

Student Discipline – General Misconduct – Procedure

This flowchart is only an overview of the procedure, and is written from the point of view of the student against whom an allegation is brought. Follow the instructions below together with details from Ordinance 9 – Student Discipline, Part 2. Please also see **notes** at bottom of page. If unclear, ask a Student Advocate.

An alleged act of general misconduct, as described in 2.1 of Ordinance 9, is reported by a member of staff or a student to an appropriate senior officer¹.

Within 10 days of receiving a report of the alleged act, the senior officer¹ notifies you (i.e. the student who is the subject of the allegation) and offers you the opportunity to be heard, together with a copy of Ordinance 9 – Student Discipline, as well as the substance of the information provided to support the allegation. If you wish to be heard, you **MUST** contact the senior officer within 10 days after receiving notification. The senior officer must then arrange a meeting with you within 10 days after receiving your response.

A meeting is arranged for you with the senior officer¹. You may be accompanied to this meeting by a person who is not a lawyer.

You do not respond to the letter within 10 days, so no meeting is arranged with you.

The senior officer¹ investigates the matter and consults with appropriate parties. If you have arranged to meet, this is your opportunity to be heard, to provide evidence both in defence of the allegation and, if appropriate, in mitigation of any penalty given. The senior officer makes a decision.

The senior officer¹ determines that you **HAVE** committed an act of general misconduct and does one of two things:

The senior officer¹ determines that you have **NOT** committed an act of general misconduct and notifies you within 3 days.

A. Imposes any or all of the penalties listed in Ordinance 9, Section 2.2.13 and must notify you of the penalty within the next 3 days, together with the offer of provision for **appeal** as set out in Ordinance 9, part 4.

B. Decides that the penalties in Ordinance 9, section 2.2.13 are *inadequate or inappropriate*, and refers the matter to the Executive Director, Finance & Administration. The senior officer must let you know that the matter has been referred to the Director, Finance & Administration.

Finished.

You accept the penalty.

The Executive Director, Finance & Administration receives the notification, then considers the circumstances and provides you with an opportunity to be heard, before deciding whether the penalties set out in Ordinance 9, Section 2.2.13 are in fact inadequate or inappropriate. Once these things are considered, the Executive Director does one of two things:

A. Decides that the penalties in Ordinance 9, Section 2.2.13 **are** adequate or appropriate, and refers the matter back to the senior officer to consider again and decide on a penalty/s.

B. Decides that the penalties in Ordinance 9, section 2.2.13 are **not** adequate **nor** appropriate, and imposes any or all of the penalties listed in Ordinance 9 section 2.2.17. You will be notified of this penalty/s within 3 days.

Finished.

You do not accept the penalty.

Finished.

You accept the penalty.

You do not accept the penalty.

Your Right to Appeal the Decision: Within 10 days after you have received notice of the relevant decision or penalty, you may appeal this decision with a letter to the Director of Governance & Legal requesting that a Discipline Appeals Committee hear you. At this stage, your grounds for appeal are limited. See Ordinance 9, section 4.3 on how to write your letter of appeal. Within 5 days of receiving your letter, a Discipline Appeals Committee must meet and decide if your appeal is to be heard:

The Discipline Appeals Committee decides that it cannot hear your appeal on the grounds set out in section 4.3.3 of Ordinance 9. You are informed of this by G & L.

The Discipline Appeals Committee agrees to hear your appeal on the grounds set out in section 4.2 of Ordinance 9, and does so within 15 days of receiving notice of your appeal. You will receive 5 days notice of the hearing and may be accompanied and assisted by a person who is not a lawyer.

Finished².

Your appeal is successful and the penalty is set aside.

The Committee upholds your appeal.

The Committee hears your appeal but then dismisses it.

Your appeal fails² and the penalty is confirmed.

Your appeal is partially successful and the penalty is varied.²

¹ Senior officer means Deputy Vice-Chancellor, Pro Vice-Chancellor, Executive Director Finance & Administration, Principal of the AMC, Dean including the Dean of Graduate Studies by Research, Head of School, Head of Section, Director of a centre of the AMC, Head of a residential college, Manager of Student Accommodation, or General Manager of the Tasmania University Union, and includes a person to whom a senior officer delegates functions under Ordinance 9 in accordance with clause 1.4. **NB:** Although a decision is final in terms of the University's internal Ordinances, students may ask the Ombudsman (or if appropriate, the Anti-Discrimination Commission) to review the decision.