INFORMATION ON
Student Misconduct Panels

WHAT IS GENERAL MISCONDUCT?
“General Misconduct” means any conduct by a current Monash student – occurring either 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 Monash University policy or procedure
► Disruption of a University activity
► Property damage or theft
► Dishonest or fraudulent statements

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

WHAT IS NATURAL JUSTICE AND PROCEDURAL FAIRNESS?
All decision-makers involved in the general misconduct process are bound by the principles of natural justice. This means that students have the right to:
► Be informed of the allegations against them
► Be provided with a reasonable opportunity to respond to the allegations
► Know what evidence and factors are taken into account in decision-making
► Have the allegations determined by an unbiased decision-maker

STANDARD OF PROOF
The standard of proof required for decision makers is the balance of probabilities. This means that a decision-maker will find an allegation of general misconduct proven if they are satisfied that it is more likely than not that the alleged misconduct took place.

REFERRAL TO A STUDENT MISCONDUCT PANEL
The Responsible Officer for General Misconduct (ROGM) is a member of staff in Student Conduct and is the decision-maker for all reports of general misconduct. The ROGM may refer a report of general misconduct to a Student Misconduct Panel (SMP). The SMP usually hears matters involving complex, sensitive or serious allegations of general misconduct.

REPRESENTATIVES AND LEGAL 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 hearing. You can seek advice from a student rights advocate at your relevant student association or a lawyer.

WHAT IS THE PURPOSE OF THE HEARING?
The hearing is an important opportunity for you to respond to the allegation/s and tell the SMP your side of the story.

WHAT INFORMATION WILL I RECEIVE BEFORE THE HEARING?
Student Conduct will email you the following information:
► date, time and location of the hearing
► details of the allegation/s against you
► evidence relating to the allegation/s to be considered at the hearing

You must advise Student Conduct in writing four working days before the hearing:
► if you want to invite any witnesses to give evidence; and
► if you want to ask witnesses questions at the hearing.

PANEL MEMBERS
The panel of decision-makers include:
► The Chairperson (a Monash staff member)
► Second member (a Monash staff member)
► Third member (a Monash student)

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WHAT HAPPENS AT THE SMP HEARING?
The Chairperson of the SMP will outline the allegation/s. You will be asked to confirm that you understand the allegation/s and respond to the allegation/s. You will be given an opportunity to:
► Observe the proceedings
► Listen to other evidence
► Invite witnesses to speak to the panel
► Present any written evidence or material for consideration
► Ask questions (with some restrictions on questioning complainants/witnesses)

The complainant is usually invited by the SMP to speak to the panel at the hearing, and/or to provide a statement. Witnesses may also be invited to attend the hearing. Complainants and witnesses may participate in person, by video conference or telephone. Complainants and witnesses are only permitted to attend the hearing while speaking to the SMP.

Other people may be present including:
► A secretary or note-taker
► The ROGM
► A member of the Student CARE (Coordination, Assessment, Referral and Evaluation) Service, a mental health nurse, or other skilled person to support you and/or the complainant
► Support persons brought by student participants
► A legal advisor to the panel
► Other people who are observing the panel

The SMP will likely make a decision at the hearing. The SMP may decide to tell you its decision at the hearing or in writing after the hearing. You will be notified of the decision in writing, and normally within seven days of a decision.

POSSIBLE OUTCOMES AND PENALTIES
If the allegations of fact are not proven, no further action will be taken. If the allegations are proven and the SMP finds that you have engaged in general misconduct, they may impose a penalty under regulation 42(2) of the Monash University (Council) Regulations, including:
► Recording of misconduct on student record
► Reprimand
► A consent penalty (for example an apology, counselling or a written reflective piece)
► Restriction on student contacting certain staff/students
► Fine not exceeding 5 penalty units
► Requirement to make good any damage caused by way of restitution
► Prohibition from entering a specified university precinct for a period of time
► Suspension from a course of study or a unit of study
► Exclusion from the University

FREQUENTLY ASKED QUESTIONS
Do I have to attend the hearing?
You are strongly advised to attend the hearing. It is an important opportunity for you to respond to the allegation/s and tell the SMP your side of the story. However, if you are unable to attend the hearing, please contact Student Conduct to discuss alternative arrangements for your participation (ie. telephone, video conference and/or a written response).

Can I bring a support person to the hearing?
You are encouraged to bring a support person. You can seek advice from a student rights advocate at your relevant student association who may be able to accompany you. Alternatively, you are free to bring a friend or family member.

Can I be represented by a lawyer?
The hearing is not a legal tribunal and you are not allowed legal representation. If your support person has legal training they are allowed to accompany you but not permitted to act in a legal capacity.

Will the hearing be recorded?
No audio or video-recording of a hearing is allowed. A staff member will take notes during the hearing so there will be an accurate record of what happened.

Do I need to bring anything?
You should bring any documents sent with the notice of hearing. You may also bring your own information or notes.

Please note, your written response and supporting documents should be submitted four working days before the hearing. If you present any evidence at the hearing, the SMP may adjourn the hearing to review the material.

What if I am running late to the hearing?
You are expected to attend the hearing on time. However if you are running late, please contact Student Conduct immediately.

Where else can I get help?
We understand that this may be a difficult experience for you. We strongly suggest that you seek advice from a student rights officer at the relevant student association.

You may also wish to consider contacting the Monash University Counselling Service, which provides students with confidential support, both in person and online.