

STUDENT GENERAL CONDUCT POLICY

SCOPE

This policy applies to:

- all students at Monash University precincts (including all teaching locations and Monash Residential Services); and
- all students who are engaging in a University activity (including study tours, clinical and other placements, and events organised by University-affiliated student organisations).

All references in this policy to organisational units or positions include equivalent units or positions at Monash University Malaysia, IITB-Monash Research Academy (IITB) and Monash Suzhou.

POLICY STATEMENT

This policy specifies the standards of conduct and personal behaviour that Monash University (the University) expects of students, and identifies the consequences of failure to meet these standards.

1. General Principles

- 1.1 The University affirms its commitment to the values set out in its [Ethics Statement](#), which include honesty, fairness, mutual respect and equality. The University promotes respect for difference and values diversity of people and ideas. The University values freedom of speech and academic freedom, and expects all members of its community to respect the inherent dignity, beliefs and human rights of all individuals.
- 1.2 All members of the University community are expected to be responsible and accountable for their decisions and actions.
- 1.3 The University aims to address allegations of student general misconduct through a resolution process that:
 - is impartial and fair to all parties involved;
 - is carried out with transparency and consistency;
 - is handled within established timelines;
 - imposes penalties that are proportionate and appropriate; and
 - is appropriate having regard to the complexity and sensitivities of the case.

2. The University's commitment to students

- 2.1 The University aims to:
 - ensure that students are treated with consideration and courtesy by University staff;
 - provide a safe learning environment that is free from discrimination and harassment;
 - encourage student representation or consultation prior to University decision-making about student-related matters;
 - maintain University policies, procedures, schedules and practices that promote fair treatment of students; and,
 - maintain student records in a way that protects the privacy of personal information.
- 2.2 Students who have a grievance about, or wish to appeal against, an action or decision of the University should refer to the [Student Complaints Policy](#).

3. Requirements of Student Conduct

- 3.1 Students must, at all times:
 - make themselves aware of and comply with the [Ethics Statement](#) and all University regulations, policies, procedures and schedules that apply to their enrolment, conduct and studies at the University;
 - act with respect, honesty, consideration and courtesy towards other students, staff and visitors;

- respect the rights of others to study, research, work and engage in University activities free from discrimination, harassment and unnecessary or unreasonable impediment;
- express their views respectfully and responsibly and accept the rights of others to do the same;
- act safely and not endanger others;
- respect the privacy of others;
- respect University property and facilities and respect the rights of others to use these facilities;
- comply with any lawful and reasonable direction given by a University staff member;
- not disrupt the orderly conduct of a University activity;
- not make frivolous or vexatious complaints or grievances or contribute false evidence or information to the handling of complaints or grievances; and,
- not misuse the University's resources or name, including for personal gain.

3.2 Students must not engage in (either directly or indirectly), or encourage others to engage in:

- unlawful discrimination;
- vilification;
- bullying;
- assault;
- stalking;
- victimisation;
- sexual assault, sexual harassment, or any other conduct of a sexual nature without consent; or,
- hazing

4. Failure to meet expected standards of behaviour

4.1 Failure by a student to meet the University's requirements of student conduct may:

- amount to student general misconduct;
- be dealt with under the [Student General Misconduct Procedures](#) (or the [Student Discipline Guidelines](#) for the former Monash South Africa campus) and Student Academic and General Misconduct: Hearing and Appeals Panels Procedure; and,
- result in the student being subject to formal disciplinary action by the University.

4.2 A student who is involved in a general misconduct process under the [Student General Misconduct Procedures](#) (or the Student Discipline Guidelines for Monash University Malaysia and the former Monash South Africa campus) and Student Academic and General Misconduct: Hearing and Appeals Panels Procedure, whether as a complainant, witness or respondent, must:

- treat staff, students and others involved in the general misconduct process with courtesy and respect;
- be honest and act in good faith; and,
- refrain from engaging in conduct that would amount to an abuse of process.

5. Student General Misconduct Process

5.1 The resolution process for allegations of student general misconduct is conducted in four stages:

- Stage 1 – Reporting an act of general misconduct: Reports of alleged general misconduct can be made by any person and should be referred to the Responsible Officer General Misconduct;
- Stage 2 – Considering a report of general misconduct: For most matters, reports of general misconduct are reviewed, investigated and determined by the Responsible Officer General Misconduct;
- Stage 3 – Determination by a Student Misconduct Panel: If the Responsible Officer General Misconduct chooses to refer the matter, the Student Misconduct Panel is responsible for hearing and determining the allegation of general misconduct.
- Stage 4 – Appealing a decision: Decisions made by the Responsible Officer General Misconduct or Student Misconduct Panel may be appealed to the Student Appeals Panel.

