

- RMIT Staff Code of Ethics
- Sexual Harassment
- Equal Opportunity Policy

Other useful student rights leaflets

You can pick up the following leaflets from your nearest Student Union Office, or download them from our website,

www.su.rmit.edu.au/student-rights

- How to make a complaint
- How to write a letter
- Special Consideration
- International Students
- Your rights as a student with a (dis)ability
- Student discipline at RMIT
- Ombuds at RMIT
- RMIT policies and procedures

Natural justice is another name for 'procedural fairness'. Do you want to make a complaint about something at RMIT? Have you been accused of academic or general misconduct by RMIT? Do you want to appeal a decision of a disciplinary board or hearing? In these circumstances, your basic rights are incorporated into a principle known as Natural Justice.

What is Natural Justice?

In RMIT's Student Complaints policy and throughout its other policies and procedures in regards to discipline and complaints, natural justice is defined as certain rights:

- All parties to a complaint shall have the right to be heard.
- All relevant submissions and evidence shall be considered.
- Matters that are not relevant shall not be taken into account.
- That the decision maker shall not be biased or appear to be biased - In other words, decision-making must be fair and just.

The principles of natural justice are part of RMIT policy and procedures because they are designed to ensure a fair hearing or trial.

It is an important part of the principles and policies of RMIT that your complaint is also dealt with within a reasonable time frame - i.e. RMIT can't drag it out for months and months (though it often is).

Natural Justice and making complaints

If you are making a complaint to the university, the same principles apply. So:

Make sure you focus on exactly what the issue is. Personal abuse, allegations that you can't prove, or any other information not relevant to the case you are making, are not going to help you.

Make sure you get as much evidence as possible that is relevant (i.e. if you are making a complaint about course quality, you might want to include letters from other students in your course that address that issue) and include it in your complaint.

The university has to take the above principles into account when dealing with your complaint, and that failure to follow these principles can be a basis for you to appeal any result or decision.

And

That anyone you make a complaint against has the right to know the details of your complaint before any hearing is held, and is also entitled to natural justice in any hearing.

Informal hearings

Students are often talked into informal discussions with staff that can result in confessions for supposed wrongdoings being pressured out of them. It is very important to remember that, whilst these rights are enshrined in RMIT policies and procedures, they do not necessarily apply to informal hearings or discussions with staff.

For example, if you are called into your lecturer's office for a "little chat", during which you are accused of plagiarism and the lecturer decides then you are guilty, it is clearly a breach of natural justice.

Disclaimer

The information in this leaflet is a general guide only. RMIT is a very complex environment, and there are often a number of different rules which apply.

For more student rights information visit our website: www.su.rmit.edu.au/student-rights

For additional assistance drop into a Student Union Front Office to speak with a Student Liaison Officer.

City Higher Ed: Building 8, Level 3

Tivoli (Business): Building 108, Level 3

Carlton Campus: Building 57, Level 4

Brunswick: Building 514, Level 2

Bundoora: Building 204, Level 1

Or, send detailed information regarding your case to student.rights@rmit.edu.au

For enquiries call 9925 5004

If required, an appointment will be made for you with a Student Rights Officer.

Has this leaflet been helpful? Join the Student Union and join the fight to improve your rights!

Unfortunately, these informal proceedings, and bad outcomes for students, happen all too often. An informal process has no safeguards to ensure a fair trial or hearing. It also has no standing within university procedure. It is better to avoid such informal chats, and ensure instead that you get a fair hearing through the appropriate body. If you do attend an informal chat and are not satisfied with the outcome, remember you can always appeal, especially since in the absence of formal safeguards, the chat can contravene natural justice principles.

