NOTICE OF APPEAL

Student Name: ________________________________

Student ID: _________________

1. Who made the decision you are appealing? (tick one only)
   □ Responsible Officer (specify name) _________________
   □ Faculty Discipline Panel (specify faculty) _________________
   □ Research Discipline Panel
   □ University Discipline Panel

2. Date of written Notice of Decision (i.e. decision letter): ________________

3. Are you appealing against (tick one/or both):
   □ finding about the allegation (unless you admitted the misconduct)
   □ penalty imposed

4. What is the ground of your appeal? (You must tick at least one and provide the additional information required, otherwise you have not submitted a valid appeal. Additional information explaining each ground of appeal is attached).
   □ There is a reasonable apprehension of bias of the decision maker. (You must state who you consider was affected by bias and explain the evidence of this bias.)

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

□ There was a breach of the rules of natural justice with the potential to affect the outcome of the investigation or hearing. (You must set out how you say that rules of natural justice were not followed and say how this could have affected the decision in your case.)

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

□ An excessive penalty was imposed. (You must set out why you say the penalty was excessive).

__________________________________________________________________________
☐ New evidence that was not reasonably available during the investigation or hearing with the potential to affect the outcome of the investigation or hearing. (You must specify what this new evidence is, explain why it was not available to you at the time of the decision, and how this could have affected the decision in your case).

☐ The decision was manifestly wrong. (You must set out what aspects of the decision you consider to be wrong. Refer to the evidence before the decision maker in your response).

[If you need more space to set out your response, please attach it to this notice.]

5. Your written appeal must be delivered to the appropriate person listed below **not more than 20 working days** after you would receive the written notice of the decision by ordinary post or email. If you do not submit your appeal within this time, your appeal cannot be considered.

<table>
<thead>
<tr>
<th>Decision Appealed:</th>
<th>Send Notice of Appeal to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision of Chair GRC about research misconduct</td>
<td>GRC [Email: <a href="mailto:gr-governance@monash.edu">gr-governance@monash.edu</a>]</td>
</tr>
<tr>
<td>Decision of Director, Executive Services</td>
<td>President of Academic Board [Email: <a href="mailto:academicboard-president@monash.edu">academicboard-president@monash.edu</a>]</td>
</tr>
<tr>
<td>Decision of any other Responsible Officer</td>
<td>Your Faculty Dean [please make an inquiry from your faculty]</td>
</tr>
<tr>
<td>Decision of any Panel</td>
<td>President of Academic Board [Email: <a href="mailto:academicboard-president@monash.edu">academicboard-president@monash.edu</a>]</td>
</tr>
</tbody>
</table>

Signed: ____________________________________________
Dated: ____________________________________________

Office use only:

Date notice of decision received by student: ____________________________________________
Date notice of appeal received by University: ____________________________________________
Reasonable apprehension of bias of the decision maker

A reasonable apprehension of bias exists if a fair minded and informed observer would *reasonably suspect* that in all the circumstances the decision maker does not bring an open mind to the matter to be decided or has prejudged the issue or will be influenced by personal factors in making the decision. An allegation of bias must be raised by a student at the first reasonable opportunity after the identity of the proposed decision maker is known and the factual matters giving rise to the allegation of bias are known. A failure by a student to make an allegation at the first reasonable opportunity may mean the student has waived the right to object to the decision maker on the grounds of bias.

Breach of the rules of natural justice with the potential to affect the outcome of the hearing or investigation.

This means a breach of natural justice that is of such consequence that it had the potential to alter the final decision. Part 7 of the Monash University (Council) Regulations sets out rights and obligations that seek to ensure a student is accorded natural justice (a fair process) including:

- the requirement for a student to have notice of the allegation against them;
- the opportunity for the student to respond to that allegation either at a meeting or a discipline hearing and/or in writing, while acknowledging a student may not use this opportunity, in which case the allegation can be determined in the student’s absence;
- the right of the student to be assisted by another person in presenting a response to the disciplinary allegation;
- the right of the student to raise an objection to the decision maker on the grounds of bias, which objection must be determined before the matter proceeds to a decision;
- the right of the student to be informed of matters adverse to the student that may be taken into account and to be given the opportunity to respond to those matters before a decision is made.

Excessive penalty.

This means a penalty that is disproportionate or unreasonable, and not merely a penalty that is different to what another decision maker would choose to impose if deciding the case again.

New evidence not reasonably available to the student before the decision was made with the potential to affect the outcome of the hearing or investigation.

This means evidence that was not available to the student at the time of the original decision had it been reasonably sought by the student and that is of such consequence that it has the potential to alter the final decision.

The decision was manifestly wrong.

This is a decision that, having regard to the evidence before the original decision maker, is so wrong or unsound or lacking in a rational basis that no reasonable decision maker could have made the decision. The test is not met merely because the appeal panel would make a different decision on the evidence had they been the decision maker.