

Student Conduct Appeals Committee

Information about your appeal

What is the Student Conduct Appeals Committee?

The Student Conduct Appeals Committee ('the Committee') is the only forum in the University that can review the decisions and/or the penalties issued by senior officers and the Student Conduct Board.

The Committee can make one of the following decisions:

- you haven't committed misconduct and stop the penalty
- you have committed misconduct and make no change to the penalty
- you have committed misconduct and change the penalty.

The decision of the Committee is final.

The Committee is also allowed to increase the penalty that you received from the senior officer or the Student Conduct Board.

What is the purpose of the hearing?

You have been told that you committed misconduct. The Committee will provide you with an independent and fair opportunity to explain why you think the decision and/or the penalty issued by the senior officer or the Student Conduct Board was wrong.

Rules about the Committee that you should know

The Committee must hear your appeal within 30 working days from the date your appeal submission was considered complete.

You must have received the following information at least 10 working days before the hearing:

- date, time and location of the hearing
- details of your written appeal
- the evidence used by the senior officer or the Student Conduct Board to decide that you have committed misconduct (or information that will allow you to access the evidence online)
- a copy of the Student Conduct Regulations.

Check the information to ensure that you have all of these documents. The notice of hearing will be sent to your student email account and your mailing address, so check your account regularly for information about your appeal. Remember that it is your responsibility to ensure that the University has your current mailing address. A hearing can still go ahead if the documents were sent to an old mailing address.

What is the membership of the Committee?

- A chairperson
- One senior officer approved by the Vice-Chancellor
- An enrolled student nominated by the Student Union.

The decision will be made only by members of the Committee. Normally the Committee has three members but its decisions are still valid if only two members are able to attend. None of the members were involved in the original decision that was made by the senior officer or the Student Conduct Board.

Who else can attend?

The senior officer, or the chairperson of the Student Conduct Board who made the decision that you have appealed against, will be invited to attend the hearing. Sometimes they will be represented or supported by another person. Their role will be to explain why it was decided that you have committed misconduct and to answer any questions about the decision.

You must tell the secretary at least one day before the hearing if your appeal will be presented by another person or if you want to bring witnesses.

What if I am running late for my hearing?

You are expected to attend the hearing at the designated time. However, if you believe that you may be late, contact the secretary immediately on +61 3 9925 8965 or +61 3 9925 8710 or +61 3 9925 8609.

What are my rights?

You have the right to:

- speak at the hearing or have someone speak for you
- make a written submission
- give written or other evidence in response to the allegation
- be accompanied, assisted or represented by a support person, such as a Student Rights Officer
- respond to the allegation at the hearing
- bring an interpreter.

Are you a client of the Disability Liaison Unit? If so, please consider discussing this matter with them and advise the secretary of any issues or needs concerning your ability to participate in the hearing.

Do I have to attend in person?

No, but you are encouraged to do so. Information about attendance is provided in the letter that you have received.

Can I be represented by a lawyer?

No one at the hearing can have legal representation. Your support person might have legal training but cannot act in a legal capacity.

What if I have more documentation to support my appeal?

Your appeal submission should have included all relevant documents. If you have additional supporting documentation, send them to the secretary as soon as possible so that they can be reviewed before the hearing by members of the Committee and other attendees. Please note that acceptance of documentation at the hearing is at the discretion of the chairperson.

What will happen at the start of the hearing?

You should expect:

- the names and roles of everyone at the hearing
- that the hearing will observe the principles of procedural fairness
- confirmation that you have received the documentation
- a summary of the grounds you have chosen for your appeal.

What will happen during the hearing?

The senior officer or chairperson of the Student Conduct Board will be asked to confirm why it was decided that you committed misconduct and why the penalty you received was appropriate.

Then it will be your turn to make your appeal or to ask your support person to make the appeal for you.

Remember that the members of the Committee have already received and read your written appeal and the information used by the senior officer or Student Conduct Board, so think about this question: what is the most important information that you want the Committee to know?

The hearing is a discussion about your appeal so you might have questions for other people in the hearing and they might have questions for you. All questions must be directed to the chairperson, who is responsible for the hearing. Everyone at the hearing is entitled to courtesy and respect.

Please note that all mobile telephones should be turned off during the hearing and that no one is permitted to bring or use recording devices.

How will the decision be made?

The hearing will end when the Chairperson decides that members of the Committee have enough information to make a decision. At this point you, and the senior officer or chairperson of the Student Conduct Board, will be asked to leave.

The members of the Committee will then meet privately. The only other person in the room with the Committee will be the secretary, whose role will be to make an accurate record of the decision.

How will I be informed of the decision?

You must receive written notice within 10 working days of the decision that includes:

- the date when the decision was made
- reasons for the decision
- whether or not there are changes to the penalty
- information about your right to seek a review of the decision outside the University.

The Chairperson may also verbally advise you of the decision at the end of the hearing and offer advice or recommendations about your studies or your behaviour.

Where can I get help?

Sometimes it can be difficult to talk about personal matters. Please consider seeking advice from Counselling Services, the Disability Liaison Unit, or the student rights officers in the Student Union. Contact details are provided below.

- Counselling: www.rmit.edu.au/counselling
- Student Union: www.rmit.edu.au/students/rusu
- Disability Liaison Unit: www.rmit.edu.au/disability

Getting ready for your appeal hearing

- Check that the hearing papers are complete and were received at least 10 working days before the hearing.
- Read the hearing papers carefully.
- Return the confirmation of attendance form to the secretary at least 1 working day before the hearing.
- Send any additional documentation to the secretary as soon as possible before the hearing.
- Think about what you would like to tell the Committee.
- If you have a support person, arrange to meet them before the hearing if possible.
- Arrive at the meeting room in time to freshen up and be ready for your hearing.

Natural justice and procedural fairness

You are entitled to natural justice and procedural fairness. This means that:

- the hearing must be consistent with the Student Conduct Regulations of the University
- you must have the opportunity make your appeal
- the decision must be made only by the members of the Committee and based on the information presented to it
- the hearing must be impartial
- you must be informed of your right to seek an external review of the decision.