Monash University Policy

Policy Title | Student General Misconduct Policy
---|---
Date Effective | 26 February 2018
Review Date | 1 March 2019
Policy Owner | Chief Operating Officer
Category | Operational – Education Operations
Version Number | 1.1
Content Enquiries | University Policy

Scope

These procedures apply to:

- All Monash University students (other than students of Monash University Malaysia and Monash University South Africa); and
- All Monash University staff employed in Australia;

Where the act of misconduct occurred at or in the vicinity of a university precinct or another place where a University activity is taking place, about to take place or has just taken place. General misconduct for students of Monash University Malaysia and Monash University South Africa is dealt with under the Student Discipline Guidelines.

A university precinct is defined in the Monash University (Council) Regulations, and include the university campus, within a university managed or operated residential accommodation facility, and at a university activity. A University activity includes: activities organised and managed by Faculties; activities organised and managed by University recognised campus based student associations and activities organised and managed by University recognised Clubs and Societies.

Purpose

- To set out the principles that underpin the University’s approach to student general misconduct
- To ensure that the University takes a consistent approach to student general misconduct to protect the safety and wellbeing of University staff and students, as well as the University’s reputation.

**POLICY STATEMENT**

Principles

The University is committed to upholding a community where dealings are based on mutual respect and where the safety and wellbeing of staff and students is protected. When these standards are not met, students are subject to sanction through the student general misconduct process.

General misconduct is defined in the Monash University Council Regulations – Part 7, regulation 30(3) – as conduct that is contrary to accepted standards of behaviour. This includes, but is not limited to conduct by which a student knowingly or recklessly, causes harm of any kind (physical, psychological, other); threatens to, or does attack, harass, intimidate, stalk, victimise, vilify, or bully another person; engage in non-consensual sexual activity; breaches a law; breaches a University Statute; or disrupts the orderly conduct of a University activity.
The University aims to address allegations of student general misconduct through a resolution process that:

1. is impartial and fair to all parties involved;
2. is carried out with transparency and consistency;
3. is handled within established timelines;
4. imposes penalties that are proportionate and appropriate;
5. is appropriate having regard to the complexity and sensitivities of the case.

A student who is the subject of an allegation of student general misconduct has the right to a fair and thorough investigation, based on the principles of this policy.

Process

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

- **Stage 1 – Reporting an act of general misconduct.** Reports can be made by any person and should be referred by the recipient to the Responsible Officer General Misconduct (ROGM)
- **Stage 2 – Reviewing a report of general misconduct.** For most matters, reports of general misconduct are reviewed, investigated and determined by the ROGM.
- **Stage 3 – Determination by a General Misconduct Panel (GMP).** If the ROGM chooses to refer the matter, the GMP is responsible for hearing and determining the allegation of general misconduct.
- **Stage 4 – Appealing a decision.** Decisions made by the ROGM may be appealed to the General Misconduct Appeals Panel (GMAP) and primary decisions of GMP may also be appealed to the GMAP.

To ensure quick and effective resolution the University will resolve most matters of student general misconduct through the ROGM, with only matters of a serious nature being heard by a GMP.

Student responsibilities

All Monash students are expected to:

- Treat all members of the University community and University property and facilities with respect and courtesy
- Make themselves aware of and comply with University regulations, policies and procedures concerning conduct at University

Any student that makes a report of general misconduct is expected to:

- Cooperate with the process for reviewing, investigating and responding to reports of general misconduct
- Treat staff with courtesy and respect
- Refrain from engaging in conduct that would amount to an abuse of process

Staff roles and responsibilities

All University staff are responsible for:

- Providing a safe and supportive environment that empowers students.
- Referring reports of student general misconduct that are reported to them to the ROGM or other relevant decision maker.
- Respecting the privacy of students that make a report of student general misconduct.
The decision makers 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.
- Ensuring that the rules of natural justice are upheld

The University is committed to ensuring that all students have access to appropriate support services during the course of an investigation.

<table>
<thead>
<tr>
<th>Supporting Procedures</th>
<th>Student General Misconduct Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsibility for implementation</td>
<td>Student Education and Business Services</td>
</tr>
<tr>
<td>Status</td>
<td>New</td>
</tr>
<tr>
<td>Approval Body</td>
<td>-</td>
</tr>
<tr>
<td>Endorsement Body</td>
<td>-</td>
</tr>
<tr>
<td>Definitions</td>
<td>General misconduct: misconduct that is contrary to accepted standards of behavior. This includes a wide range of behaviours which are outlined in Part 7 of the Monash University (Council) Regulations</td>
</tr>
<tr>
<td>Legislation Mandating Compliance</td>
<td>Monash University (Council) Regulations – Part 7</td>
</tr>
<tr>
<td>Related Policies</td>
<td>Student Complaints and Grievance Policy</td>
</tr>
<tr>
<td>Related Documents</td>
<td>Resolution of unacceptable behavior Procedure – General student misconduct procedures</td>
</tr>
</tbody>
</table>