THIS BOOKLET:
▶ Is designed for Monash University students and staff who are involved in, or want to know more about, the student general misconduct process
▶ Explains the roles of Student Conduct and the Safer Community Unit
▶ Gives information about reporting general misconduct, formal processes, penalties and outcomes, and appeal rights.

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KEY CONTACT INFORMATION

MONASH UNIVERSITY SERVICES
▶ Security (24 hours) 03 9905 3333
▶ Counselling Service (Weekdays, 9am-5pm) 03 9905 3020
▶ Phone Counselling Service (24/7) 1300 788 336

STUDENT CONDUCT AND SPECIAL CIRCUMSTANCES
▶ Phone: 03 9905 1883
▶ Email: studentconduct@monash.edu
▶ Website: https://www.monash.edu/students/general-misconduct

SAFER COMMUNITY UNIT
▶ Phone: 03 9905 1599
▶ Email: safercommunity@monash.edu
▶ Website: www.monash.edu/safer-community

KEY CONTACT INFORMATION

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To report general misconduct:
▶ Phone: 03 9905 1599
▶ Visit: www.monash.edu/report-incident
▶ Download the App: www.monash.edu/mpal
GENERAL MISCONDUCT

WHAT IS STUDENT 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
▶ breach of a staff direction
▶ property damage or theft
▶ dishonest or fraudulent statements

General Misconduct is usually handled separately to academic or research misconduct, such as cheating and plagiarism. Occasionally, allegations of academic or research misconduct may be dealt with by Student Conduct where they are interwoven with allegations of general misconduct.

STUDENT CONDUCT AND SPECIAL CIRCUMSTANCES

WHAT WE DO

Student Conduct and Special Circumstances (Student Conduct) is responsible for the overall management of general misconduct allegations.

At Student Conduct, our purpose is to ensure the fair, thorough and prompt handling and decision-making about allegations of general misconduct by students.

DECISION MAKERS

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.

OVERARCHING PRINCIPLES FOR DECISION-MAKERS

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.

WHO ARE THE DECISION-MAKERS?

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 reports of general misconduct to other decision-makers, such as a General Misconduct Panel (GMP).

A student found to have engaged in general misconduct (the respondent) in some circumstances may appeal a decision and/or penalty to a General Misconduct Appeals Panel (GMAP).
STAGES OF THE GENERAL MISCONDUCT PROCESS

There are several stages to the general misconduct process:

Report:
All complaints (reports) about concerning or problem behaviour are received by the Safer Community Unit (SCU) in the first instance. SCU notifies the ROGM of all reports of general misconduct and, after conducting investigations, will refer reports of general misconduct to the ROGM for assessment.

Assessment:
The ROGM will review the report of general misconduct and decide whether to deal with the report themselves, refer it to a GMP, or deal with it in another way.

Possible outcomes and penalties:
Where allegations of general misconduct are found proven on the balance of probabilities, the ROGM or a GMP may impose a range of penalties under regulation 42(2) of the Monash University (Council) Regulations (the Regulations).
REPORTS OF GENERAL MISCONDUCT

Reports about problem behaviour are received by SCU at first instance. SCU is the central point of contact for all members of the Monash community seeking support, information, advice or a response to any form of concerning or inappropriate behaviour, whether on or off campus, and whether involving students, staff or others. This includes (but is not limited to) student behaviour that may amount to general misconduct.

SCU’s role is to:
▶ Provide all persons affected by problem behaviour with information, practical and procedural advice, and referrals to support services;
▶ Coordinate a range of safety strategies for the intervention and management of behavioural risks to the Monash community;
▶ Ensure persons affected by the problem behaviour are fully informed about their reporting options so they can make decisions that are right for them; and
▶ Investigate matters that are serious or which pose a risk to the safety of the Monash community.

Reports of general misconduct can be made verbally or in writing by staff, students or the public.

ANONYMITY
You can choose to make a report anonymously. However, if you decide to do that, it will limit our ability to investigate and we won’t be able to provide you with updates.

