



Approvals

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Amendment record

Updated to include current information and contact details and to include information and processes on risk ratings and treatments for determining penalties resulting from investigations. Updated to new CMS Objective Template.

1. Purpose

This procedure outlines the Metro Academy and MTM RTO's principles, processes and commitment to deal with learner misconduct, which includes both Academic Misconduct and Non-Academic Misconduct.

2. Scope

This procedure applies to all learners enrolled in any nationally accredited AQF qualification or unit/s of competency offered by the MTM RTO or any non-accredited course offered by the Metro Academy.

3. Principles

MTM RTO is committed to upholding the academic credibility of its qualifications and other completion outcomes.

Academic honesty and integrity are fundamental to ensure that MTM meets the requirements of regulators both state and national, and that we deliver on the values and behaviours of MTM.

MTM RTO follows the principles of natural justice and procedural fairness when conducting any investigation into academic or non-academic misconduct.

4. Roles and responsibilities

Learners	Comply with all expected standards of academic integrity, including Learner Code of Conduct and this Learner Misconduct Procedure. Always demonstrate appropriate behaviours throughout the duration of their course.
Assessor	Provide clear information on assessment and learning requirements to all learners.
Metro Academy Manager	Notify the RTO Manager of any misconduct and assist in any investigation as per this procedure.
RTO Manager	Author this Procedure Document. Investigate, resolve and/or provide final sign-off of investigations.
Head of Metro Academy	Endorse this Procedure Document, investigation and resolution of complaint.
RTO CEO	Approve this Procedure Document.



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.

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 will be given fourteen (14) days to show cause
- d) The learner may be required to attend an interview to discuss the allegation including any 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 but 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 Metro Academy 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 (if applicable).

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 but 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.

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.

NB: If the learner admits to the allegation of Learner Misconduct in any written submission, or in person, the RTO Manager will record a finding that the allegation has been proven.

5.6. Penalties

5.6.1. In the event the allegation is proven, and a penalty is to be applied:

5.6.1.1. In the case of MTM employees, the MTM RTO or Metro Academy will only apply academic penalties.

- a) MTM employees may be subject to further performance related penalties as per A7557 Counselling and Disciplinary Procedure.
- b) Performance related penalties will be applied at the discretion of the MTM business and not the MTM RTO or Metro Academy.

5.6.1.2. In the case of non-MTM employees, the MTM RTO or Metro Academy will apply academic and/or non-academic penalties where applicable.

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

- a) The circumstance/s and any other evidence or information presented by or on behalf of the learner in mitigation of, or having a bearing on, any penalty imposed, or other action taken (refer to clause 5.5.2 (b) and (c).
- b) The severity of the learner misconduct, determined using information provided at Appendix 11.1.
- c) Any relevant previous behaviour, or penalties applied to the learner.

5.6.3. Academic or non-Academic penalties may include (further information is included at Appendix 11.2):

- 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 with a formal response in writing within five (5) 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 prepare a formal written report detailing the outcomes of the investigation within ten (10) business days of the learner being notified of the investigation outcome. This report will be saved with other details of the investigation in a secure Microsoft Teams folder and may be provided only to those directly involved in, or responsible for the investigation.



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 A4293 RTO Complaints and Appeals Procedure.
- 5.8.3. The A4293 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

6. Abbreviations

AQF	Australian Qualifications Framework
MTM	Metro Trains Melbourne
MTM RTO	Metro Trains Melbourne Registered Training Organisation

7. Definitions

Item	Description
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 • Misrepresentation • Plagiarism • Recycling • Research <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, or assisting other students to cheat.
Collusion	<p>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.</p> <p>This may include the sharing or publishing of assessment content, including the questions and answers.</p>



Item	Description
<p>Legitimate cooperation</p>	<p>The act of cooperation and collaboration by students on a project, sharing materials or data collected and discussing the interpretation of such material.</p> <p>The production of assessable work is the independent responsibility of each student.</p>
<p>Metro Academy</p>	<p>The MTM training arm responsible for the delivery, assessment and issuing of non-accredited outcomes for rail safety workers who work or will work on the MTM Network.</p>
<p>Metro Trains Melbourne Registered Training Organisation (MTM RTO)</p>	<p>The MTM training arm responsible for the delivery, assessment and issuing of AQF accredited outcomes for rail safety workers who work or will work on the MTM Network.</p>
<p>Misrepresentation</p>	<p>Where the learner impersonates another learner; or allows or procures an impersonation of themselves in relation to any assessment task, unit or course requirement; or procures material to submit as their own for any assessment task, unit or course requirement.</p>
<p>Non-academic Misconduct</p>	<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. ● Excessive use of inappropriate or offensive language
<p>Plagiarism</p>	<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.



