INFORMATION FOR Witnesses

THIS SHEET PROVIDES INFORMATION FOR WITNESSES. A WITNESS IS SOMEONE WHO HAS PROVIDED INFORMATION OR EVIDENCE THAT MAY BE RELEVANT TO A STUDENT GENERAL MISCONDUCT PROCESS, AND WHO MAY BE CALLED UPON TO PARTICIPATE IN THAT PROCESS.

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 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 WANT TO MAKE A COMPLAINT ABOUT GENERAL MISCONDUCT
If you’ve witnessed or become aware of concerning or inappropriate behaviour by a student, we encourage you to say something. You can make a complaint (report’) about general misconduct, and get advice, support and referrals, from SCU.

Monash University will generally take general misconduct action only if that is what the person/s directly affected by the behaviour (ie, the victim/survivor) wants. If you’re reporting an incident you witnessed or become aware of, please identify as best you are able to the person/s impacted by the behaviour.

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
You may be invited by the Student Misconduct Panel to speak to the panel at the hearing as a witness. Your participation in this process is entirely your choice. If you would like to participate we will try to accommodate your preferences (ie. video conference, telephone call or attendance in person).

The respondent is usually allowed by the Student Misconduct Panel to 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

EXAMPLE HEARING ROOM LAYOUT