

Misconduct Hearing with Senior Officers

You have been requested to attend a hearing with a senior officer of the University to discuss an allegation that you may have committed misconduct.

What is a senior officer?

A senior officer is normally a dean, deputy dean, head of school, senior executive of the University or anyone formally acting in these positions. They are authorised to hear allegations of misconduct or to refer allegations to the Student Conduct Board.

What is the purpose of the hearing?

This is serious and it is very important that you attend the hearing, which is a meeting between you and the senior officer. The hearing is a confidential place where you can talk to the senior officer about the allegation. You can explain what happened and why it happened and give the senior officer additional evidence not included in the documentation you received.

What will the Senior Officer do?

The senior officer will decide whether or not you have committed misconduct.

If there is no misconduct, then the matter is finished and there are no penalties.

If there is misconduct, then the senior officer can choose one or more of the penalties listed in the letter you received about the allegation.

The decision of the senior officer will be sent to you in writing. For more information about how you will be informed of the decision, see over page.

What am I entitled to receive prior to the hearing?

Before your hearing you will be:

- told the date, time and location of the hearing
- given details about the allegation (or information that will allow you to access the evidence online) and
- given a copy of the Student Conduct Regulations.

The University must send these documents at least 10 days before the hearing:

- to your student email account or
- to the mailing address you registered with the University or
- by personal delivery.

Tell the senior officer if you did not receive these documents before the hearing. Remember that it is your responsibility to check your student email account and 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 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 senior officer of any issues or needs concerning your ability to participate in the hearing.

Who will attend the hearing?

Attendees will be:

- the senior officer
- you, and your support person/s
- other persons invited by you or the senior officer who have information relevant to the allegation
- a secretary.

You must tell the senior officer at least one day before the hearing the names of all people who will attend with you or speak for you.

Do I have to attend in person?

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

Do I need to bring anything?

Please bring:

- the documentation you received from RMIT
- your own information or notes.

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.

What will happen at 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 understand the allegation and that you have received the documentation
- a summary of the reasons for the allegation
- enough time to give your response to the allegation
- the opportunity to put questions to the senior officer or any other person in attendance.

The hearing is a discussion about the allegation and all persons in attendance are entitled to courtesy and respect. All questions that you have for others, or questions that others have for you, should be directed to the senior officer, who will supervise the discussion.

How will I be informed of the decision?

You will receive a written notice that includes:

- the date when the decision was made
- whether or not you committed misconduct
- the penalty (if it is decided that you committed misconduct)
- reasons for the decision
- information about your right to appeal and how to do so.

You might also receive advice or recommendations about your studies or your behaviour.

Where can I get help?

Sometimes it can be difficult to talk about personal matters. If this worries you, please consider seeking advice from Counselling Services 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 hearing

- Read the documentation carefully.
- Check that the documentation includes details of the allegation and evidence to support the allegation.
- Check that you have received a copy of the student conduct regulations.
- Check that you received the documentation at least 10 working days before the hearing.
- Return the *Confirmation of attendance* form to the secretary at least one working day before the hearing.
- Send any additional documentation to the Senior Officer as soon as possible before the hearing.
- Think about what you would like to tell the Senior Officer.
- Think about whether or not you need help—see the section above.
- Arrive at the meeting room around 10 minutes before the hearing.

Natural justice and procedural fairness

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

- the allegation and the hearing must be consistent with the Student Conduct Regulations of the University
- you must have the opportunity to respond to the allegation—to ‘tell your side of the story’
- the decision must be made by the Senior Officer alone and based on relevant facts
- the hearing must be impartial and
- you must be informed of your right to appeal the decision to the Student Conduct Board.