Item	Description
Recycling	Where a learner submits for assessment work which is the same or substantially the same as work that has been previously submitted, or which has previously been counted towards the assessment of any unit undertaken for any qualification, without the approval of the assessor and acknowledgement of the source.
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>

8. Records management

- 8.1. Academic and non-academic investigations of learner misconduct, including determined outcomes will be recorded in the RTO Complaints and Appeals Register, an Excel document, maintained by the RTO Manager, and stored in a secure Teams Folder.
- 8.2. Electronic copies of all documentation (emails, forms etc.) will be securely saved and maintained by the RTO Manager and stored in a secure Teams Folder. Access to these files is limited solely to the RTO Team.
- 8.3. Records and correspondence will be retained in accordance with A985 Records Management Procedure, the requirements of ASQA and any applicable state or national law.

9. Document hierarchy

9.1. Parent document

A4931 Metro Academy Operations Manual (MAOM).

9.2. Subordinate documents

RTO Complaints and Appeals Register & RTO Learner Handbook.

10. References

A985 Records Management Procedure.

A4293 RTO Complaint and Appeal Form.

A4294 RTO Complaints and Appeals Procedures

A7738 Code of Conduct.

A7724 Our Vision, Mission and Values

A7581 Workplace Bullying Discrimination and Harassment Procedure

A7557 Counselling and Disciplinary Procedure.

Standards for Registered Training Organisations 2015:

Standard Five Clause 5.2(e)

Standard Eight Clauses 8.5, 8.6



11. Appendices

11.1. Determining the severity of learner misconduct

Severity Rating	Example of misconduct/breach
MINOR	Learner glances at another student's exam, without premeditated intention of cheating.
MINOR	No previous record of academic misconduct has been recorded against the learner.
MINOR	Insubstantial copying of material, such as copying one or two sentences.
MINOR	Inadequate or inconsistent referencing or paraphrasing leading to less than 10% of the original assessment material being plagiarised.
MODERATE	Learner cheats on less than 10% of an exam, but there is no evidence of pre-meditation to cheat i.e. the decision to cheat was made due to 'in the moment' opportunism.
MODERATE	Inadequate or inconsistent referencing or paraphrasing leading to between 10% - 25% of the original assessment material being plagiarised.
MODERATE	Recycling an item of assessment from one class and resubmitting it in complete or substantial form for another class or another assessment, without assessor approval.
MODERATE	Fabricating or falsifying data.
MODERATE	Colluding with another learner about assessable work and submitting it as individual work.
MAJOR	Learner cheats on an exam, and evidence of pre-meditation is substantiated.
MAJOR	Any instances of cheating are to be graded major where it is not a first offence.
MAJOR	Inadequate or inconsistent referencing or paraphrasing leading to more than 25% of the original assessment material being plagiarised.
MAJOR	<p>Any act or conduct by learners relating to people or property which does not meet Metro Academy or the MTM RTOs standards. Including but 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 endangers the health and/or safety of any person • Trespassing or knowingly entering any place within the premises of MTM that is out of bounds. • Excessive use of inappropriate or offensive language



