INFORMATION FOR Complainants

WHAT IS STUDENT GENERAL MISCONDUCT?
General misconduct is any behaviour by a current Monash student occurring on-campus, or at an off-campus Monash activity, that is contrary to accepted standards of behaviour. This includes:

- harassment, bullying, stalking, victimisation and hazing
- sexual assault and sexual harassment
- physical assault, threats, intimidation
- breach of the law or a university policy or procedure
- disruption of a university activity
- breach of a staff direction
- property damage or theft
- dishonest or fraudulent statements

General misconduct is handled separately to academic or research misconduct, such as cheating and plagiarism.

INVESTIGATION PROCESS
All complaints (‘reports’) about concerning or problem behaviour are received by the Safer Community Unit (SCU) in the first instance. SCU will refer reports of general misconduct to the Responsible Officer for General Misconduct (ROGM) for assessment. SCU will usually investigate reports as the delegated investigator for the ROGM. The SCU investigator will gather all relevant and available evidence and provides that evidence to the ROGM. SCU does not make any decisions about the outcome.

The respondent (student responding to the allegation/s) may be invited to attend a meeting with the ROGM or an SCU officer. The respondent can choose to respond to the allegations in writing and/or in person.

WHAT CAN THE ROGM DECIDE?
The ROGM can make a decision to:
- Dismiss the report and take no further action; or
- Refer the report for resolution elsewhere within the University; or
- Deal with the report informally; or
- Make a formal decision about the misconduct, and impose a penalty; or
- Refer the matter to a Student Misconduct Panel.

STUDENT MISCONDUCUT PANEL
The Student Misconduct Panel usually hears matters involving complex, sensitive or serious allegations of general misconduct. Each panel comprises two current Monash staff members and one student.

At the hearing, the respondent will be able to:
- Speak to the panel (orally and/or in writing)
- Bring a support person
- Invite witnesses to speak to the panel (if the panel decides that it is appropriate) and
- Present any written evidence or material for consideration

The complainant is usually invited by the Student Misconduct Panel to speak to the panel at the hearing, and/or to provide a statement. Witnesses may also be invited to attend the hearing.

OUTCOME
Where the allegations of general misconduct are found proven on the balance of probabilities, the ROGM or the Student Misconduct Panel may impose a range of penalties under regulation 42(2) of the Monash University (Council) Regulations (ie. a reprimand, consent penalty, suspension, exclusion).
I WANT TO MAKE A COMPLAINT ABOUT GENERAL MISCONDUCT
You can make a complaint (‘report’) about general misconduct, and get advice, support and referrals, from SCU. SCU’s role is to listen and support you, and they will make sure that:
► Any necessary safety measures are put in place
► You’re referred to the most appropriate support services for your situation
► You have all the information you need about your formal reporting options to make the decision that’s right for you.

If you want your report to be dealt with as general misconduct, you can tell SCU when you speak with them. If you’ve experienced problem behaviour, Monash University will generally take formal action against the other party only if that’s what you want. You don’t have to decide on your formal reporting options right away, and it’s your choice as to whether you make a formal report or not. Whether or not you decide to report general misconduct, if you have been affected by inappropriate conduct you have various legal rights which we encourage you to explore and understand.

If you have experienced sexual assault, sexual harassment or family violence, you can also contact South Eastern Centre Against Sexual Assault (SECASA). CAN I WITHDRAW A FORMAL REPORT OF GENERAL MISCONDUCT?
To the extent we can, we’ll respect and support a decision not to make a formal report. However, sometimes we may be required to notify other people about what you’ve told us (such as Victoria Police and other staff within Monash). This is to make sure people are safe and protected, or to comply with our legal duties. In these situations, to the extent possible, we’ll take measures to avoid identifying you.

I’VE BEEN ASKED TO ATTEND A STUDENT MISCONDUCT PANEL HEARING
The Student Misconduct Panel may invite you to speak to the panel at the hearing. The respondent is usually allowed by the panel to observe the proceedings, including listening to other evidence and asking questions (with some restrictions).

At the hearing, other people may be present such as:
► A secretary or note-taker
► The ROGM
► A mental health nurse
► Support persons brought by student participants
► A legal advisor to the panel
► Other people who are observing the panel

Your participation in this process is entirely your choice. There is no right or wrong decision. If you would like to participate, we will try to accommodate your preferences such as:
► Attend via video conference, in which case a staff member and the Care Worker (whose role is to support you) will meet you on the day at a separate location on campus.
► Attend in person, in which case a staff member and the Care Worker (whose role is to support you) will meet you on the day and take you to the hearing room.
► Attend via telephone, in which case we will organise a time for you to speak to the panel.

If you are unable to attend or prefer not to attend we can still keep you informed about what happens. Student Conduct can provide the panel with your views (for example, a written impact statement).

EXAMPLE HEARING ROOM LAYOUT

![Hearing Room Layout Image]

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