

Standards of Professional Behaviour Guideline

Purpose

The purpose of the ANU Medical School is to educate students to become doctors who practice medicine with compassion, conscience and professional excellence; demonstrate knowledge of Aboriginal and Torres Strait Islander health and societies; understand the health problems of people in rural and remote Australia; and Extend the boundaries of medical knowledge through research and share this knowledge with patients and colleagues, locally, nationally and internationally.

Throughout their studies with the ANU Medical School, students are required to demonstrate satisfactory professional behaviour at all times.

The Australian National University seeks to engender the qualities of professional and ethical behaviour among all of its students. It believes that a student's professional behaviour is strongly linked to their personal and professional development. To that end the ANU Medical School has established the Professional Behaviour Committee (PBC) to set the Standards for Professional Behaviour of the ANU medical students.

The Guidelines operate cognizant of the following Rules, policies and procedures of the University:

- Discipline Rule 2017
<https://www.legislation.gov.au/Details/F2017L01196>
(see appendix 1 for definition of misconduct under this rule)
- Academic Misconduct Rule 2015 which refers to academic integrity and academic misconduct and academic poor practice
<https://www.legislation.gov.au/Details/F2015L02025>
- Policy: Disability https://policies.anu.edu.au/ppl/document/ANUP_000405
- Policy: Disclosure of Information by Students with a Disability or Illness
https://policies.anu.edu.au/ppl/document/ANUP_001226
- Procedure Disclosure of Information by Students with a Disability or Illness
https://policies.anu.edu.au/ppl/document/ANUP_002604
- Procedure: Prevention of discrimination, harassment and bullying
https://policies.anu.edu.au/ppl/document/ANUP_000623

Intent

These guidelines detail the standard of professional behaviour expected of students undertaking courses at the ANU Medical School and the methods for dealing with unsatisfactory behaviour.

General Considerations

ANU Medical School students are required to demonstrate professional and ethical behaviour consistent with the standards expected of the medical profession, students of the University and the expectations of the public.

ANU Medical School students must behave to a standard consistent with the statutes, regulations and other lawful directions of the University, Medical School and any other organization in which they may be located whilst undertaking their studies. In particular, students should note that they are registered through Australian Health Practitioners Regulation Agency (AHPRA), with the Medical Board

<http://www.medicalboard.gov.au/Registration/Types/Student-Registration.aspx>

Students should also be aware of the document Good medical practice: a code of conduct for doctors in Australia

<http://www.medicalboard.gov.au/Codes-Guidelines-Policies/Code-of-conduct.aspx>

Guidelines

Requirements of Professional Behaviour

ANU Medical Students are expected to have an awareness of and exhibit behaviour consistent with the following principles:

1. Respect for the inherent dignity of every human being (with an appreciation of the diversity of human background and cultural values).
 - Acting in a respectful and courteous manner towards patients, other students, staff and members of the public.
 - Demonstrating empathy, rapport, responsiveness, and advocacy for the patient and their family/friends;
 - Observing confidentiality and privacy requirements
 - Obtaining informed consent from patients where necessary.
2. A commitment to compassionate professional behavior in accordance with conscience, medical ethics, law and human rights.
3. Demonstrating sensitivity to cultural diversity, gender, disability and illness, religious, sexual preference and/or racial differences as well as ethical and legal responsibilities.

4. An understanding of a doctor's role in relation to patient safety, relief of suffering and disease.
 - Recognition of the need for decision making in circumstances of uncertainty and the capacity to make and justify rational and sensitive decisions based on best available evidence.
 - Demonstrating reflective practice and self-appraisal, including awareness of one's own clinical competence and preparedness to act within that competence.
 - Demonstrate safe practice in accordance with available evidence and institutional policies
5. An understanding of the importance of teamwork, collegiality and the regulatory framework in the learning process and in achieving patient outcomes
 - Participating in a constructive and cooperative manner in group learning activities;
 - Carrying out the reasonable directions of teaching/supervisory staff;
 - Participating in course activities, communicating with colleagues and acting as a team member, where required;
 - Being punctual and meeting the expected attendance requirements.