11.2. Determining penalties for learner misconduct

Severity Rating	Penalties	Authority to impose penalty
MINOR	<p>The assessment should be marked as an unsatisfactory first attempt and the learner be provided with the opportunity to re-sit the assessment under the following conditions:</p> <ul style="list-style-type: none"> The assessment is conducted under invigilation by at least one (1) Metro Academy (MTM RTO) Trainer/Assessor. The assessment is completed with no other trainees in the room, that is, the learner will be invigilated one-on-one. <p><i>In addition the following penalties may also be applied to MTM employees:</i></p> <p>Issue and record a written warning to the learner. This should include information regarding the consequences of breaching the MTM Learner Misconduct Procedure;</p> <p>And/or</p> <p>Counsel the learner and refer them to services appropriate to the circumstances of the breach.</p>	RTO Manager /Delegated Authority
MODERATE	<p>The learner will receive a “Not yet competent” result for the assessment and will be required to re-sit all training related to the assessment before being offered the opportunity to re-sit the assessment.</p> <p><i>In addition the following penalties may also be applied to MTM employees:</i></p> <p>Issue and record a written warning to the learner. This should include information regarding the consequences of breaching the MTM Learner Misconduct Procedure;</p> <p>And/or</p> <p>Counsel the learner and refer them to services appropriate to the circumstances of the breach.</p>	RTO Manager /Delegated Authority
MAJOR	<p>The learner will be withdrawn from the course.</p> <p>And/or</p> <p><i>In addition the following penalties may also be applied to MTM employees:</i></p> <p>The learner will be referred to the MTM Business Unit and MTM Business Partner for Performance Management.</p> <p>And/or</p> <p>Termination of employment may occur if the position is dependent on a successful training outcome.</p>	RTO Manager /Delegated Authority



11.3. Examples of Academic Misconduct

Cheating	Bringing in or referring to unauthorised material in an assessment
Cheating	Communicating with others in an assessment, unless previously authorised
Cheating	Engaging in or agreeing to any dishonest act
Cheating	Any instance of cheating or impersonation during an assessment
Cheating	Consulting with another person outside the assessment room, about the assessment, during the conduct of the assessment
Cheating	Doing anything to assist or enable or attempt to assist or enable another learner to read and/or copy work or other materials during an assessment
Cheating	Reading and/or copying or attempting to read and/or copy another learner's work or other materials during an assessment or other relevant assessment task
Cheating	Improperly obtaining prior knowledge of an assessment task and using that knowledge in an assessment task
Cheating	Use of forged, false, falsified, inaccurate or incomplete data taken from another source and representing it to be the work of the learner
Collusion	Any circumstances in which a learner allows another learner to copy their work for the purposes of assessment
Collusion	Encouraging or assisting another person to commit plagiarism
Collusion	Learners working together to submit identical work or work with large components of commonality, where not authorised to do so
Misrepresentation	A person other than the bona fide learner undertaking any assessment task on behalf of the learner designated to undertake the assessment
Misrepresentation	Acquiring or commissioning a piece of work (contract cheating) and representing it as if it were the learner's own work regardless of whether the work is acquired free of charge or purchased and whether it was pre-written or specifically prepared for the learner
Misrepresentation	Stealing another learner's work
Plagiarism	An assessment task that is constructed of segments drawn from one or a number of sources without attribution of the source, linked by comments produced by the learner
Plagiarism	Citing sources, such as texts, which the learner has not read, without acknowledging the 'secondary' source from which knowledge of them has been obtained



11.3. Examples of Academic Misconduct

Plagiarism	Copying ideas, concepts, research data, images, sound or text entirely or significantly from another source such as a published article, text, computer program, internet source or another learner's work, or draft work, and presenting it as the learner's own work
Plagiarism	Failing to acknowledge indebtedness to books, articles and other sources such as the internet. Learners should make it clear when they are using a direct quotation from another work. They should also indicate, by the appropriate method of footnoting or referencing, if they have used an idea or an argument which is heavily dependent on the work of another person
Plagiarism	In an assessment task where there was legitimate cooperation and collaborative preparatory work, submitting substantially the same final version of any material as another learner
Plagiarism	In group work, where the group uses work from another group or from other sources
Plagiarism	Summarising another person's work without acknowledgement of the source
Plagiarism	Claiming credit for group work in circumstances when the learner has not actively participated in or contributed to such work
Recycling	Submit for assessment work that is the same or substantially the same as work that has been previously submitted, or which has previously been counted towards the assessment of any unit undertaken for any qualification, without the approval of the assessor and acknowledgement of the source
Research	Attributing work to others who have not in fact contributed to the research
Research	Making use of any information in research in breach of any duty of confidentiality, or fabricating data
Research	Stating or presenting a relevant or significant falsehood or omitting information or data so as to distort presented research
Research	Taking or damaging any research-related property of another person or body without authorisation