER TO METRO INTRANET FOR THE LATEST VERSION | | Page 5 of 6 |

| | | |
|---|---|--|
|  | LEARNER MISCONDUCT PROCEDURE |  |
| L2-LED-PRO-036 | Version: 1 | Effective from: 4 th May 2020 |

6. Records and Enquiry

6.1.1. Electronic copies of all documentation (emails, forms etc.) will be securely saved and maintained by the RTO Manager. Access to these files is limited solely to the RTO.

7. Related Documents

L0-CEO-POL-001 Our Vision, Mission and Values

L0-CEO-POL-002 Code of Conduct, Workplace Behaviour Policy

L0-HMR-PRO-002 Workplace Bullying Discrimination and Harassment Procedure

L0-HMR-PRO-048 Counselling and Disciplinary Procedure

L2-LED-PRO-022 RTO Complaints and Appeals Procedures

8. References and Legislation

| Standards for Registered Training Organisations | |
|---|-----------|
| Standard | Clause(s) |
| Five | 5.2(e) |
| Eight | 8.5, 8.6 |