5.2 To ensure prompt and effective resolution, the University will resolve most matters of student general misconduct through the Responsible Officer General Misconduct, with only matters of a serious nature being heard by a Student Misconduct Panel.

6. Staff Responsibility

6.1 All University staff are responsible for:

- referring students who make a disclosure to the Safer Community Unit for advice and support;
- referring reports of general misconduct to the Responsible Officer for General Misconduct; and,
- respecting the privacy of students who make a disclosure or report of general misconduct.

6.2 Decision makers involved in the general misconduct process are responsible for:

- receiving reports of general misconduct and maintaining records of all related documents;
- determining the nature of the misconduct and the appropriate response;
- where investigation is appropriate, carrying out a fair investigation to understand the evidence in support of an allegation of student general misconduct; and,
- ensuring that the rules of natural justice are upheld.

DEFINITIONS

The format is displayed as:

Bullying	Bullying is repeated, unreasonable behaviour by an individual towards another individual or group, which creates a risk to their health and safety. Bullying can be verbal, physical, social or psychological abuse. It can include offensive language, insults about physical characteristics such as their weight or height, teasing or telling jokes, hitting or hurting someone, shoving or intimidating another person, or consistently excluding or isolating another person.
Consent	Consent means free agreement where the person engaging in conduct of a sexual nature (respondent) reasonably believes that the other person (complainant) freely agrees to it. A person does not freely agree to an act in circumstances including the following— (a) the person submits because of force or the fear of force to that person or someone else; (b) the person submits because of the fear of harm of any type to that person or someone else; (c) the person submits because she or he is unlawfully detained; (d) the person is asleep, unconscious, or so affected by alcohol or another drug as to be incapable of freely agreeing; (e) the person is incapable of understanding the sexual nature of the act; (f) the person is mistaken about the sexual nature of the act or the identity of the person; or (g) the person mistakenly believes that the act is for medical or hygienic purposes.
Disclosure	A person makes a Disclosure of Sexual Misconduct to a staff member if the person states that they or another person have been subjected to Sexual Misconduct, and the person who was subjected to the alleged Sexual Misconduct indicates that they do not want to make a Report.
Discrimination	Discrimination is the unfavourable treatment of an individual or group, because they have a legally protected attribute including age, race, sex or disability. Discrimination may lead to disadvantage for some and advantage for others. Discrimination can be overt (direct) when an individual is treated unfavourably because of a protected attribute, or it can be less obvious (indirect) where a requirement, condition or practice is applied to everyone but it disadvantages an individual or group because of a protected attribute and this is not reasonable in the circumstances.
General Misconduct	General Misconduct is conduct which is contrary to accepted standards of behaviour as defined in the Monash University Council Regulations , Part 7, Regulation 30(3)).
Student Misconduct Panel	A body established under part 7 of the Monash University (Council) Regulations to hear allegations of misconduct referred by a responsible officer..
Student Appeals Panel	A body established under part 7 of the Monash University (Council) Regulations to hear appeals of decisions of student misconduct made by a responsible officer or SMP.
Hazing	Hazing includes any action or situation (e.g. initiation ceremony, ritual, challenge or other activity) with or without the consent of participants, for the purpose of admission into, affiliation with, or as a condition for, continued membership or acceptance into a group (e.g. club, team, hall, society). Hazing activities may be intentional or unintentional and may cause or be likely to cause humiliation, discomfort, embarrassment, abuse or physical and or emotional harm to any individual or group.
Responsible Officer for General Misconduct	a member of staff of the University who is specified by the Vice-Chancellor as the responsible officer for general misconduct.
Sexual Assault	Sexual Assault means any contact, threat of or intent to have contact, or compelling another person to have contact, of a sexual nature committed without consent against, toward or with regard to a person, including but not limited to: <ul style="list-style-type: none"> • rape,

