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1. Introduction

The purpose of this guide is to help explain the University's misconduct procedures. Further information can be found in the Behavioural Misconduct Regulations, the Academic Misconduct Regulations and the Appeal Regulations, which are available in the [University's 2021 Maramataka | Calendar](#). Should there be any conflict between them, the Behavioural Misconduct Regulations, the Academic Misconduct Regulations and the Appeals Regulations prevail over the information in this guide.

Advice on the misconduct procedures is available from the [University's Office and Academic Process Advisor](#). Support engaging with the misconduct processes is available from the [USCA student advocacy team](#).

The University has two primary misconduct procedures, relating to behavioural and academic misconduct. They are summarised in the diagrams in Appendix A (page 9) and discussed in detail below. There are a number of additional processes that involve or relate to misconduct that are set out in 8 below.

2. What is student misconduct?

(a) Jurisdiction

The University can only scrutinise student conduct that has a sufficient connection to the legitimate interests or concerns of the University. Whether this requirement has been met is a question that must be answered in the circumstances of a particular situation.

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This list is not exhaustive and other conduct may also be within the jurisdiction of the University's misconduct procedures. Conduct that is undertaken in a student's personal capacity and that has no other connection to the University will not usually be within the jurisdiction of the University's misconduct procedures.

(b) Behavioural misconduct

Behavioural misconduct is student conduct that is in breach of University disciplinary rules:

- x the breach of the [Student Code of Conduct](#);
- x the breach of any University regulation, policy, code or any instruction to students issued by or under the authority of Te Kōwhiri | University Council, Te Poari Akoranga | Academic

The standard of proof applicable to misconduct is on the balance of probabilities. This means that the University must be satisfied that it is more likely than not that the alleged misconduct occurred in order to conclude that there has been misconduct. This will be determined on the evidence that is available.

3. How can I complain about student conduct?

Any person may complain to the University about the conduct of its students. Where a complaint is anonymous or informal, the University is unlikely to investigate or take any other action. Where a complaint is made formally and the conduct described is within the jurisdiction of the University's misconduct procedures and may amount to misconduct, the complaint may be investigated by the University. Where the allegation concerns behavioural misconduct then the investigation will be carried out by a Pou Uruhi | Proctor. When the allegation concerns academic misconduct then the investigation will first be carried out by an Academic Integrity Officer.

Before making a complaint, you (the complainant) should discuss the process with University's Grievance and Academic Processes Advisor. A complaint will usually need to be recorded. A Pou Uruhi | Proctor or Academic Integrity Officer may want to meet with you to discuss the complaint. You may have a support person with you at any such meeting. If the investigation of the

will include setting out the conduct that you are alleged to have engaged in and the way in which this may amount to behavioural misconduct or academic misconduct. The investigator will then give you a reasonable opportunity to respond to the allegation and to present a defence.

(b) Responding to the allegation

This will often mean that you are requested to attend an interview with the investigator. You may attend the interview with a support person. That person can be a person of your choice subject to the restrictions mentioned below. The UCSA provides a student advocacy service that is funded by but independent from the University. You should contact a Student Advocate from the UCSA if you want to discuss this option. You may in some circumstances be permitted to use an Advisor from the University Student Care service. If you wish to do this, you should discuss this with the investigator involved. You will generally not be permitted to have any other university staff member as a support person. You may not use any other person who is involved in the same matter as a support person as they may need to be involved in the misconduct procedure in a different way.

The interview is your opportunity to respond to the allegation and to tell your side of the story. You should think in advance about what you want to say. (i)103.3 (.8 ()10/(o)-3.6 (r)3 (.8 -8.55w i)2.7 (s)3.6 (r)3 (.8 -8.9)13.405-

must also submit a certified translation. The University may undertake checks to ensure that all evidence submitted is genuine.

If the Committee declines to grant you leave to appeal, then there is no further appeal rights available within the University.