Victimisation

Sometimes, tied in with informal chats and other dodgy proceedings, is the practice of victimisation. According to RMIT's own Equal Opportunity policies, victimisation is when someone is treated less favourably because they have exercised their right to make a complaint or are associated with someone who has made a complaint. This can be as subtle as a lecturer suggesting to you that if you make a complaint about a plagiarism ruling or accusation, they might just have to look over your other assignments or the assignments of those in your group, to check that you didn't plagiarise those too. Victimisation in the form of subtle threats like this, are designed to scare you out of making a complaint, or suggest to you that you will be treated badly because you have made a complaint. When you make a complaint, it must be treated confidentially, precisely to avoid ill feeling and potential victimisation by others in your department. If you feel this isn't happening, or that you are being victimised in any way, contact a Student Rights Officer. According to RMIT's Human Resources Policies and Procedures "RMIT will not tolerate victimisation and may take disciplinary action in response to any victimisation." You have the right to complain.

Discipline hearings

At any kind of discipline hearing, you have the right to be heard, to speak in your own defence, to be represented by another person, to bring along documents or evidence that supports your case and to have a decision-maker hear your case who is not biased against you. It is also necessary for RMIT to make you aware, in writing, of all the allegations against you at least 10 DAYS BEFORE you get to the hearing, so that you can properly prepare a defence. This means that the university must give you DETAILS of the charge against you, not just a date and time of an alleged offence, or a subject name and "plagiarism". If the person conducting your hearing does not give you details, you may have to request them before the hearing, in writing.

It is against natural justice for hearsay to be used as evidence. Hearsay is second-hand or unsubstantiated evidence. If hearsay is used as evidence against you this can be a reason to appeal the fairness of the decision.

Before you go to a hearing it is a good idea to do these things:

- Prepare a written statement
- Gather any evidence that might be useful in your case (eg. medical certificates, counsellor's letters etc.)
- Get advice from a Student Rights Officer, who can attend the hearing with you.

It is a good idea to have a Student Rights Officer or another support person with you at any discipline hearing. You should make sure at any hearing that you:

- take detailed notes
- record any findings made against you, and the reason given by those at the hearing for making their decision.

Natural Justice as the basis for an Appeal

You will be notified in writing the outcome of your discipline hearing. If you wish to appeal, you must do so, in writing, to the Academic Registrar's Group, within 14 days of receiving this notification.

Some examples of grounds of natural justice on which you can appeal a decision of a disciplinary hearing are:

- The members of the discipline board had made up their minds before hearing your side of the story (personal bias or ill will).
- A decision was made that you were guilty of plagiarising a piece of work on the basis of an allegation about a second piece of work.
- A person investigating a complaint against you is the same person who made the complaint.
- Evidence that you feel was relevant to your case (i.e. medical certificates) was not considered at your hearing.
- Hearsay was accepted as evidence.

Academic Appeal

RMIT has developed formal academic review procedures for TAFE and Higher Education students and any student who wants to make a formal appeal about results can get access to this formal appeals process. The initial stages of this process are to seek a review of your results. You should have a look at the Appeal Against Assessment Results leaflet for more information on this.

Useful RMIT contacts

RMIT Counselling Service

T/ 9925 4365 (BH) 9925 3999 (AH)

www.rmit.edu.au/counselling

RMIT Housing Advisory Unit

T/ 9925 2963

www.rmit.edu.au/housing

RMIT Disability Liaison Unit

T/ 9925 1089

www.rmit.edu.au/disability

RMIT Study and Learning Centre

T/ 9925 3600

www.rmit.edu.au/studyandlearningcentre

RMIT International Student Information and Support (ISIS)

T/ 9925 2708

www.rmit.edu.au/internationalsupport

Also, check out the HUB on your campus for additional drop in times or

www.rmit.edu.au/students/services

Complaints

Student Complaints Liaison Officers (SCLO's)

Located in all Academic Portfolios, Departments, Schools and Groups

www.rmit.edu.au/students/complaints

Academic Registrars Group

E/ complaints@rmit.edu.au

T/ 9925 8863

RMIT Ombuds

T/ 9925 2930

E/ ombuds@rmit.edu.au

Relevant policy and advice

www.rmit.edu.au/policies

There are a range of RMIT University policies relating to this topic including:

- Natural Justice
- Student Discipline
- Student Complaints Policy