PRIVACY AND CONFIDENTIALITY
We will take all reasonable steps to protect your identity and maintain your confidentiality. Any personal information you provide for the purposes of reporting an incident or concern to us will be collected and managed in accordance with the University’s Data Protection and Privacy Collection Statements.

Monash University values the privacy of every individual’s personal information and is committed to the protection of that information from unauthorised use and disclosure, except where permitted by law. For more information about the handling of your personal information, see the Monash University Data Protection and Privacy Procedure.

WITHDRAW A FORMAL REPORT
To the extent we can, we will 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, and to comply with our legal duties. In these situations, to the extent possible, we’ll take measures to avoid identifying you.

SEXUAL MISCONDUCT
“Sexual misconduct” is a type of general misconduct that includes sexual assault, sexual harassment, stalking, and other forms of sexual contact without consent.

Monash University will generally only take action against an alleged perpetrator of sexual misconduct if the person affected by the conduct (the victim/survivor/complainant) decides to make a formal report. If that person does not want any action to be taken, Monash University will respect and support their decision.

In managing disclosures and reports of sexual assault, Monash University follows the principles and procedures in its Sexual Misconduct Response Procedure.

INVESTIGATION OF REPORTS
SCU will refer reports of general misconduct to the ROGM for assessment.

Where the report relates to interpersonal behaviour (such as sexual assault, threats, harassment, bullying, etc) SCU will usually investigate the report as the delegated investigator for the ROGM. The respondent (student who is the subject of the allegation/s) may be invited to attend a meeting with the ROGM or an SCU investigator. The respondent can choose to respond to the allegations in writing and/or in person.

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.

In other cases (such as theft, property damage, forgery, fraud, etc) the ROGM may investigate the matter themselves or may delegate the investigation to another investigator. The respondent may be invited to attend a meeting with the ROGM or the delegated investigator. The respondent can choose to respond to the allegations in writing and/or in person.
The ROGM is responsible for assessing all reports of general misconduct.

If the report has been investigated by SCU or another investigator, all the material gathered will be provided to the ROGM.

The ROGM may decide 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 GMP.

STAGE 2: ROGM ASSESSMENT

DISMISS REPORT

The ROGM may dismiss the report or allegation, and take no further action if satisfied that the misconduct has not been proved.

REFER

The ROGM may refer the report for resolution elsewhere within the University, such as SCU, Monash Security, Workplace Relations, or another responsible officer.

INFORMAL RESOLUTION

The ROGM may decide to deal with the report informally. For example, the ROGM may provide the student with an informal warning, or refer the student to an informal educative process or to counselling.

FORMAL DECISION

The ROGM may make a formal decision about the misconduct, and determine a penalty.

REFER TO A GENERAL MISCONDUCT PANEL

The ROGM may refer a report of general misconduct to a GMP. The GMP usually hears matters involving complex, sensitive or serious allegations of general misconduct.

The respondent will be given an opportunity to respond to the allegations. The respondent must submit their response not later than four working days before 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)

The respondent may request to replace the student member with another staff member.

What happens at the GMP hearing?
The respondent is asked to attend and observe the proceedings, including listening to other evidence and asking questions. The respondent will be able to invite witnesses to speak to the panel and present any written evidence or material for consideration.

The complainant is usually invited by the GMP to speak to the panel at the hearing, and/or to provide a statement. Witnesses may also be invited to attend the hearing.

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 the complainant and/or respondent
▶ Support persons brought by student participants
▶ A legal advisor to the panel
▶ Other people who are observing the panel

Representatives and Legal advice:
Complainants and respondents are encouraged to bring a support person to meetings and hearings if they wish. A support person is someone who is present for the complainant or respondent and offers them emotional support, but doesn’t speak on their behalf or act as an advocate or representative.

Participants are not allowed legal representation at a GMP. If a support person has legal training they are allowed to accompany and assist the complainant or respondent, but not legally represent them.
If the ROGM or GMP finds that the allegations are not proven, no further action will be taken.

**STAGE 3: POSSIBLE OUTCOMES AND PENALTIES**

**GMP**
If the GMP finds that the student has engaged in general misconduct, it may impose a penalty. In addition to the aforementioned penalties, the GMP are also empowered to impose:

- Suspension from a course of study or a unit of study
- Exclusion from the university

**ROGM**
If the ROGM makes a finding of general misconduct, they may impose a penalty under regulation 42(2) of the 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

The ROGM does not have the power to suspend or exclude a student from the University.

