

A04: Misconduct Policy

1.0 Objectives

This policy provides for the consistent interpretation and application of processes to manage student misconduct. Student misconduct in assessment is dealt with under Policy A08 Misconduct in Assessment.

2.0 Policy

Students are to respect:

- The rights of other NZSEG students and staff;
- The environment and property of the New Zealand Skills and Education Group (NZSEG).

2.1 Students will adhere to the Student Code of Conduct as outlined in policy A03 and observe the directions pertaining to conduct during a course as made by Academic Staff members.

2.2 NZSEG will deal with any student behaviours or attitudes which are potentially unsafe, illegal or detrimental to the learning of others, or to the ability of staff members to perform their duties. All allegations will be dealt with in a prompt, equitable, considerate and consistent manner. Any student that breaches any New Zealand legislation, rules or regulations, so as to commit an offence under the laws of New Zealand may be referred to the Police and/or other appropriate authorities.

2.3 Principles of promptness, natural justice, impartiality, consistency and non-punitiveness are applied by NZSEG in the event of a breach or suspected breach of the Student Code of Conduct.

2.4 The Academic Director will hear and adjudicate on allegations of serious student misconduct or breach of discipline.

2.5 In cases of serious alleged misconduct, a student may be dismissed from class/campus, for a period of two working days, where on reasonable grounds it is considered necessary to maintain order, safety or an effective learning environment.

2.6 A student subject to disciplinary action may lodge an appeal. The Executive Team will consider the appeal and make a decision.

3.0 Procedures

3.1 Urgent action in the event of misconduct

Dismissal from class/campus: The Academic Director may dismiss students from attending class or campus for a period not exceeding two working days;

Where students have been dismissed from class/campus under section 3 the alleged incident shall immediately be referred for full investigation in accordance with section 3.3.

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3.2 Suspension

In serious cases of alleged misconduct, the Managing Director may suspend students from attending classes and/or the campus, to allow an investigation to take place, where it is determined that:

- Students should not be allowed to attend classes until a decision on expulsion has been made;
- There is likely to be harm to staff or other students.

3.3 Investigation

All alleged incidents of misconduct should be investigated within three working days of the incident, or becoming known by NZSEG.

All cases shall be referred to the Academic Director for investigation. Should the Academic Director be absent, have a conflict of interest or the alleged incident is such that it is not appropriate for the Academic Director to deal with, the Managing Director shall assume responsibility.

When an alleged incident of misconduct is to be investigated, students shall be:

- Advised in writing of the substance of the alleged incident of misconduct and the support services available to them.
- Requested to attend a meeting to provide an explanation or any other relevant information, pertaining to the incident.
- Advised of their right to bring a support person to the meeting, if they so wish;
- Provided with information regarding the alleged incident of misconduct before the meeting (being aware of any privacy rights and responsibilities), including a copy of relevant NZSEG's Policy, information on NZSEG's process for dealing with such incidents and the likely timeframe for the investigation; and
- Provided with a reasonable opportunity to respond to the allegation at the meeting.

The Academic Director shall outline the timeline and steps of the investigation process at the meeting. Should the student/s fail to attend the meeting, will not prevent a decision being made.

The Academic Director shall give due consideration to all the information presented and any explanations/extra information presented by the student/s, before a making a decision.

Students will be advised in writing within five working days following the meeting of the outcome of the investigation, including any penalties imposed where misconduct has been proven. Where a penalty has been imposed, students will be notified of appeal procedures.

Should a student/s fail to attend the meeting, then the outcome will be forwarded to them in writing. All written communication shall be sent by post to the last recorded address on the student management system, or handed to the student personally and receipt of such recorded.

3.4 Penalties

NZSEG shall impose penalties for proven instances of misconduct in a considerate and consistent manner, taking into account all circumstances of the incident.

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When making a decision of penalties, in respect of misconduct, the Academic Director shall take into account:

- The seriousness of the misconduct;
- Any previous incidents of misconduct;
- The welfare and possible re-engagement of the student concerned;
- The broader implications of the behaviour and proposed penalty on other students; and
- Any factors mitigating the student's actions such as expressions of contrition, payment of full restitution, a willingness to seek medical treatment or other professional counselling.

Penalties that may be imposed by the Academic Director for misconduct are:

- A written warning detailing further penalties to be applied should the student re-offend;
- The sum or action required for reasonable restitution for damage caused;

Second or subsequent incidents of misconduct may be referred to the Managing Director for consideration. Penalties that may be imposed by the Managing Director for misconduct are:

- Any of the above penalties;
- Suspension from attendance at the institute or any of its classes for a period the Managing Director sees fit;
- Refusal of enrolment for a period of time, as seen fit by Managing Director;
- Cancellation of enrolment for a period as Managing Director sees fit.

3.5 Appeal of Misconduct Decisions

Students who believe they have been unjustly treated, may appeal the decision to the Executive Management Team.

Grounds for appeal include, but are not limited to:

- The procedures used for investigating or resolving the misconduct were unfair;
- New evidence has become available;
- That all relevant factors were not taken into account; and
- The penalty imposed was out of proportion to the nature of the misconduct and the circumstances of the case.
- Appeals must be made within ten working days of the date the misconduct decision was communicated, inclusive of an outline for grounds of the appeal.

Students will be able to appear personally, accompanied by a support person if so wished, to submit any further explanations, reasons or facts relevant to the appeal.

Every appeal will be heard and considered on its merits.

When determining the outcome of an appeal, decision makers may:

- Uphold the appeal;
- Dismiss the appeal and either confirm the penalty imposed or imposed any other penalty that is authorised under this policy.

Decisions made by the Executive Management Team will be final, with no further right of appeal.

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3.6 Records

When students are found to have committed misconduct, the decision, penalties imposed shall be kept on their student file. If the allegation has not been proven or is overturned through the appeal process, no records are to be kept.

4.0 Document Control

4.1 Monitoring and Evaluation:

The Academic Board/Senior Academic Team is responsible for monitoring and evaluating this policy.

Version	Type of Change	AB Reference	Approval Date	Effective from (Day/month/Year)
1	Development of Policy	AB Action Items 27, 28 and 29	26 May 2015	26 May 2015
2	Minor Review and Re Format of Policy	Approved by AB	20 October 2015	20 October 2015
3	Inclusion to NZSEG QMS and Policies.	Approved by the Executive Management Team	16 January 2017	31 January 2017