	<ul style="list-style-type: none"> • sexual penetration, • non-penetrative sexual activity, • sexual touching • assault with intent to commit a sexual offence, • threat to commit a sexual offence, and • the administration of a drug or intoxicating substance with the intention of rendering a person incapable of resistance to participation in acts of a sexual nature.
Sexual Harassment	<p>Sexual Harassment means all unwanted or unwelcomed conduct of a sexual nature which a reasonable person would expect to cause the other person to feel intimidated, insulted or humiliated.</p> <p>Sexual Harassment:</p> <ul style="list-style-type: none"> • can occur in a single incident or a series of incidents; • can be experienced by witnessing behaviour not directed to that person e.g. overhearing a lewd joke; • can affect all genders; • can be physical, spoken, visual or written. <p>Sexual harassment can include conduct such as (but is not limited to):</p> <ul style="list-style-type: none"> • sending explicit or sexually suggestive emails, text messages, memos, messages or posts on social networking sites; • obscene or threatening communications such as phone calls, letters, emails, text messages or posts on social networking sites. • displaying or sending images, images or footage which are sexually explicit or pornographic; • making comments or asking intrusive questions about someone's personal life, private life, sex life or the way they look; • sexually suggestive comments or 'jokes'; • sexually suggestive behaviour such as leering or staring; • deliberately brushing up against someone, touching, fondling or hugging; • displaying offensive screen savers, photos, calendars or objects; • repeated requests to go out; • requests for sex; • indecent exposure; and/or • unwanted sexual attention.
Stalking	<p>Stalking means repeated attempts to impose unwanted communications and/or or contacts on another in a manner that could be expected to cause distress and/or fear in any reasonable person.</p>
Student	<p>Student means a person who:</p> <ol style="list-style-type: none"> (a) is admitted to a course of study at the University; or (b) is enrolled at the University in a non-award study or one or more units of study on an assessed or non-assessed basis and without admission to a course of study; or (c) is pursuing a course of study or unit of study at the University through an exchange or study program or other arrangement between the University and another educational institution; or (d) is engaged in a student mobility program involving the University, whether or not the program is credited towards a course of study or unit of study; or (e) has completed a course of study but on or to whom the relevant degree or award has not been conferred or awarded; or (f) is on an intermission or has been suspended from, or has deferred enrolment in, a course of study; or (g) is enrolled in a course of study or one or more units of study offered by the University through Open Universities Australia or another educational institution; or (h) has consented in writing to be bound as a student by the University statute and regulations.
University Activity	<p>For the purpose of this policy, a University activity includes (but is not limited to):</p> <ol style="list-style-type: none"> (a) conduct at all residential accommodation owned by or operated by Monash University; (b) all activities undertaken while on study abroad programs, exchange or other study tours which are organised or endorsed by Monash University; (c) learning activities, clinical and other placements, work integrated learning, internships, fieldwork, or any other type of practicum organised, managed or endorsed by a faculty;

	<p>(d) events, competitions, cultural activities and conferences at which Monash University is represented or participating;</p> <p>(e) University-affiliated student organisations, clubs and societies, and events that they organise, sponsor, arrange, manage or endorse (whether the event was sanctioned by the University or not);</p> <p>(f) virtual spaces (including online forums, communities and platforms) arranged, supplied or facilitated by Monash University;</p> <p>(g) Monash University information and communication technology resources, including email systems and using Monash University internet connections;</p> <p>(h) gatherings of Monash University students, staff members and/or their guests that are sponsored, arranged or endorsed by Monash University;</p> <p>(i) events at Monash University performance venues, e.g. social or sports clubs meetings, barbeques, fund-raisers, book launches, seminars, reading groups and conferences;</p> <p>(j) conferences, seminars, business partner sponsored/arranged events;</p> <p>(k) events sponsored, arranged or endorsed by Monash University that take place on external premises;</p> <p>(l) off-campus activities undertaken as part of teaching and/or research activities involving staff, students and/or authorised volunteers; and</p> <p>(m) conduct occurring at a private venue where one of the above activities was taking place, was about to take place or had just taken place.</p>
University Precinct	A University precinct is defined in the Monash University (Council) Regulations, and for the purpose of this policy and all related procedures also includes the University campuses and teaching locations (including Malaysia, Prato, IITB, Monash Suzhou, a University-managed or -operated residential accommodation facility (e.g. Monash Residential Services), all property owned, leased or occupied by Monash University (or any entities it controls) and any lands or roads within any Monash University Campus.
Victimisation	Victimisation means to subjecting a person to some detriment, retaliating, engaging in reprisals or threatening to do so, in relation to a complaint of General Misconduct.
Vilification	Vilification occurs when someone incites hatred towards, serious contempt for or severely ridicules a person or group of persons on the ground of their race, religion, sexuality, gender identity, colour, nationality, descent, ethnicity, ethno-religious status, national origin, homosexuality, HIV or AIDS status or trans-gender status, disability, sexual orientation or lawful sexual activity.

GOVERNANCE

Supporting procedures	<ul style="list-style-type: none"> • Student General Misconduct Procedure • Sexual Misconduct Response Procedure • Data Protection and Privacy Procedure • IT Acceptable Use Procedure • Social Media – Student Use Procedures • Student Academic and General Misconduct: Hearing and Appeals Panels Procedure
Supporting schedules	N/A
Associated policies	<ul style="list-style-type: none"> • Equal Opportunity Policy • IT Acceptable Use Policy • Social Media Policy • Student Complaints and Grievances Policy
Policy owner	Chief Operating Officer & Senior Vice-President
Legislation mandating compliance	Monash University Act Monash University (Council) Regulations Higher Education Standards Framework (Threshold Standards) 2015

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Content enquiries	studentconduct@monash.edu