**OUTCOME**
The respondent will be notified of the decision in writing, and normally within seven working days of a decision. The person affected by the misconduct is informed of the outcome by the decision-maker, if they wish to know the outcome.

**RIGHT TO APPEAL**
In some circumstances, the respondent has a right to appeal against the finding and the penalty, or the penalty alone, of the ROGM or GMP.

The respondent must submit an appeal within 20 working days of the date they were sent the notice of decision.

**GROUNDS OF APPEAL**
The respondent can appeal a decision made against them on limited grounds:

- **Bias:** there was actual bias, or a reasonable apprehension of bias by the decision maker (that is, by the ROGM or a member of the GMP)
- **Excessive penalty:** the penalty was excessive
- **New evidence:** the respondent has new evidence that was not available at the time of the investigation or hearing that led to the finding of misconduct or the imposition of a penalty, and which could have affected the outcome
- **Breach:** rules of natural justice were breached and this could have affected the outcome
- **Manifestly wrong:** the decision was demonstrably illogical or irrational

Under the Regulations, there is no avenue for witnesses, complainants, or Monash University to appeal the decision of a ROGM or GMP.

**WHAT HAPPENS NEXT**
When an appeal is lodged, the appeal is reviewed by someone external to the University who will either:

- Advise the University to set up a GMAP to hear the respondent’s appeal; or
- Dismiss the appeal on the grounds that it is:
  - Frivolous;
  - Vexatious;
  - Misconceived; or
  - Lacking in substance.

**GMAP HEARING**
If referred to a hearing, the GMAP decides whether the appeal has been made out (that is, whether the ground of appeal has been substantiated).
The panel of decision-makers include:
▶ The Chairperson (Independent person external to the University)
▶ Second member (a Monash staff member), and
▶ Third member (a Monash student)

The GMAP will, by a unanimous or majority decision, either:
▶ Affirm the original decision of the ROGM or GMP; or
▶ Vary the original decision of the ROGM or GMP; or
▶ Set aside the original decision, and substitute it with its own decision. The GMAP will hear the matter afresh and make its own decision.

The Monash University Counselling Service has counsellors who are available at all campuses Monday to Friday.
To organise an appointment with a counsellor call 03 9905 3020.
For more information about the Counselling Service, including on-campus locations, visit www.monash.edu/health/counselling

GMAP MEMBERS

COUNSELLING SERVICE

If you want support, help or referrals, we encourage you to seek support through the free services offered at Monash:

SAFER COMMUNITY UNIT
▶ Phone: 03 9905 1599
▶ Email: safercommunity@monash.edu
▶ Website: www.monash.edu/safer-community

HELP AND SUPPORT

In an emergency or crisis, please call 000 for police, fire or ambulance.
For an emergency on campus, you can also call Monash Security on 03 9905 3333 (or 333 from a Monash phone).

SEACASA counsellors are located within the University Health Services at Clayton (Monday, Tuesday) and Caulfield (Monday).

For enquiries call 03 9928 8741
24-hour crisis support call 03 9594 2289

Lifeline
Lifeline is a national charity providing all Australians experiencing a personal crisis with access to 24 hour crisis support and suicide prevention services.

For more information about the Health Service, visit www.monash.edu/health/medical-services

EXTERNAL SERVICES

South Eastern CASA (Centre Against Sexual Assault and Family Violence)
South Eastern Centre Against Sexual Assault (SEACASA) provides therapeutic counselling and support to survivors of sexual assault or family violence.
SEACASA counsellors are located within the University Health Services at Clayton (Monday, Tuesday) and Caulfield (Monday).

For enquiries call 03 9928 8741
24-hour crisis support call 03 9594 2289

Lifeline
Lifeline is a national charity providing all Australians experiencing a personal crisis with access to 24 hour crisis support and suicide prevention services.

Personal/Crisis call 13 11 14
Suicide Prevention Line call 1300 651 251