

OTAGO POLYTECHNIC ACADEMIC POLICY		Number: AP0602.05
Title:	Student Discipline	
Baldrige Criteria:	3 Customers	
Chief Executive Approval:	Approval Date: 5 December 2016	Effective Date: 5 December 2016
Previous Policy No	na	Review Date: as required
Contact Authority:	Director: Quality Services	Status: Current

Purpose

This paper defines the process to be followed when a student, domestic or international, has offended against the rules and regulations of Otago Polytechnic as detailed in the institution's policies and outlined in each year's **Students Rights and Responsibilities** information as published online at <http://www.op.ac.nz/students/important-information/student-rights-and-responsibilities>. It also sets out the rights of the student whose case is being dealt with and the appeal processes they can access.

Note: Current practice includes breaches of the basic rules of student conduct by Otago Polytechnic students by way of actions that are unreasonably disruptive to other members of the local community. These breaches may be treated by the Proctor of the University of Otago in the same manner as they would be for a University student. This includes the ability of the Proctor to prescribe fines and to deal with minor offences as per the powers of the Proctor listed within the University of Otago Regulations.

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.

A student may appeal the decision of the Proctor by writing to the Director: Quality Services of the Otago Polytechnic within 7 days outlining the grounds for the appeal. The Director: Quality Services may uphold the appeal or may investigate the matter further as per section 2 of this policy.

Statutory Compliance

The Education (Pastoral Care of International Students) Code of Practice 2016
Ombudsmen Act 1975

Policy and Procedures

1. Smokefree

With reference to policy MP0412 Smokefree /Auahi Kore any student who is found smoking in any part of the Polytechnic premises will be asked to move off the premises. If the same student is found smoking again on Polytechnic premises an instant fine of \$20 may be imposed by the Director: Quality Services. Any money collected from these fines will be donated to a charity.

2. School decisions

- 2.1 A student who breaks the rules and/or by their behaviour interferes with the rights of other people, such allegations should be reported to their Head of School who will then discuss the allegation with the student concerned.
- 2.2 At the interview to discuss the allegation/s the student has the right to be accompanied by friend(s), support person(s), Whanau, representative, or nominee of the Otago Polytechnic Students' Association.
- 2.3 Either before or after the interview, the Head of School may refer the matter to the Director: Quality Services if the Head of School feels that such action is appropriate for any reason.
- 2.4 The Head of School will provide the student with a written decision within five working days of the interview. The Head of School may find there is no case to



answer and no further action will be taken. If there is a case to answer, the Head of School may issue a written warning and will provide the Director: Quality Services copies of all written material related to this. The Director: Quality Services will enter the details, including dates (using the student number rather than name) in the Complaints and Discipline Register.

- 2.5 If the student believes this decision is unfair, they should write to the Director: Quality Services within 7 days and indicate which part of the decision is appealed and the grounds for the appeal.
- 2.6 The Chief Executive delegates the investigation of all students' disciplinary matters directly to the Director: Quality Services.
3. Cases referred to the Director: Quality Services will be dealt with in the following manner:
 - 3.1 The student will be advised in writing of the details of the allegation (or advise the student in writing of receipt of the appeal).
 - 3.2 If the Director: Quality Services considers the allegation to be sufficiently serious, the Director: Quality Services may suspend the student while the allegation is investigated.
 - 3.3 The Director: Quality Services may form a discipline committee to undertake any investigation (see clause 3).
 - 3.3.1. References to the Discipline Committee in these Rules are deemed also to be references to the Director: Quality Services, with the exception of those rules relating to the membership and quorum of the Discipline Committee.
 - 3.3.2. The Discipline Committee may exercise all the powers of the Director: Quality Services under these Rules (other than the power to delegate), provided that the Director: Quality Services has the right to limit the powers of the Discipline Committee at the time of delegation. The student will be told of any limit that has been imposed on the Discipline Committee's powers.
 - 3.3.3. Any decision of the Discipline Committee will be deemed to be the decision of the Director: Quality Services for all purposes under these Rules.
 - 3.4 The Director: Quality Services will ask the student to attend a hearing to investigate the allegation. If the student does not attend without notification and good reason, the Director: Quality Services may consider the allegation in the student's absence.
 - 3.5 The Director: Quality Services will hold the hearing in keeping with the principles of natural justice.
 - 3.5.1. At the hearing, the student has the right to:
 - a. Attend
 - b. Make submissions
 - c. Be assisted by a friend, Whanau, representative, or nominee of the Otago Polytechnic Students' Association.
 - 3.5.2. Any other person involved has the right to:
 - a. Attend
 - b. Be supported by a support person
 - c. Present submissions or be represented (with the permission of the Chief Executive).
 - 3.6 Following the hearing, the Director: Quality Services may:
 - a. Dismiss the allegation
 - b. Take no further action
 - c. Reprimand the student in writing
 - d. Suspend the student for a certain period
 - e. Suspend the student pending further investigation
 - f. Fine the student up to \$500



