

## Procedure - Student Discipline

### PURPOSE

This procedure covers disciplinary actions associated with academic misconduct, misconduct with regards to computers and ICT and behaviours that breach the Student Code of Conduct.

### PRINCIPLES

This procedure is governed by [Principles of Kaupapa Maori](#) and the following principles:

1. **Transparency** – students have a right to full information concerning their rights and responsibilities and the avenues available to them to respond to an allegation of misconduct.
2. **Advocacy** – at all steps in any disciplinary process students are encouraged to discuss matters with Toi Ohomai staff, support people or independent advocates.
3. **Natural justice** – Toi Ohomai will uphold the principles of fair, ethical and honest natural justice, ensuring that any breach of the Student Code of Conduct is fully investigated, including giving all parties involved the right to be heard and the right to respond prior to a decision being reached. Natural justice ensures that individuals should not be penalized by decisions affecting their rights or legitimate expectations unless they have been given prior notice of the case and a fair opportunity to answer it. The mere fact that a disciplinary decision affects rights or interests is sufficient to subject the decision to the procedures required by natural justice.

### PROCEDURES 1. Information for students

- 1.1 Students must be advised of the Toi Ohomai Student Code of Conduct and this must be accessible on the Toi Ohomai website, in the Student Guide and using other appropriate forms of communication to ensure student awareness.
- 1.2 Teaching staff should introduce the Student Code of Conduct including academic, exam and ICT expectations (the Code), in the first week of teaching and work with the class to determine how these should apply to class conduct (class rules). This enables the Code to be interpreted, agreed and applied in a manner appropriate to the teaching and student group.

### 2. Identifying a breach

- 2.1 Identification of a possible breach of the Student Code of Conduct may arise from:
  - The assessment marking process
  - The exam invigilation process

- An observed behaviour on campus
- An investigation of a complaint

2.2 Any breaches of the Student Code of Conduct, whether academic or behavioural, must be handled using the principles of natural justice. This means that students must be notified of their rights and responsibilities as a student when their enrolment is accepted, and that students have a right to be warned of behaviour that is unacceptable and, where possible, have an opportunity to correct this behaviour.

### **3.0 Handling breaches of the Student Code of Conduct**

- 3.1 Except where a breach of the Code represents a risk to the immediate physical safety of other students, students should receive a verbal warning that the behaviour is unacceptable and be given an opportunity to explain the circumstances leading to the behaviour. Any repeat of the behaviour will result in the student receiving a written warning and/or notification that a disciplinary action will be initiated. Any further breaches will result in the initiation of the disciplinary process.
- 3.2 Where the breach is serious and poses a risk to other students, the student may be immediately suspended while an investigation is conducted.
- 3.3 Where the breach is a criminal act and represents a risk to other students, immediate action must be taken to keep other students safe and the matter must be reported to the police. Any such breach will result in immediate initiation of the disciplinary process.
- 3.4 All breaches of the Student Code of Conduct that are managed within the Faculty without escalation must be documented and the record accessible to the Faculty Leader, Executive Dean: Teaching and Learning, and Executive Dean- Academic Development, Innovation and Research.
- 3.5 Health and Safety are to be advised of any serious breach of the Student Code of Conduct e.g. bullying, harassment, violence.

### **4.0 Initiation of disciplinary process**

- 4.1 A decision to initiate a disciplinary process against a student must be notified to
- the Executive Dean: Teaching and Learning and the initial Faculty report must be provided
  - the Complaints Officer who will keep a formal record of circumstances, the investigation, and any disciplinary action.

### **5.0 Disciplinary Investigation**

- 5.1 The Executive Dean: Teaching and Learning will consider the Faculty report of the breach and appoint an appropriate person to investigate the reported breach of code using the Investigation Procedure.
- 5.2 Where a disciplinary process is initiated, the student(s) involved will be notified, within five (5) working days, in writing of the disciplinary process, the process used in investigating the reported

breach, their right to get independent advice and support, and the possible outcomes of the process.

