

# Taikura – Quality Management System

## A5-P1 Student Conduct Procedures

### 1. Introduction

- 1.1 The institutions are committed to providing a safe and positive learning environment for students, staff and visitors.
- 1.2 These procedures:
  - a) Give effect to *T2-R2 Commitment to Learning, A4 Learning and Teaching, A5 Student Support and A5-R1 Student Rights and Responsibilities*.
  - b) Provide a process for receiving and addressing allegations of student misconduct arising from either *A5-R1 Student Rights and Responsibilities* or *A5-P9 Student Concerns and Complaints Procedures*.
- 1.3 Conduct in digital forums is governed by Section 24 of the Harmful Digital Communications Act 2015. Procedures for managing breaches are outlined in *A5-P9 Student Concerns and Complaints Procedures*.

### 2. Misconduct

- 2.1 Misconduct means any behaviour or conduct inconsistent with being in a learning environment, including failure to maintain the responsibilities and expectations expressed within *A5-R1 Student Rights and Responsibilities*.
- 2.2 Serious misconduct means misconduct that by its nature and/or degree results in any of the following:
  - a) Negatively affects or has the potential to negatively affect the safety of other students or staff of the institution
  - b) Brings or has the potential to bring the name of the institution or its quality standards into disrepute
  - c) Involves behaviour considered seriously inappropriate for a student of the institution
  - d) Is recurring misconduct, not necessarily of the same type in each case
  - e) Is conduct which calls into question whether the student should remain enrolled at the institution
  - f) Is in breach of New Zealand law
- 2.3 Threatening situations are those that require urgent action because there is a threat to life or safety. Refer to section 4.

### 3. Procedural Fairness

- 3.1 The institutions deal with allegations of misconduct in a fair, consistent and transparent manner.
- 3.2 Reasonable attempts are made to resolve misconduct allegations informally and with those directly involved as soon as practicable.
- 3.3 Students are entitled to representation, advice, advocacy and support at all stages.
- 3.4 When the student involved is:

- a) Under 16 years, their parent(s)/caregivers are informed and a parent or caregiver or other appropriate adult student support person is present at any meetings with staff regarding the matter, subject to other agreements.
  - b) Under 18 years, they have an appropriate adult support person, who may be their parent(s)/caregivers, present at any meetings with staff regarding the matter.
- 3.5 The investigation and resolution of the allegation occurs as soon as practicable.
  - 3.6 When an allegation is being investigated the student may attend classes they are enrolled in unless the relevant Director deems this inappropriate due to the serious nature of the allegation
  - 3.7 The student is given at least five (5) working days' notice in writing of any meeting they are requested to attend to discuss the allegation. The student may use this time to prepare a response and arrange for one or more support people to attend the meeting.
  - 3.8 Evidence, which is not necessarily of legal standard, is collected and retained according to institutional records management procedures.
  - 3.9 If there is insufficient evidence to substantiate the allegation the investigation ceases.
  - 3.10 Personal information related to the allegation is confidential and is disclosed only to those involved on a 'need to know' basis.
  - 3.11 The student has the right to see their student record on request.
  - 3.12 The person alleging the misconduct has the right to be informed of the progress and, where appropriate, the outcome of the investigation.
  - 3.13 In exceptional circumstances it may be appropriate for the person making the allegation to request that their name is kept confidential.
  - 3.14 Disciplinary action is applied consistently and fairly, taking into account the extent and nature of the alleged misconduct.

#### **4. Threatening Situations**

- 4.1 The following process is for urgent action where there is a threat to life or safety.
- 4.2 Where there is an immediate serious threat to life or safety, a staff member or student calls the appropriate emergency service without delay. Staff and students do not put themselves in danger by attempting to defuse a dangerous or criminal situation.
- 4.3 The staff member notifies the Director Finance and Operations.
- 4.4 A tutor may exclude a student from class for up to 24 hours (extendable by the institution if appropriate) if they believe immediate action is required to ensure either the activities within the class are not disrupted, or to protect the safety and wellbeing of other students in the class. The exclusion takes effect as soon as the student is asked to leave.
- 4.5 A staff member or authorised institutional agent, may exclude the student from campus for up to 24 hours (extendable by the institution if appropriate) if they believe that immediate action is required to protect people's safety and wellbeing or for the protection of facilities. The exclusion will take effect as soon as the student is asked to leave.
- 4.6 The student may be stood down, on the authority of the Head of School/General, until the matter has been investigated.
- 4.7 The Head of School sends a written report, which may be the Incident Report, to the Director Finance and Operations once the safety of the people involved is assured.
- 4.8 After urgent action has been taken, section 8 Addressing Serious Misconduct is followed.