Assessment of Professional Behaviour

Assessment of professional behaviour will continue throughout a student's studies. Routine assessment of Professional Behaviour occurs through the Professional Practice courses (MEDI8105, MEDI8205, MEDI8305) and peer review in year 4 in 2018. A key component of this assessment is peer review. See the course outlines for details of this assessment.

1. Outcomes of Assessment of Professional Practice course

- 1.1 Meets expected standard in all areas.
 - A student who is assessed as meeting the expected standard in the formal assessments for each area is deemed to be in "Good Standing" with the PBC.
- 1.2 Does not meet expected standard in 1 or more areas
 - 1.2.1 Formative assessment. A student whose formative assessment has been assessed as not meeting the expected standard in 1 or more areas will be required to meet with the relevant Year Student Coordinator/Clinical Skills coordinator to discuss any issue underpinning their peer review outcome. The purpose of the meeting will be to identify areas for improvement and to advise the student of the potential outcomes of further unsatisfactory review.

1.2.2 Formal assessment. A student whose formal assessment has been assessed as not meeting the expected standard in 1 or more areas will be required to meet with a panel comprised of the relevant Year Student Coordinator / Clinical Skills coordinator and the Chair of the PBC to discuss the review outcome. The purpose of the meeting is to determine if specific remediation is required and whether or not the student is to be referred to the PBC.

1.2.3 Outcomes of the Panel meeting are:

Good Standing. The matter will be closed without further requirements and the justification included in comments attached to the review outcome in the student's file.

Provisional Good Standing. The student is required to satisfy the requirements of a remediation program as determined by the Chair of the PBC to maintain their Good Standing Status. Students who do not satisfy the requirement will be referred to the PBC.

Referral to the PBC. Where there are serious concerns about the peer review outcome the student may be referred to the PBC who shall decide on a course of action. Serious concern may include for example repeated marginal scores or poor scores on more than one criteria.

2. Referral of a student to the PBC

2.1 Circumstances which indicate potential referral to the PBC

Specific concerns might arise about a student if there has been a potentially significant breach of professional and/or ethical behaviour or if there is an allegation of misconduct.

Behaviour of an ANU Medical School student that is deemed unacceptable includes:

- Conduct unbecoming of a medical student¹
 - Disrespectful or aggressive conduct to patients, ANU medical school staff, clinical staff, instructors, tutors, or other students
 - Inappropriate standards of dress, personal conduct and language
 - Referring to oneself as, or holding oneself to be, more qualified than one is;
 - Sexual impropriety with a student, staff member or patient;
 - Theft of any material, including drugs;
- Unsatisfactory attendance at compulsory teaching and clinical session

¹ The characteristics of a serious incident include:

- Significant deviation from the organisation's usual process;
- Actions that did not result in but had the potential to result in significant harm;
- An event that must be reported to regulatory bodies; and
- An event that needs to be reported to the organisation's insurance carrier

- Any other form of misconduct as identified in the ANU Discipline Rule 2017
<https://www.legislation.gov.au/Details/F2017L01196>
- Conduct not meeting professional responsibilities
 - Breach of confidentiality;
 - Failure to keep proper records
 - Failure to provide transfer of responsibility for patient care;
 - Failure to respect patients' rights including gaining appropriate informed consent
 - Falsification of medical records or other documentation
 - Unexplained absenteeism or habitual tardiness
 - Failure to comply with relevant health and safety regulations, including immunization
- Conduct putting a patient's safety at risk
 - Being under the influence of drugs or alcohol while participating in patient care or on call;
 - Negligently contributing to a serious incident¹ that had the potential to result in death or major permanent loss of function, not related to the natural course of the patient's illness or underlying condition
 - Negligently contributing to a series of less significant incidents.

