

What is General Misconduct?

According to the University Regulation 04.01(1) – General Misconduct is:

Conduct by a student that is detrimental to the University or its members, whether taking place on University premises, or while the student is engaged in University activities, or during activities approved by the University, or otherwise, whether or not on University premises. It does not include Academic misconduct which is dealt with in Regulation 4.1(2)

s.12 If after receiving an allegation of General Misconduct, the Chair of the Student Misconduct Committee is of the view that Misconduct may have occurred, the Chair must either appoint a single member, or full faculty committee to investigate, hear and determine, in accordance with this regulation, the allegation of General Misconduct.

What should I do if I receive a letter?

Most importantly – don't ignore the letter! You have an opportunity to respond to the allegation, but there are specific timelines and ways that you need to respond. Read the letter carefully and check the dates. You should receive the letter at least 10 working days before the scheduled hearing.

What happens if I don't respond to this letter?

If you do not reply to this allegation the Faculty Committee will have a hearing in your absence and rely solely on the information they have in regards to this allegation. A notice of the decision reached by the Faculty Committee (and any penalties imposed) will be sent to you in writing within 5 working days.

The return date for your Reply Slip and Written Submission, as well as an indication of your hearing date, will be in the Faculty letter. On your reply slip you will need to let the Faculty Committee know whether you:

- admit or do not admit the allegation;
- will or will not be sending a written submission;
- will or will not be attending the hearing;
- if attending the hearing, whether you will or will not be accompanied.

(DUSA strongly recommends you prepare a written submission and send this to the Misconduct Committee along with any supporting documentation within the time frame specified.)

Outcomes

s17. When an investigation is complete a decision must be made on the balance of probability (ie it is more probable than not) that the allegation of general misconduct is either proved or not proved. If the allegation is not proven, the student will be informed of this in writing within 5 days for the hearing.

s.21 If a decision is made that an allegation of General Misconduct is proved, the Committee must within five (5) working days of that decision inform the student in writing that they:

- may impose one or more of the penalties within their power set out in the Schedule of penalties;
- may make appropriate recommendations to the Student, the subject of the proved allegation, for example the benefit of attending counselling;
- may in lieu of a penalty, allow the student who is the subject of the proved allegation to undertake a specific number of hours of voluntary University service work.

s.22 The student will also receive a letter within 5 working days of:

- the decision, the penalty imposed and any other recommendations;
- the reasons for the decisions, including the findings on material facts, and;
- their right to appeal and to the body to whom and the time frame which an appeal may be made.

Contact Information

DUSA Student Advocacy and Support Service are contactable via:

P 1300 555 528

W dusa.org.au/advocacy

Campus	Information
Burwood	Building A, Deakin University, 221 Burwood Highway, Burwood VIC
Waurm Ponds	Level 1, Deakin University, 1 Gheringhap Street, Geelong VIC
Waterfront	JB Building, Level 1, Deakin University, Pigdons Road, Geelong VIC
Warrnambool	Building H2-3, Deakin University, Princes Highway, Warrnambool VIC

EXAMPLE LETTER GENERAL MISCONDUCT

(Use the address provided in the letter you received)

<insert date>

APPEAL AGAINST GENERAL MISCONDUCT

I, <insert name in here> wish to appeal against the general misconduct imposed in my course, <state the name of your course here> pursuant to University Regulation 5.3(1).

Addressing the General Misconduct allegation made by the Student Misconduct Committee

1. If you disagree with the allegation

You need to write that you are challenging the General Misconduct allegation made by the SMC and quote University Regulation 4.01(1), or;

2. If you accept the allegation

You need to write that you accept, but want to explain the General Misconduct allegation made by the SMC pursuant to University Regulation 4.01(1). *Please note that any oral or written acceptance of the allegation will constitute a proven allegation.*

Brief Introduction

Provide the Committee with some information about yourself. Some things you might like to include here are year(s) and area of study, academic history, evidence of your integrity, the effect this allegation has had upon you. *(This should be kept brief).*

If in your reply slip to the Faculty Committee you **do not admit the allegation**, explain why the allegation is not true:

- explain details about what happened;
- provide arguments about why you disagree with the allegation;
- attach evidence of your claim.

If in your reply slip to the Faculty Committee you **admit the allegation**, explain to the Committee Members the circumstances that led to the act:

- explain details about what happened;
- provide details of consequences and what you have learnt from this allegation;
- write a brief description about what you have done to address the issue, including resources that you may have accessed, e.g. DSL; counselling;
- write a brief statement of apology and request that the committee give your application due consideration.

Conclusion

Sum up your main points, and write a concluding paragraph.

Yours sincerely,

(Include: Student Name, Student ID, Mailing Address, Telephone, E-mail)

Attachments

Provide copies of any documents that you think are relevant to your case. Retain a copy of all documents for yourself.