

## **GUIDELINES ON PROCEDURAL FAIRNESS AND AVOIDANCE OF BIAS**

### **Extracted from the Student Non-Academic Misconduct Policy**

(110) The University is committed to ensuring the elements of procedural fairness are followed. These include:

- a. The opportunity to be heard - a person should be given the opportunity to be heard before a decision that could adversely affect him or her in an individual way is made.
- b. Adequate prior notice of hearing - the person will normally be given adequate notice of the hearing.
- c. Absence of bias - the decision maker will normally not be biased. Bias may be actual or perceived.
- d. Disclosure of relevant material before the decision - the person about whom the decision is to be made is entitled to know what case is to be met.
- e. Reasonable opportunity to respond - the person about whom a decision is to be made should have a reasonable opportunity to respond before a decision is made.
- f. Relevance - decision makers will normally take account of relevant considerations and ignore irrelevant ones.

(111) The University is committed to ensuring that all procedures and policies are implemented according to the principles of procedural fairness. Training in these principles, and in appropriate investigation techniques, will be provided to staff who sit on Non-Academic Misconduct Investigation Committees and Non-Academic Misconduct Appeals Committees. In particular, the University is committed to ensuring that:

- a. sufficient notice will be given to all parties and adequate time allowed for the consideration and preparation of cases;
- b. any notification to a student about misconduct proceedings will be sent to the student's residential address as contained in the student records or delivered personally to the student by a staff member of the University;
- c. a student accused of misconduct will be advised in writing of the allegation against them;
- d. the advice of the allegation will specify the detail and behaviour that is the subject of the complaint;

- e. the student will be given advice on procedures that will be followed, including membership of the hearing body, the availability of advice and support services of the University and relevant student associations, and the penalties that may apply;
- f. the complainant and the student will have the opportunity to put their cases to the body that is hearing the matter, and subject to legitimate considerations about confidentiality, have equal access to information pertaining to the matter;
- g. all relevant submissions and evidence will be considered by the hearing body (this can include witness statements and documents relevant to the complaint);
- h. a student will be able to present their case verbally, or in writing, or both and to be accompanied by a support person, but not a person who is a currently practising solicitor or barrister except in the case of matters handled under parts C and D where an application can be made for legal representation;
- i. there should be the opportunity for a student to correct information, ask questions generally and about evidence presented, explain mitigating circumstances, or make a submission as to penalty;
- j. committees will not be bound by any rules of evidence and no cross-examination of witnesses will be allowed. Questions related to evidence will be directed to the Chair of the Committee hearing the matter;
- k. any matter not relevant to a particular complaint will not be taken into account when hearing the matter;
- l. proceedings will be conducted in a manner that upholds the need for confidentiality and privacy for parties concerned;
- m. students understand that while the University will conduct the proceedings in a confidential manner, the University may be compelled by law to provide information or documents in accordance with external legal processes;
- n. a student's prior record of misconduct may only be considered in the context of the penalty to be imposed;
- o. any person who has had any prior involvement with a matter under consideration, including advising a student, will not be in a decision-making role on the same matter or any related matter; and
- p. members of the Non-Academic Misconduct Investigation Committee and Non-Academic Misconduct Appeals Committee will declare any conflict of interest at the earliest opportunity.