

LEARNER MISCONDUCT PROCEDURE

Approvals

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1. Purpose

This procedure outlines MTA'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 non-accredited course offered by MTA.

3. Principles

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

Academic honesty and integrity are fundamental to ensure that MTA meets the requirements of regulators both state and national and demonstrates MTA's values.

MTA follows the principles of natural justice and procedural fairness when conducting any investigation into Academic Misconduct or Non-Academic Misconduct.

4. Roles and Responsibilities

Role	Responsibilities
Learners	Comply with all expected standards of academic integrity, including this Learner Misconduct Procedure. Always demonstrate appropriate behaviours throughout the duration of their course.
MTA Executive Director Business Operations	Approves this procedure.
MTA Executive Director Finance and Legal	Author of this procedure.
MTA Executives	Apply academic and/or non-academic penalties where applicable.
Trainers and Assessors	Provide clear information on assessment and learning requirements to all learners. Notify the Training Manager of any misconduct and assist in any investigation as per this procedure.
Training Manager	Endorses this procedure. Investigate, resolve and/or provide final sign-off of investigations.

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 and the MTA Training website.

5.2. Confidentiality

5.2.1. MTA expects that people 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 involving the use of unapproved resources is believed to have been identified by a trainer, the following steps must be taken:

a) the trainer must:

- i take the learner outside the assessment room to maintain confidentiality
 - ii advise the learner of the conduct observed by the trainer
 - iii give the learner an opportunity to respond to the allegations
- b) the trainer must request that the learner show the trainer all open tabs on the learner's computer and any resources on the learner's desk
- c) if there are only approved resources open on the computer or present on the learner's desk, the trainer must advise the learner that they may continue with the exam
- d) if there are any unapproved resources open on the computer or present on the learner's desk or the learner refuses to show the trainer the open tabs on their computer and any resources on their desk, the trainer must:
 - i escort the learner from the assessment room and advise the learner that they may not continue with the exam
 - ii advise that the learner of the Complaints and Appeals Procedure (L1-MTA-PRO-006)
 - iii notify the Training Manager immediately.

For all other instances of potential learner misconduct, the Training Manager must be notified immediately.

5.3.2. Notification to the Training Manager 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 Training 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. The following guidelines will apply in respect of the interview process:

- 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 Training Manager and will include other relevant MTA personnel where required.

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 people relevant to the investigation may be required. This may include other learners, trainers, assessors, MTA 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 and/or non-academic penalties 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 Training 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, the MTA Executives 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 circumstances 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 Training 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 or non-academic penalties apply.
- 5.7.2.** The Training Manager in consultation with the relevant trainer or assessor 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 SharePoint 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 Signalling Strategic Taskforce Training Program Complaints and Appeals Procedure (L1-MTA-PRO-006).
- 5.8.3.** The Signalling Strategic Taskforce Training Program Complaints and Appeals Procedure (L1-MTA-PRO-006) is accessible on the MTA Training website or upon request via training@metrotrainsau.com

6. Abbreviations

MTA	Metro Trains Australia Pty Ltd
MTA Training	Metro Trains Australia Pty Ltd Training
RAN	Rail Academy Newport

7. Definitions

Item	Description
Academic Misconduct	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: • Cheating • Collusion • Misrepresentation • Plagiarism • Recycling • Research Refusing to abide by the assessors instructions or direction during the assessment process is also considered a form of academic misconduct.

Item	Description
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	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.
Legitimate cooperation	The act of cooperation and collaboration by students on a project, sharing materials or data collected and discussing the interpretation of such material. The production of assessable work is the independent responsibility of each student.
Metro Trains Australia Pty Ltd Training (MTA Training)	The MTA training arm responsible for the delivery, assessment and issuing of non-accredited outcomes.
Misrepresentation	Where the learner: a) impersonates another learner; b) allows or procures an impersonation of themselves in relation to any assessment task, unit or course requirement; or c) procures material to submit as their own for any assessment task, unit or course requirement.
Non-Academic Misconduct	Any act or conduct by learners relating to people or property which does not meet MTA's standards or values. Non-academic misconduct includes but is not limited to the following: • Harassing or intimidating another person, including sexual harassment, bullying or discrimination • Engaging in the misuse, theft or wilful destruction of any property of MTA, an MTA employee (or representative) or another learner

Item	Description
	• 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 MTA or RAN that is out of bounds • Acting in a way that is not in compliance with the Rail Academy Newport Policy and Procedures Manual • Excessive use of inappropriate or offensive language.
Plagiarism	The act of presenting the work of others as a learner's own. This includes but is not limited to the following: • 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 referenced appropriately.
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 or course undertaken for any qualification, without the approval of the assessor and acknowledgement of the source.
Show Cause	The production of satisfactory grounds for exemption from the application of a procedure or penalty. 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.

8. Records Management

- 8.1. Academic and non-academic investigations of learner misconduct, including determined outcomes will be recorded in the Complaints and Appeals Register, an Excel document, maintained by the Training Manager, and stored in a secure Microsoft SharePoint Folder.
- 8.2. Electronic copies of all documentation (emails, forms etc.) will be securely saved and maintained by the Training Manager and stored in a secure Microsoft SharePoint Folder. Access to these files is limited solely to MTA's Training Team and MTA's Executives.
- 8.3. Records and correspondence will be retained in accordance with the Retention, Disposal and Destruction Policy (L3-RIW-POL-214), the requirements of ASQA and any applicable state or national law.

10. References

L3-RIW-POL-214 Retention, Disposal and Destruction Policy

L1-MTA-PRO-006 Signalling Strategic Taskforce Training Program: Complaints and Appeals Procedure

Complaints and Appeals Register

Rail Academy Newport Policy and Procedures Manual

Standards for Registered Training Organisations 2025

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 and no previous record of Academic Misconduct or Non-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.

Severity Rating	Example of Misconduct/Breach
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 task, unit or course requirement and resubmitting it in complete or substantial form for another task, unit or course requirement 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 assessment, test or 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	Any act or conduct by learners relating to people or property which does not meet MTA's standards and values. Including but not limited to the following: • Harassing or intimidating another person, including sexual harassment, bullying or discrimination • Engaging in the misuse, theft or wilful destruction of any property of MTA, an MTA 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 MTA or RAN that is out of bounds

Severity Rating	Example of Misconduct/Breach
	- Acting in a way that is not in compliance with the Rail Academy Newport Policy and Procedures Manual - Excessive use of inappropriate or offensive language.

11.2 Determining penalties for learner misconduct

Severity Rating	Penalties	Authority to Impose Penalty
MINOR	(a) Subject to 11.2(b), the assessment will be marked as an “Not Satisfactory” first attempt and the learner will be given the opportunity to re-sit the assessment on the same day. (b) If the assessment is a Safety Critical Knowledge Assessment forming part of the Signalling Strategic Taskforce Training Program, the assessment will be marked as “Not Satisfactory” and the learner must enrol and pay for the next available course.	Training Manager/ Delegated Authority
MODERATE	The learner will receive a “Not Satisfactory” or “Not yet competent” result for the assessment and must enrol and pay for the next available course.	Training Manager/ Delegated Authority
MAJOR	The learner will be withdrawn from the course. Whether the learner will be permitted to enrol in another course is at the discretion of MTA.	Training Manager/ Delegated Authority

11.3 Examples of Academic Misconduct

Severity Rating	Example of Misconduct/Breach
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
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

Severity Rating	Example of Misconduct/Breach
	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 or course 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