

STUDENT GENERAL CONDUCT POLICY

SCOPE

This policy applies to:

- all students at Monash University precincts (including all teaching locations and Monash Residential Services); and
- all students who are engaging in a University activity (including study tours, clinical and other placements, and activities organised by University-affiliated student organisations).

All references in this policy to organisational units or positions include equivalent units or positions at Monash University Malaysia, Monash University Indonesia, Monash Suzhou and IITB-Monash Research Academy (IITB).

POLICY STATEMENT

This policy specifies the standards of conduct and personal behaviour that Monash University (the University) expects of students, and identifies the consequences of failure to meet these standards

1. General Principles

- 1.1 The University affirms its commitment to the values set out in its [Ethics Statement](#), which include honesty, fairness, mutual respect and equality. The University promotes respect for difference and values diversity of people and ideas. The University values freedom of speech and academic freedom, and expects all members of its community to respect the inherent dignity, beliefs and human rights of all individuals.
- 1.2 All members of the University community are expected to be responsible and accountable for their decisions and actions. The University expects that students will act with respect, honesty, consideration and courtesy towards other students, staff and visitors.
- 1.3 The University aims to address allegations of student general misconduct through a resolution process that:
 - is impartial and fair to all parties involved;
 - is carried out with transparency and consistency;
 - is handled within established timelines;
 - imposes penalties that are proportionate and appropriate; and
 - is appropriate to the complexity and sensitivities of the case.

2. The University's commitment to students

- 2.1 The University aims to:
 - ensure that students are treated with consideration and courtesy by University staff;
 - provide a safe learning environment that is free from unlawful discrimination and harassment;
 - encourage student representation or consultation prior to University decision-making about student related matters;
 - maintain University policies, procedures, schedules and practices that promote fair treatment of students; and
 - maintain student records in a way that protects the privacy of personal information.
- 2.2 Students who have a complaint about, or wish to appeal against, an action or decision of the University should refer to the [Student Complaints Policy](#).

3. Requirements of Student Conduct

- 3.1 Students must, at all times:
 - make themselves aware of and comply with the [Student Charter](#) and all University regulations, policies, procedures and schedules that apply to their enrolment, conduct and studies at the University;
 - respect the rights of others to study, research, work and engage in University activities free from unlawful discrimination, harassment and unnecessary or unreasonable impediment;

- respect the rights of others to express themselves and to hear and receive information and opinions;
- act safely and not endanger the wellbeing of others;
- respect University property and facilities and respect the rights of others to use these facilities;
- comply with any lawful and reasonable direction given by a University staff member;
- not disrupt the orderly conduct of a University activity;
- not make vexatious complaints or reports of alleged misconduct, or contribute false evidence or information to the handling of complaints or reports of alleged misconduct; and
- not misuse the University's resources or name, including for personal gain.

3.2 Students must not engage in (either directly or indirectly), or encourage others to engage in:

- unlawful discrimination;
- vilification;
- bullying;
- assault;
- stalking;
- victimisation;
- sexual assault, sexual harassment, or any other conduct of a sexual nature without consent; or
- hazing.

4. Failure to meet expected standards of behaviour

4.1 Failure by a student to meet the University's requirements of student conduct may:

- amount to student general misconduct;
- be dealt with under the [Student General Misconduct Procedure](#) (or the [Student Discipline Guidelines](#) for the former Monash South Africa campus) and [Student Academic and General Misconduct: Hearing and Appeals Panels Procedure](#); and
- result in the student being subject to formal disciplinary action by the University.

4.2 A student who is involved in a general misconduct process under the [Student General Misconduct Procedure](#) (or the Student Discipline Guidelines for Monash University Malaysia and the former Monash South Africa campus) and [Student Academic and General Misconduct: Hearing and Appeals Panels Procedure](#), whether as a complainant, witness or respondent, must:

- treat staff, students and others involved in the general misconduct process with courtesy and respect;
- be honest and act in good faith; and
- refrain from engaging in conduct that would amount to an abuse of process.

5. Student General Misconduct Process

5.1 The resolution process for allegations of student general misconduct is conducted in four stages:

- Stage 1 – Reporting an act of general misconduct: Reports of alleged general misconduct can be made by any person and should be referred to the Responsible Officer General Misconduct;
- Stage 2 – Considering a report of general misconduct: For most matters, reports of general misconduct are reviewed, investigated and determined by the Responsible Officer, General Misconduct;
- Stage 3 – Determination by a Student Misconduct Panel: If the Responsible Officer, General Misconduct chooses to refer the matter, the Student Misconduct Panel is responsible for hearing and determining the allegation of general misconduct;
- Stage 4 – Appealing a decision: Decisions made by the Responsible Officer, General Misconduct or Student Misconduct Panel may be appealed to the Student Appeals Panel.

5.2 To ensure prompt and effective resolution, the University will resolve most matters of student general misconduct through the Responsible Officer, General Misconduct, with only matters of a serious nature being heard by a Student Misconduct Panel.

