

## Notice of appeal to the Central Discipline Committee (Appeals)

**To:** Secretary  
Central Discipline Committee (Appeals)  
Executive Services  
PO Box 3a  
MONASH UNIVERSITY VIC 3800

I \_\_\_\_\_ Student Number \_\_\_\_\_  
(Full name in block letters)

wish to appeal the decision made by the Faculty Discipline Committee / Central

Discipline Committee of the Faculty of \_\_\_\_\_  
(Name of the Faculty Discipline Committee that heard the charge)

on the grounds\* that (circle the ground(s) that the appeal is based on):

- (i) an excessive penalty was applied;
- (ii) there was bias on the part of the discipline committee;
- (iii) there was significant procedural irregularity in the hearing of the charge(s) against me;
- (iv) I have new evidence of a substantial nature, being evidence not reasonably available at the time of the original hearing.

Your appeal should contain an outline of each argument that you wish to make in support of your appeal. The Chair of the Central Discipline Committee will review your submission when deciding whether your appeal application has sufficient merit to be heard by the Central Discipline Committee (Appeals).

**\* NB: Where academic or general misconduct has been admitted at an earlier hearing, you may only appeal on the ground of excessive penalty.**

In support of my appeal I submit the following information:

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## **Important Information to Assist Students Completing an Application to the Central Discipline Committee (Appeals)**

**The granting of an appeal is not automatic.**

Subsection 15.1 of Statute 4.1 – Discipline states that “ In any case where, after a central discipline committee (appeals) has been constituted but before the hearing of the appeal concerned, the chair of the committee, after consideration of the notice of appeal and any other relevant papers, determines that the appeal is frivolous, vexatious, misconceived or lacking in substance, the Chair may dismiss the appeal.”

Further, where an appeal is dismissed under subsection 15.1, the student will be notified in writing of the dismissal and the dismissal by the Chair is final.

### **Grounds for appeal**

#### **1. Excessive penalty**

Grounds for an appeal against a penalty would normally include:

- The Faculty Discipline Committee (FDC)/Small Committee of Central Discipline Committee (CDC) did not give sufficient weight to evidence of the student's circumstances (health/emotional/financial)
- Evidence of the student's circumstances was not presented to the FDC/Subcommittee
- Student's circumstances have changed/new evidence about circumstances is available

#### **2. Bias on the part of the Discipline Committee**

Natural justice requires that a student be given an opportunity to be heard by an independent and impartial decision-maker. However, the possibility of bias might depend on the subjective impression of the student. It will not be necessary for a student to prove that a committee/member of a committee was actually biased; proof of apparent bias will be sufficient.

**Test:** Would a reasonable observer who was aware of the facts suspect a lack of impartiality on the part of a Discipline Committee or a particular member of the Committee?

If a CDC decides that apparent bias has been established, the decision of the FDC or Small Committee of CDC must be set aside and the CDC must rehear the case.

#### **3. Significant procedural irregularity**

A procedural irregularity will be significant if it has caused a failure to accord natural justice e.g. that student was not properly informed of:

- The accusation
- The date and place of hearing
- The student was not given sufficient time to prepare a defence/to contact witnesses/obtain other evidence
- The student was not permitted to have a representative at the hearing. However, a student will not be permitted to delay the hearing unreasonably on the ground that he/she wishes to be accompanied by a particular representative if a satisfactory alternative was available
- The charge was substantially amended at the hearing and the student was asked to respond to matters which he/she could not reasonably be expected to answer
- An incident relating to the conduct of the hearing was prejudicial to the student

#### **4. New evidence**

New evidence presented by the student must call into question a finding made by the FDC or Small Committee of CDC that was significant in the committee's determination of guilt.