INFORMATION FOR Respondents

THIS SHEET PROVIDES INFORMATION FOR Respondents. A Respondent is a current Monash student about whom allegations of student general misconduct have been made.

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 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 MISCONDUCT 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 HAVE BEEN ACCUSED OF GENERAL MISCONDUCT
If you have been accused of general misconduct you will be invited to attend a meeting with the ROGM or with SCU. At the meeting you will be given an opportunity to respond to the allegations. You can also bring a witness or support person to accompany you to the meeting.

WHERE CAN I SEEK ADVICE?
You should inform yourself of your rights and seek your own advice, particularly for serious matters. It is your responsibility to prepare for the meeting. You can seek advice from a student rights advocate at your relevant student association or a lawyer.

WHAT HAPPENS AT A STUDENT MISCONDUCT PANEL HEARING?
If your matter is referred to a Student Misconduct Panel hearing, you will be invited to attend the hearing and observe the panel 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

DO I HAVE A RIGHT TO APPEAL A DECISION?
In some circumstances, you have the right to appeal against the finding and the penalty, or the penalty alone, of the ROGM or a Student Misconduct Panel.

If you want to appeal a decision, you must submit an appeal within 20 working days of the date you were sent the notice of decision.

When an appeal is lodged, your appeal is reviewed by someone external to the University who will either:
► Advise the University to set up a Student Appeals Panel to hear the appeal; or
► Dismiss the appeal.

EXAMPLE HEARING ROOM LAYOUT