Note: Allegations of breaches of Academic Integrity are not considered by the Professional Behaviour Committee in the first instance. These are dealt with under the Academic Misconduct Rule 2015

<https://www.legislation.gov.au/Details/F2015L02025>

However, there may be aspects of such breaches which have professional implications and this may result in referral to the PBC.

2.2 The Referral Process

Individuals (ANU medical school staff, clinical supervisors, instructors, tutors, clinical staff, patients, or other students) who have concerns over the behaviour of an ANU medical student can confidentially arrange to discuss their concern with a representative of the PBC (generally the relevant Year level coordinator) to determine whether there are sufficient grounds for preparation of a formal report by the Deputy Dean (or the Associate Dean Phase 1 or Phase 2).

Reports to the Chair of the PBC must be in writing and must clearly identify the student and the specific allegation. In preparation of the report the Deputy Dean (or Associate Dean Phase 1 or Phase 2) will conduct an assessment of the incident or incidents leading to the complaint/concern and a review of other relevant material.

The report must detail behaviour that is causing concern, and statement should include detail of the circumstances leading to the complaint/concern and dates (where appropriate/possible) and include any other substantive material. This will then be forwarded to the Chair of the PBC. The Chair of the PBC will then review the material and decide the appropriate course of action as below:

- Determine that the allegation is unsubstantiated or not of a serious nature and take no action (and communicate this outcome to the student and Deputy Dean in writing)
- Provide written advice to the student of the allegation and their requirement to maintain Professional Behaviour Standards. (Note: this is not an adverse finding by the PBC)
- Refer the matter to the PBC members to determine what further action is required.
- Convene a hearing of the PBC, formally inviting the student to attend
- In consultation with the Dean, determine if the matter needs to be referred for investigation of misconduct as defined under the ANU Discipline Rule 2017
<https://www.legislation.gov.au/Details/F2017L01196>
- In consultation with the Dean, determine whether the alleged conduct falls within the mandatory reporting guidelines under the Australian Health Practitioner Regulatory Authority
<http://www.medicalboard.gov.au/Codes-Guidelines-Policies/Guidelines-for-mandatory-notifications.aspx>

NOTE: Where a meeting of the PBC is convened to consider the professional and/or ethical behaviour of a student, the Chair of the PBC will ensure the matter discussed at the meeting remains confidential, except in its role in providing information to the Dean, ANUMS or the Vice-Chancellor or nominee.

2.3 Procedure PBC Hearing

1. A hearing of the PBC may be convened by the Chair of the PBC when in the opinion of the Chair there are sufficient grounds supporting an alleged breach of the professional behaviour standards.
2. The hearing will be held in an informal manner
3. The student shall be given a minimum of 10 days notification of the date and time of the hearing and will be provided with a copy of the de-identified report detailing the alleged breach of Professional Behaviour Standards and a written statement outlining the grounds and concerns of the PBC about the behavior. The student will also be provided with a copy of this Guideline and must acknowledge receipt of this material within 5 days.

4. The student will have the opportunity to provide written and/or oral submissions to the hearing panel.
5. The student has the right to not attend the hearing but must submit a written report. If attending in person the student may be accompanied by a staff or student member of the University, including an employee of a staff/student association or union, or a lawyer. the student may be accompanied at the inquiry by another person who may observe the proceedings but not act as an advocate This person may observe the proceedings but not act as an advocate
6. Students will not be permitted to have legal representation at the hearing, but this does not prevent a legally qualified staff member or student of the University accompanying the student.
7. The Chair of the hearing panel may continue the hearing if in their opinion there is cause for further investigation of the facts of the alleged breach of professional standards, or other substantial reason to do so. The student will be given 10 days notification of the continued hearing date and may be accompanied by a support person as detailed above. The final outcome of the hearing will be communicated to the student within 5 days of the decision.
8. The student will be advised of their right to appeal the decision of the PBC panel and the steps involved in lodging an appeal.

