

DISCIPLINE HEARINGS [MISCONDUCT]

Discipline Hearings (MISCONDUCT)

If you have been charged with Misconduct you will be issued a letter from your Faculty notifying you of the time, date and location of your Discipline hearing and also details outlining the charges made against you and the grounds for those charges.

It is important that you attend this hearing as it is your opportunity to explain what took place be it with regards to an assessment task or in relation to inappropriate behaviour.

The hearing is formal and the charges are taken seriously by both the Faculty and the University. Inside the hearing room is a Faculty Discipline committee. The committee consists of:

- Chairperson (a senior Faculty staff member)
- Secretary who records the hearing proceedings
- 1-2 Academics from within the Faculty
- Student representative (elected by the Student Union)

Step 1

When you enter the room there will be a seat for you and your support person on one side of the table. When you are seated the Chairperson and Committee shall introduce themselves to you. The Chairperson shall then detail all evidence they have to consider the matter and will check if there is anything that they are missing that you either previously submitted or would like to submit for consideration. The Chairperson shall then ask you if you are comfortable with the Committee composition and are comfortable with the hearing proceeding at this time. Unless there is a Committee member that you are not comfortable with, you should answer that you are happy for the hearing to proceed.

Step 2

The Chairperson will read from the charge letter detailing both the charge(s) and the set of circumstances that lead to the charge. For each charge the Chairperson will ask if you admit the charge or not.

If you admit one or more charges the hearing will proceed to Step 3. If you plead guilty to both charges the committee will proceed to Step 4.

Step 3

The Committee will invite you to explain to them why you believe you are not guilty of the charge(s). They may ask you questions to ensure that they have a full understanding of your version of events.

Once they are satisfied that they have all the information they require, they will ask both you and your support person to leave the room whilst they deliberate on the matter.

Once they have made decision they will ask you both back into the room and will inform you of their finding with regards to your guilt or innocence of the charges. If they find you not guilty of all charges the hearing shall conclude. If they find you guilty of one or more of the charges the hearing will proceed to Step 4.

Step 4

This is called the “Plea of Leniency”. This is an opportunity for you to explain to the Committee why you believe you should receive a lenient penalty. At this stage the Committee have made a decision about your guilt or innocence and are asking you if there is anything they should take into consideration when determining a penalty.

Again, once they are satisfied that they have all the information they require, they will ask both you and your support person to leave the room whilst they deliberate on the matter.

Once they have made a decision they will ask you both back into the room and will inform you of their decision with regards to the penalty.

Step 5

When you enter the room you will be informed by the Chairperson of the penalty. This will also be communicated to you in writing and sent to you in the mail within 2 weeks.

After the hearing it is important that you debrief with a Student Rights Officer to discuss what implications the penalty will have upon you and also what options you may have including appeal grounds.

Penalties vary and if you are found guilty of a charge of misconduct must include one or more of the following:

- a reprimand (a letter on your student file that details you were found guilty of the charge). This is not shown on your transcript and is destroyed when you leave Monash
- a fine not exceeding \$500
- payment to the university of a sum sufficient to make good any damage caused by you
- disallowance of the work concerned by prohibiting assessment or, where the work has been assessed, annulling the result in the assessed work
- failure in the unit of which the work concerned forms the whole or a part
- suspension from the university for a specified period
- exclusion from the university.

You are entitled to appeal both the decision and penalty of the Faculty Discipline Committee, however grounds for appeal are limited to:

- excessive penalty
- bias on the part of the Discipline Committee concerned
- significant procedural irregularity
- new evidence of a substantial nature, being evidence not reasonably available to you at the time of the original hearing.

It is important that you seek advice and support from a Student Rights Officer so that they can inform you not only of the hearing proceedings but also possible questions that the committee may ask you and can also explain to you your rights as a student. A Student Rights Officer can also assist you with the construction of an appeal.

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