- 5.3 The investigator will interview affected parties and gather relevant evidence. In some instances, a neutral person can be useful to attend the interviews both to listen and to record the interview notes.
- 5.4 The investigator will prepare a summary report of findings which will be presented to the Executive Dean: Teaching and Learning.
- 5.5 The Executive Dean: Teaching, and Learning will review the evidence and determine whether there is a case to be heard. Where a case is found they will convene a Student Discipline Panel as set out in the Academic Committees Terms of Reference.
- 5.6 All evidence to date will be provided to the student and the Student Discipline Panel in advance of the meeting.
- 5.7 The Student Discipline Panel will review the evidence, hear presentations from the affected parties (both students and staff) and then make a decision on the evidence available.
- 5.8 Following their decision, the Panel will determine the action they deem appropriate taking into account the severity of the breach and the risks posed to other students. This may include penalties as set out in Clause 7.0 of the Academic Regulations. They will notify all parties within two (2) working days of the decision of the Student Discipline Panel.
- 5.9 Where the Panel determines the student poses a risk to other students they will recommend immediate suspension or termination of enrolment. A student whose enrolment has been terminated may be trespassed from any/all of Toi Ohomai's campuses.

## **6.0 Appeal**

- 6.1 A student who is unhappy with the outcome of the disciplinary process may appeal the findings by writing to the Chief Executive (CE) requesting an appeal of the decision, within ten (10) working days of their receipt of the notification of the outcome.
- 6.2 The CE will investigate the process used in arriving at the resolution to ensure that it has been fair and consistent with natural justice principles and that the outcome is appropriate. They will notify the appellant of their decision in relation to this investigation within ten (10) working days of receiving the appeal. Possible outcomes include upholding the decision, initiating a further investigation or approving an alternative action.
- 6.3 Students who are not satisfied with the CE's decision may appeal it to the Tertiary Ombudsman or to NZQA.

## **7.0 Documentation and Records**

- 7.1 The Complaints Officer will keep a register of all student discipline panels and their resolution. They will follow up whenever necessary and bring the register to the notice of the Executive Dean:

Teaching and Learning, who will ensure that an analysis of student discipline themes is made to identify potential improvement to procedures and systems.

- 7.2 A summary of the topic and outcome of each student discipline panel is reported to Academic Board and noted to Council in the Academic Board summary.
- 7.3 The student’s EBS record will be flagged for any student progressing through a disciplinary process and/or trespassed from Toi Ohomai premises.
- 7.4 Documentation held relating to student discipline comprises:
  - Record of intention to take disciplinary action
  - Written reports of all meetings and discussions
  - Formal communications with the person being disciplined of the resolution.
  - Summary report to Academic Board
- 7.5 Access to the student discipline files will be limited to the Complaints Officer, Executive and the Tertiary Ombudsman.

**LINKS TO POLICY AND FORMS**

<p><u>Relevant Policy</u></p> <p>Academic Regulations Sections 7.0 and 8.0</p> <p>Student Code of Conduct</p> <p>Academic Committee Terms of Reference</p>
<p><u>Related forms</u></p> <ul style="list-style-type: none"> <li>• Registration of Complaint <a href="#">Process flows</a></li> <li>• Concerns and complaints – Faculty based</li> <li>• Formal complaints – Academic</li> <li>• Formal complaints – Vehicles, facilities and smoking <input type="checkbox"/> Student discipline</li> </ul> <p>Procedures</p> <ul style="list-style-type: none"> <li>• Complaints investigation</li> <li>• Student discipline</li> <li>• Academic Appeals</li> </ul>

**DOCUMENT CONTROL**

Responsibility:	Executive Dean: Teaching and Learning
First point of contact:	<a href="#">Quality Operations Coordinator/Academic Board Secretary</a>
Approved:	LQSC19/011