- g. Order the student to pay reparation or compensation up to \$500
 - h. Direct the student not to attend any Otago Polytechnic social function
 - i. Direct the student not to be present in a specific part of the Polytechnic's premises or grounds for a specific period not exceeding 6 months
 - j. Direct the student to carry out community work or work of benefit to the Polytechnic not exceeding 50 hours
 - k. Cancel all or any part of the student's results if they have broken any relevant course or examination rule
 - l. Expel the student
 - m. Refer the matter to the Police
 - n. Delegate further investigation and the decision on the matter to a Discipline Committee.
- 3.7 The Discipline Committee may at its discretion refer all or part of the matter back to the Director: Quality Services for hearing and/or for a decision on penalty. If the referral back to the Director: Quality Services is for a decision on penalty only, the Discipline Committee will notify the Director: Quality Services and the student of its findings of fact. The student will be notified of the findings of the Discipline Committee and be given a reasonable opportunity to be heard by the Director: Quality Services as to an appropriate penalty before a decision is made.
- 3.8 The Director: Quality Services will advise the student in writing of the outcome and will update the Complaints and Discipline Register.

4. Discipline Committee

- 4.1 The Discipline Committee will be called when required by the Director: Quality Services and will have the following membership:
- a. Director: Quality Services (ex officio) or a nominee
 - b. a student representative from the Otago Polytechnic Student's Association.
- 4.2 The Committee may co-opt other persons as it deems appropriate for particular circumstances.

5. Notification

- 5.1 The Director: Quality Services will advise the student in writing of the decision. A copy will be held by the Director: Quality Services for the purpose of updating the Complaints and Discipline Register.

6. Further Appeals

- 6.1 If the student disagrees with a decision of the Director: Quality Services and wishes to appeal, they must do so within seven working days of receiving advice of the Director: Quality Services's decision by writing to the Director: Quality Services who is responsible for managing the appeal process of engaging "a Visitor" See 5.2 below. In lodging the appeal the student must:
- a. indicate what the decision is; and explain the grounds for the appeal.
 - b. The Polytechnic may refuse to consider the matter further if it believes the matter is "trivial, vexatious or not made in good faith" or if the Polytechnic considers the person making the complaint has "insufficient personal interest" in the complaint.
- 6.2 A Visitor will hear all appeals against discipline decisions. The Council will appoint persons to be Visitors who have sufficient legal experience to hear appeals or are otherwise suitably qualified.
- 6.3 Within three working days of receiving the appeal, the Director: Quality Services will refer it to a Visitor who will:
- a. determine whether further information is required from the student or from the



- school/programmes;
- b. decide on the appropriate procedure to deal with the student's appeal, including whether or not to hold a hearing;
- c. deal with the appeal in accordance with the principles of natural justice.

The Director: Quality Services will send the student copies of all the material provided to the Visitor.

- 6.4 If the Visitor decides to call a hearing the student has the right to:
 - a. attend;
 - b. make submissions;
 - c. be supported by a support person.
- 6.5 At any hearing before the Visitor, the Visitor may permit any staff member involved to be supported by a support person. Any staff representative or staff member involved will have the right to attend and make written submissions to the Visitor. The Director: Quality Services will send the student a copy of those written submissions no less than three working days before the Visitor's hearing.
- 6.6 Within three working days of receiving the Visitor's decision, the Director: Quality Services will advise the student in writing of the decision.
- 7. If the student is dissatisfied with the Visitor's decision and wishes to appeal, then they may take legal action or make a complaint to the Commerce Commission, The Privacy Commission, NZQA, or the Ombudsman. Under the section 13(1) of the Ombudsman Act 1975, if the student has exhausted their attempts to resolve the complaint internally, the Ombudsman has the ability to investigate the complaint.

7.1 An international student who is dissatisfied with the visitors decision can contact NZQA via their website or emailing gadrisk@nzqa.govt.nz

8. Signing Off

The Director: Quality Services will sign off the actions in the Complaints and Discipline Register once the matter is concluded.

9. Reporting

Using the information in the Complaints Register, the Director: Quality Services shall prepare in February of each year, a summary report of the previous year's complaints. Copies are to be sent to the Chief Executive and Otago Polytechnic Council.

Referral Documents Students Rights and Responsibilities (as published on <https://www.op.ac.nz>)
MP0412 Smokefree / Auahi Kore Policy

Approved by Chief Executive
Date: 5 December 2016