#### **5. Allegation of Misconduct**

- 5.1 An allegation of student misconduct or serious misconduct is submitted in writing, which may be on the Incident Report, to the tutor or manager of the programme.
- 5.2 The staff member receiving an allegation of misconduct:

- a) Ensures the person alleging the misconduct has:
  - A copy of these procedures
  - Support if necessary
  - Provided clear and comprehensive information including their contact details
- b) Sends an *Incident Report* to the student support manager if the evidence does not point to any specific student or group of students
- c) Refers the allegation to the tutor or Programme Manager if a student is identified
- d) May refer an allegation of misconduct to the Head of School at any time
- e) Refers an allegation of serious misconduct to the Head of School who informs the relevant Director

5.3 Where an allegation of misconduct is made, the manager of the programme, in consultation with the Head of School, determines one of the following:

- a) There is a threatening situation requiring urgent action (refer to section 4 Threatening Situations).
- b) The allegation relates to a harmful digital communication (refer to *A5-P9 Student Concerns and Complaints Procedures*).
- c) It is possible and appropriate to use the informal process (refer to section 6).
- d) There is sufficient evidence to investigate misconduct (refer to section 7).
- e) The alleged misconduct is of a serious nature and should be addressed as serious misconduct (refer to section 8).

## 6. Informal Process

6.1 Staff attempt informal resolution of allegations of non-serious misconduct in the first instance as appropriate by:

- a) Discussing their concerns with the student
- b) Referring the student to relevant support services
- c) Informing the student of the consequences of continued misconduct
- d) Excluding the student from their class for 24 hours

6.2 Staff record communication and outcome in the student's record.

6.3 If the student maintains satisfactory conduct no further action is required.

## 7. Addressing Misconduct

7.1 Where informal resolution has not been effective, or where an informal process is not appropriate in addressing student misconduct, a formal process applies.

### **Step One**

7.2 The Programme Manager requests in writing a meeting (formal meeting one) with the student to discuss the allegation of misconduct. The notification:

- a) States the time, date, location and purpose of the meeting
- b) States the date, location, specific details of the alleged misconduct and the range of possible sanctions if the misconduct allegations were to be substantiated
- c) States the name of the person making the allegations unless there is good reason to withhold it
- d) Advises that the student may submit a response in writing prior to the meeting
- e) Includes *A5-R5 Student Rights and Responsibilities* or *A5-P9 Student Concerns and Complaints Procedures* and any other relevant approved procedures
- f) Advises entitlement to representation, advice, advocacy and support at all stages
- g) Advises that students under 18 must have a parent or caregiver or other appropriate support person present

7.3 At the meeting, if misconduct is established, the Programme Manager outlines the:

- a) Changes in behaviour required
- b) Method or criteria by which change will be measured
- c) Assistance the student may receive to make changes
- d) Consequences of not meeting the requirements
- e) Date for progress review
- f) Sanctions imposed, if any

7.4 Following the meeting the Programme Manager sends the student written confirmation of actions agreed at the meeting.

7.5 If the allegation is unsubstantiated, the Head of School advises the student in writing and the person who made the allegation if appropriate.

### ***Review Meeting One***

7.6 At the review date the Programme Manager meets or teleconferences (review meeting one) with the student to review progress.

7.7 If the student has met the requirements agreed at formal meeting one:

- a) No further meetings are required.
- b) The Programme Manager records the outcome in the student's record.
- c) The Programme Manager sends a written communication to the student advising of the actions to date and consequences if misconduct occurs again.

7.8 The Head of School writes to the student informing them that their behaviour is being addressed as serious misconduct as a result of any of the following:

- a) The required changes in behaviour have not occurred.
- b) The student did not observe the sanction.
- c) The student did not respond to the request or attend either formal meeting one or progress meeting one.