2.4 Decisions and Outcomes of the PBC hearing

1. Dismiss the allegation due to the alleged conduct not meeting the criteria for a breach of profession standards. As an outcome, the report shall be removed from the student file and destroyed.
2. Determine that the alleged conduct is not proven to have been an intentional, negligent or reckless act. As an outcome, the student will be advised in writing of the concerns of the PBC and issued with a warning that further reports of alleged conduct of a similar nature will result in a new hearing. The student shall be considered to be in Provisional Good Standing with the PBC. A copy of the report shall be remain in the student file.
3. Determine that the alleged conduct is proven to have been an intentional, negligent or reckless act. A record of an adverse finding by the PBC panel will be entered into the student file.

4. Where the alleged conduct has been proven. PBC will consider the nature of the alleged conduct and any relevant information disclosed during the hearing and take one or more of the following actions:
 - 4.1 Provide a written warning to the student.
 - 4.2 Prescribe a mandatory program of remediation (see section **3.5**)
 - 4.3 Refer the student to the Disability Support Centre for assessment and action under the Disability Policy
 - 4.4 Refer the matter to the Dean ANUMS with a recommendation for subsequent action.

A separate decision will be made as to whether the behaviour may constitute misconduct and if so a referral made under the University's Discipline Rule 2017

<https://www.legislation.gov.au/Details/F2017L01196>

2.5 Mandatory remediation

1. PBC Prescribed Remediation is intended to provide support to a student so that they can better understand the requirements for professional behaviour and the circumstances that contributed to their being reported to the PBC for breaching the requirements of Professional Standards of Behaviour.
2. An individual PBC Prescribed Remediation Program will be developed by a panel comprising a minimum of the Chair of the PBC, the chair of the hearing panel (if other than the Chair of the PBC) and one at least one other person, usually the relevant Year Student Coordinator.
3. Students who are mandated to complete a PBC Prescribed Remediation program will be considered to be on Probation with the PBC.
4. The Chair will nominate a committee member who will be responsible for monitoring the student's compliance and progress during the PBC Prescribed Remediation program and will submit progress notes to the Chair of the PBC. Copies of such notes will also be provided to the student.
5. At the end of the PBC Prescribed Remediation program, the Chair of the PBC will receive a report from the Remediation supervisor reviewing the outcome of the program. This will be considered by the PBC.

6. After the meeting the Chair will advise the Dean, ANUMS, of the outcome of the PBC Prescribed Remediation program and recommend:
 - 6.1 Provisional Good Standing; student should be allowed to continue having successfully completed the PBC Prescribed Remediation program.
 - 6.2 Continuance of Probation; student should be allowed to continue conditionally. Conditions may include:
 - 6.2.1 A requirement for the student to undertake a further program of counseling, remediation and review
 - 6.2.2 Repeating the academic year in cases where Dean has suspended the student from study as a result of a finding of the PBC hearing or misconduct under the Discipline Rules and pending the outcome of the PBC Prescribed Remediation program or other requirements;
 - 6.2.3 A requirement in the final year of the course to undertake a directed program of study in lieu of elective terms.
 - 6.3 Course suspension or exclusion; the student has not complied with or satisfied the PBC Prescribed Remediation Program and/or is considered to be significantly at risk of recidivism or other breeches of professional standards.
7. The Dean may then:
 - 7.1 Accept the recommendation of the PBC;
 - 7.2 Vary the recommendation of the PBC; or
 - 7.3 Refer the matter back to the PBC for further consideration.

3. **Student Rights and Responsibilities**

Students who are the subject of action associated with unsatisfactory professional and/or ethical behaviour under these guidelines will be informed, in writing, of the assessments made of their behaviour.

Students who are invited to present any relevant information at an interview with the Professional Behaviour Committee may be accompanied by a staff or student member of the University, including an employee of a staff association or union. Students will not be permitted to have legal representation at the interview, but this does not prevent a legally qualified staff member or student of the University accompanying the student.