6. Staff Responsibility

6.1 All University staff are responsible for:

- referring students who make a disclosure to the Safer Community Unit for advice and support;
- referring reports of general misconduct to the Responsible Officer, General Misconduct; and
- respecting the privacy of students who make a disclosure or report of general misconduct.

6.2 Decision-makers involved in the general misconduct process are responsible for:

- receiving reports of general misconduct and maintaining records of all related documents;
- determining the nature of the misconduct and the appropriate response;
- where investigation is appropriate, carrying out a fair investigation to understand the evidence in support of an allegation of student general misconduct; and
- ensuring that the rules of natural justice are upheld.

DEFINITIONS

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| Bullying | Bullying is repeated, unreasonable behaviour by an individual towards another individual or group, which creates a risk to their health and safety. Bullying can be verbal, physical, social or psychological abuse. It can include offensive language, insults about physical characteristics such as their weight or height, teasing or telling jokes, hitting or hurting someone, shoving or intimidating another person, or consistently excluding or isolating another person. |
| Consent | Consent means free agreement where the person engaging in conduct of a sexual nature (respondent) reasonably believes that the other person (complainant) freely agrees to it. A person does not freely agree to an act in circumstances including the following— <ul style="list-style-type: none"> (a) the person submits because of force or the fear of force to that person or someone else; (b) the person submits because of the fear of harm of any type to that person or someone else; (c) the person submits because she or he is unlawfully detained; (d) the person is asleep, unconscious, or so affected by alcohol or another drug as to be incapable of freely agreeing; (e) the person is incapable of understanding the sexual nature of the act; (f) the person is mistaken about the sexual nature of the act or the identity of the person; or (g) the person mistakenly believes that the act is for medical or hygienic purposes. |
| Disclosure | A person makes a Disclosure of Sexual Misconduct to a staff member if the person states that they or another person have been subjected to Sexual Misconduct, and the person who was subjected to the alleged Sexual Misconduct indicates that they do not want to make a Report. |
| Unlawful Discrimination | Treating or proposing to treat one or more individuals unfavourably because they have an attribute protected by law, in the absence of a relevant legal exception. Discrimination can be direct or indirect: <ul style="list-style-type: none"> • Direct discrimination can occur when a person or group is treated less favourably than another person or group in a similar situation, because of a protected attribute; • Indirect discrimination involves imposing a requirement, condition or practice that operates to disadvantage a person with a protected attribute, and it is not reasonable. |
| General Misconduct | General Misconduct is conduct which is contrary to accepted standards of behaviour as defined in the Monash University Council Regulations , Part 7, Regulation 30(3)). |
| Student Misconduct Panel | A body established under part 7 of the Monash University (Council) Regulations to hear allegations of misconduct referred by a responsible officer. |
| Student Appeals Panel | A body established under part 7 of the Monash University (Council) Regulations to hear appeals of decisions of student misconduct made by a responsible officer or SMP. |
| Hazing | Hazing includes any action or situation (e.g. initiation ceremony, ritual, challenge or other activity) with or without the consent of participants, for the purpose of admission into, affiliation with, or as a condition for, continued membership or acceptance into a group (e.g. club, team, hall, society). Hazing activities may be intentional or unintentional and may cause or be likely to cause humiliation, discomfort, embarrassment, abuse or physical and or emotional harm to any individual or group. |
| Responsible Officer, General Misconduct | A staff member of the University who is specified by the Vice-Chancellor as the responsible officer for general misconduct. |

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| Sexual Assault | <p>Sexual Assault means any contact, threat of or intent to have contact, or compelling another person to have contact, of a sexual nature, without consent, with regard to a person, including but not limited to:</p> <ul style="list-style-type: none"> • rape, • sexual penetration, • non-penetrative sexual activity, • sexual touching • assault with intent to commit a sexual offence, • threat to commit a sexual offence, and • the administration of a drug or intoxicating substance with the intention of rendering a person incapable of resistance to participation in acts of a sexual nature. |
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GOVERNANCE

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| Supporting procedures | Student General Misconduct Procedure Sexual Misconduct Response Procedure Student Academic and General Misconduct: Hearing and Appeals Panels Procedure |
| Supporting schedules | N/A |
| Associated policies | Equal Opportunity Policy Freedom of Speech and Academic Freedom Policy IT Acceptable Use Policy Media & Social Media Policy Student Complaints Policy |
| Related legislation | Monash University Act Monash University (Council) Regulations Higher Education Standards Framework (Threshold Standards) 2021 |
| Category | Operational |
| Approval | <p>Vice-Chancellor's Executive Committee</p> <p>22 October 2019</p> <p>MEETING NUMBER 11/AGENDA ITEM 13</p> |
| Endorsement | <p>Chief Operating Officer & Senior Vice-President</p> <p>16 October 2019</p> |
| Policy owner | Chief Operating Officer & Senior Vice-President |
| Date effective | 1 December 2019 |
| Review date | 1 December 2022 |
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