## **8. Addressing Serious Misconduct**

8.1 The Head of School informs the relevant Director of an allegation of serious misconduct.

### ***Step Two***

8.2 Within three (3) working days of receiving the allegation of serious misconduct the Head of School requests in writing a meeting (formal meeting two) with the student to discuss the allegation of serious misconduct. The notification:

- a) States the time, date, location and purpose of the meeting
- b) States the date, location, specific details of the alleged serious misconduct and the range of possible sanctions if the allegation were to be substantiated
- c) States the name of the person making the allegation unless there is good reason to withhold it
- d) Advises that the student may also submit a response in writing prior to the meeting
- e) Includes *A5-R5 Student Rights and Responsibilities* or *A5-P9 Student Concerns and Complaints* and any other relevant approved procedures
- f) Advises entitlement to representation, advice, advocacy and support at all stages
- g) Advises that students under 18 must have a parent or caregiver or other appropriate support person present

8.3 Before meeting with the student the Head of School or delegate:

- a) Considers the student's submissions
- b) May receive other evidence as appropriate
- c) May interview relevant people

8.4 The Head of School hears the student's response at the meeting.

- 8.5 After formal meeting two with the student the Head of School or delegate considers all the evidence and makes a decision on the outcome.
- 8.6 If the student is given the opportunity to make changes the Head of School outlines:
- a) Changes in behaviour required
  - b) Method or criteria by which change will be measured
  - c) Assistance the student may receive to make changes
  - d) Consequences of not meeting the requirements
  - e) Date for progress review
  - f) Sanctions imposed, if any
- 8.7 Following the meeting the Programme Manager sends the student written confirmation of actions agreed at the meeting.

### ***Review Meeting Two***

- 8.8 At the review date the Head of School meets (review meeting two) with the student to review progress.
- 8.9 If the student has met the requirements agreed at formal meeting two:
- a) No further meetings are required.
  - b) The Head of School records the outcome in the student's record.
  - c) The Head of School sends a written communication to the student advising of the actions to date and that if misconduct occurs again a recommendation regarding sanctions will be made to the relevant director.

### ***Step Three***

- 8.10 Where serious misconduct is established at formal meeting two or if the student does not meet the requirements of review meeting two, the Head of School makes a recommendation to the relevant Director (excluding Director Academic) regarding sanctions.
- 8.11 The Director informs the student of their right to present their case in a meeting with the Director before the final decision is made.
- 8.12 The Director, under delegation from the Chief Executive, may impose a sanction, including any of the following sanctions:
- a) Direct the payment of compensation in respect of damage caused by misconduct
  - b) Cancel the student's enrolment at the institution
  - c) Refuse to enrol or re-enrol the student at the institution for either a specified period or indefinitely
- 8.13 The Chief Executive or delegate has the discretion to waive any requirement of these procedures or to vary them where their strict application would result in unfairness to the student, an employee, or the institution.
- 8.14 Where a student may have committed a criminal offence, sanctions imposed do not limit the ability of the institution to refer the matter to the New Zealand Police and/or other appropriate agency. A decision on this is made by the Director and/or the Chief Executive, on a case by case basis.
- 8.15 The final decision maker advises the student in writing of the final decision, proposed outcomes and the student's right of appeal. The person who made the allegation is also notified if appropriate.
- 8.16 Where the decision as to outcome is being made by a person or persons other than the person who conducted the disciplinary investigation meeting, the student has a right to be heard by that decision maker, before a final decision is made.

## **9. Reporting**

- 9.1 The relevant Head of School or Director retains the evidence and forms, according to institutional records management requirements and maintains the Register of allegations of serious misconduct.
- 9.2 The Director Academic provides an annual summary of allegations of serious misconduct to the Joint Leadership Team. For each case the summary includes the nature of the misconduct, the School involved, the outcome and any recommendations arising, including amendments to procedures if deemed necessary. The anonymity of all parties is strictly preserved.
- 9.3 The annual summary report is held on file by the Director Academic.

## **10. Appeal**

- 10.1 A student may appeal a decision that affects their study at the institution only after following all relevant regulations and procedures in an attempt to promptly resolve an issue.
- 10.2 A student may appeal a decision on one of the following grounds:
  - a) Additional information has become available since the decision was made by the relevant body.
  - b) There is evidence of procedural irregularities in the process followed.
- 10.3 The student applies in writing to the Director Academic, within five (5) working days of notification of the decision, stating the decision the student is appealing and ground/s of the appeal with specific reference to *A1-R1 Academic Statute*, section 8 or other relevant Regulation or Procedure. The student states the outcome they are seeking.
- 10.4 The appeals process is documented in *A1-P9 Appeals Procedures*.

# A5-P5 Student Conduct