- 3.1 Appeals. A student may make an application for review of a PBC decision within the ANUMS on one or more of the following grounds as outlined in the ANU Appeals Rule 2017
<https://www.legislation.gov.au/Details/F2017L01197>

4. The Professional Behaviour Committee

4.1. Terms of Reference

Role of the Committee:

- To determine standards for students' professional behaviour in the MChD course, in consultation with the Medical Education Committee and the Senior Executive Committee, the student body and the Professional Behaviour Guidelines;
- To provide counselling and the opportunity for remediation to any student whose professional behaviour is assessed as unsatisfactory but not amounting to misconduct, to monitor the student's behaviour during the period of remediation and to provide the student with feedback;
- To report to the Dean, ANUMS, the outcomes of all PBC hearings and remediation programs, and in the case of students who continually or repeatedly demonstrate unsatisfactory behavior, to recommend failure in the relevant course.
- To refer for action under the University Discipline Rule (any student whose behaviour has been assessed as unsatisfactory and may constitute misconduct as defined in the Discipline Rule 2017 <https://www.legislation.gov.au/Details/F2017L01196>)
- To refer any students to the ANUMS Student Welfare committee and relevant University services (eg Access and Inclusion Hub) as required;
- To ensure that recommendations and/or decisions of the Committee embody appropriate attention to quality assurance and are consistent with the ANU Rules and other relevant policies.

Note: Proceedings will be regarded as confidential to those persons involved in them. Such persons include the Dean and/or any other relevant officer of the Medical School or university when the particular case requires.

4.2. Membership of the PBC

Chair (Level D/E with clinical training appointed by the Dean, ANUMS)
Year 1 Student Coordinator
Year 2 Student
Coordinator Year 3
Student Coordinator
Year 4 Student
Coordinator
Chair of the Joint Colleges Medical Education Committee
Associate Dean, Rural Clinical School
Associate Dean, Medical Education
Staff member with responsibility for peer review and/or clinical governance
Another member of staff

Quorum: The quorum of the Committee shall be 5 members.

Appendix 1

Discipline Rule 2017

<https://www.legislation.gov.au/Details/F2017L01196>

Part 2 — Misconduct

3 Misconduct

- (1) It is misconduct if a student engages in conduct which:
 - (a) is prejudicial to the good order and government of the University; or
 - (b) unreasonably hinders other persons in the pursuit of their studies in the University or in participation in the life of the University; or
 - (c) is otherwise reprehensible conduct for a member of the University to engage in.
- (2) Without limiting the generality of subsection (1), it is misconduct if a student:
 - (a) willfully obstructs or disrupts an activity or proceeding of the University; or
 - (b) willfully or negligently destroys, damages, defaces, loses, removes or otherwise interferes with, or makes unauthorized use of, any property of the University or any other person; or
 - (c) enters any place in the University that the student is not permitted to enter; or
 - (d) fails to comply with any reasonable order or direction of an officer or employee of the University or a person acting with the lawful authority of the University; or
 - (e) fails to comply with a provision of a statute, or of a rule, order or direction made under statute, rule or order; or
 - (f) acts dishonestly or unfairly, in connection with:
 - (i) Any assessment for admission to University; or
 - (ii) The preparation or presentation of any assignment or material in support of an application for admission to the University; or
 - (g) subjects another person to harassment, victimisation or other discrimination; or
 - (h) behaves in an intimidating manner to another person or creates a hostile working or studying environment; or
 - (i) makes a statement to the University or to an officer or employee of the University that the student knows to be false (including the provision of a falsified medical certificate or falsified academic transcript); or
 - (j) engages in, or is party to, conduct intended to deceive the University (including the provision of a falsified medical certificate or falsified academic transcript); or
 - (k) fails to comply with the University's instructions to students at, or in relation to, an examination; or
 - (l) negligently or recklessly causes risk or danger to the health or safety of another person.