

 OTAGO POLYTECHNIC <small>Te Kura Matatini ki Otago</small>	OTAGO POLYTECHNIC ACADEMIC POLICY		Number: AP0602.06	
	Title:	Learner Discipline		
	Classification:	Customers		
	Chief Executive Approval:	Effective Date: 1 Dec 2019	Review Date: 30 Nov 2020	
	Previous Policy No:	AP0521 (part)	Status: Current	
	Contact Authority:	Te Kaihāpai		

Purpose

This policy defines the process to be followed when a learner, domestic or international, has breached the rules and regulations of Otago Polytechnic as detailed in the institution's policies and outlined in **Learner Rights and Responsibilities** information as published online at <https://www.op.ac.nz/students/important-information/learner-rights-and-responsibilities/>.

This policy also sets out the rights of the learner whose case is being dealt with and the appeal processes they can access.

In all disciplinary investigations and decision making Otago Polytechnic will not discriminate on the grounds of gender, gender identify, race, ethnicity, sexual orientation, marital status, age, disability, religious or ethical beliefs, or political opinions.

Statutory Compliance

The Education (Pastoral Care of International Learners) Code of Practice 2016

Ombudsmen Act 1975 and all subsequent amendments

Privacy Act 1993 and all subsequent amendments

Human Rights Act 1993 and all subsequent amendments

Policy

1. The Chief Executive delegates the investigation of all learner disciplinary matters directly to the Te Kaihāpai.
2. The Te Kaihāpai has the authority to action a range of disciplinary measures, including but not limited to, suspension or exclusion, cancelling academic results, issuing fines, seeking damages or reparation.
 - 2.1 In making decisions and imposing disciplinary measures the Te Kaihāpai will apply the principles of natural justice and procedural fairness to ensure impartiality, balanced and considered assessment of information and decisions based on evidence.
3. The University of Otago's Proctor, who manages Campus Watch, has delegated authority from Otago Polytechnic to deal with Otago Polytechnic learners found behaving inappropriately, or illegally, by way of actions that are unreasonably disruptive to other members of the local community, in the same way as for a University of Otago learner.
 - 3.1 This provision is limited to minor offences and fines up to a maximum of \$200 and or community service. Any serious acts of misconduct will be referred to the Polytechnic itself.
 - 3.2 A learner may appeal the decision of the Proctor by writing to the Te Kaihāpai, Otago Polytechnic within **seven** (7) days outlining the grounds for the appeal. The Te Kaihāpai may uphold the appeal, investigate the matter further, or reject the appeal.
4. Every learner has the right to know what is alleged of them and the consequences of any allegation being proved. The learner also has the right to respond to any allegation about them before any final decision is made.
5. Every learner has the right to representation, advice, advocacy and support at all stages of the investigation of allegation(s) and/or appeal process, by a support person, whanau, representative or nominee of the Otago Polytechnic Students Association.
6. Any matter of concern that might lead to actions under this policy, will be raised with the learner as early as possible with the intention of resolution as directly and informally as possible.
7. With reference to policy *MP0412 Smokefree / Auahi Kore* any learner who is found smoking in any part of the Polytechnic premises will be asked to move off the premises. If the same learner is found smoking again on Polytechnic premises an instant fine of \$20 may be imposed by the Te Kaihāpai. Any money collected from these fines will be donated to the Otago Polytechnic Education Foundation.



Allegation and Investigation

8. A learner who allegedly breaches Otago Polytechnic rules and/or exhibits unacceptable behaviour, such as but not limited to:

- cheating
- use of offensive language, imagery or gestures,
- stealing,
- vandalism,
- threatening or intimidating behaviour,
- acts of aggression,
- or other behaviour that interferes with the rights of other people refer to [learner rights and responsibilities / unacceptable behaviours](#);

will be reported to their Head of School/College in the first instance who will carry out a preliminary investigation then discuss the allegation with the learner concerned.

8.1 The Head of College may refer the matter directly to the Te Kaihāpai for investigation, support or decision making, if the Head of School/College feels that such action is appropriate for any reason.

9. If found that there is no case to answer no further action will be taken.

10. If there is a case to answer, the learner will be provided with a written decision, warning, and/or any resulting actions within **five** (5) working days of the discussion of allegation.

10.1 All dates, details, (using the learner number rather than name), copy of letter(s) and evidence will be forwarded to the Te Kaihāpai by way of notification to be entered in the Notification, Complaints, Discipline, and Appeals Register.

11. If the learner believes this decision is unfair, they may write to the Te Kaihāpai within **seven** (7) working days of receiving notice of the decision to request reconsideration of the decision by indicating which part of the decision and the grounds for the reconsideration.

12. If necessary the Te Kaihāpai may ask the learner to attend an additional hearing to further investigate the allegation. If the learner does not attend without notification and good reason the Te Kaihāpai may consider the allegation in the learner's absence.

13. The learner will be provided with a written decision by the Te Kaihāpai within **five** (5) working days of the hearing.

14. The Te Kaihāpai will also notify the Head of College of the decision who in turn may inform their staff as they see fit. The Register will also be updated.

Suspension

15. If the Te Kaihāpai considers an allegation to be sufficiently serious (i.e. threaten the safety of the learner or others), the Te Kaihāpai may suspend the learner while the allegation is investigated.

16. Suspension is a short term exclusion and is the formal process by which the learner is temporarily prohibited from attending classes or refused access to services provided by Otago Polytechnic.

17. If a learner's performance or participation in any off-site excursion, practical, or work experience is, at the absolute discretion of Otago Polytechnic, unsatisfactory for whatever reason, the Polytechnic may temporarily remove that learner's attendance at the off-site excursion, practical, or work experience, and the Polytechnic's relevant procedures will be instigated.

Exclusion

18. In the case of serious misconduct or breach of discipline a learner may be excluded from Otago Polytechnic. All exclusions must be authorised by the Te Kaihāpai following consultation with the Chief Executive or by the Chief Executive directly.

Appeals

19. If the learner is dissatisfied with the Te Kaihāpai's decision they can request that the Te Kaihāpai review the decision. If the learner remains dissatisfied following this review they may make a complaint to the Commerce Commission, or the Privacy Commission, or New Zealand Qualifications Authority (NZQA), or under section 13(1) of the Ombudsman Act 1975, or take legal action.



19.1 An international learner who is dissatisfied with the Te Kaihāpai's decision can contact NZQA via their website <https://www.nzqa.govt.nz/about-us/make-a-complaint/make-a-complaint-about-a-provider/> or emailing risk@nzqa.govt.nz

Reporting

20. The Te Kaihāpai will sign off the actions in the Register once the matter is concluded.
21. Using the information in the Register, the Te Kaihāpai shall prepare in February of each year, a summary report of the previous year's investigations and notifications. Copies are to be sent to the Chief Executive and Otago Polytechnic Council.

Referral Documents

[Learner Rights and Responsibilities](#)

MP0412 Smokefree / Auahi Kore Policy

AP0504 Application, Entry, and Enrolment

AP0710 International Learner Attainment and Attendance

MP0445 Harassment and Bullying Prevention and Management

Approved by Chief Executive

Date: 1 December 2019