6. How will the Misconduct Committee and the University Appeals Committee proceed?

(a) The hearing

The Misconduct Committee and University Appeals Committee will conduct a hearing on the matter. You will be advised in writing when and where this will take place and who will be attending. You will be asked to provide (by a certain date) a written explanation of your case and provide any written evidence that you intend to rely upon. This information will be given to the Committee members to read and consider before the hearing.

You should attend the hearing. You may be represented by an advocate of your choice, who will have speaking rights. You may also be accompanied by a support person, who will not have speaking rights. You may not have as an advocate or support person any University staff member or any person who is also involved in the appeal, without the prior written approval of the Committee Chair. Any contact with the Committee prior to the hearing should be through the Secretary to the Committee. The name of that person will be provided to you when you receive the hearing notification.

You may call witnesses, provided that you have informed the Committee at least 14 working days prior to the hearing, including giving the names of any witnesses you want to appear.

At the hearing, a staff member (i.e. the Proctor or Academic Integrity Officer) may be invited to present information to the Committee. You will also be invited to present information. The Committee may ask questions at any time. It is normally undesirable for your advocate to read aloud material which has already been provided to the Committee ahead of the hearing. You may assume that the Committee is familiar with that material.

If the Committee wishes to receive more information, the hearing may be adjourned. You may be asked to provide additional information to the Committee before the hearing can resume.

If you do not attend the hearing in person, the hearing may proceed in your absence. The Committee will consider the written material you have provided.

After considering the evidence and the submissions, the Committee will deliberate and make a decision about the case.

(b) Possible outcomes

You will usually receive formal written notification of the outcome of your appeal within 10 working days of the hearing. The notification will explain the reasons for the Committee's decision. If the case is complex, it may take longer than 20 working days for an appeal decision to be notified. In this instance you will be kept informed of the progress.

The Misconduct Committee and the University Appeal Committee, if they find that there has been misconduct, impose any combination of a number of penalties: (a) a reprimand; (2) the denial

or partial denial of credit in any course; (3) a direction that the student apologises in writing or in person (or both); (4) a fine not exceeding that specified in the Fees and Fines Regulation (5) and requirement that the student undertake specified unpaid University or community service not exceeding 40 hours in duration; (6) the suspension of the student for a specified period of time or until a specified condition is met; (7) the expulsion of the student; and/or (8) award an 'X' grade for a course, where all credit for a course is denied

Should you not meet the requirements of any penalty imposed against you, the Conduct Committee or the University Appeal Committee may impose measures against you including the refusal of enrolment, the refusal of graduation and the refusal of a transcript.

7. Are there any further rights of review outside the University?

If you believe that the University's appeal process has been conducted incorrectly or that the outcome is unreasonable in relation to the evidence, then you may have the right to raise the matter for external and independent review.

(a) The Pastoral Care Code

The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 ("the Code") provides a pathway for learners to raise concerns about a university's compliance with the Code. In the first instance you should raise any concerns about potential breaches of the Code through the U(lia)2.2 (c)1.2 (c)rCd rCd ("th

care Any student who fails to do so may be excluded from laboratories and workshops or from using any such equipment, machinery or other material.

These decisions may be appealed as a misconduct ~~appeal~~ to the Misconduct Committee as explained in 5 above.

(b) Powers of the Registrar

The Registrar of the University may take necessary action where the conduct of a student endangers, or threatens to endanger, the health, safety or wellbeing of others or of the student themselves or is so disruptive that it prevents effective teaching, learning or research and/or a safe and inclusive community. In such situations, the Registrar may: exclude the student from some or all University premises for up to 24 months; suspend the student's enrolment up to 3 months; cancel the student's enrolment for up to 24 months; and/or put in place a no-contact order.

The Registrar, in making any of these orders, may recommend the student seek medical help and may require the student to provide a suitable medical certificate

The University may impose a fine for breaches of the Parking and Traffic Policy. In order to have a fine reviewed, an application must be lodged through UC Security Services in the prescribed manner as detailed on the UC Security Services website. ~~Suites~~ ~~review~~ must be initiated by written application, to be made within 14 days of the date of the offence notice, setting out details of the fine or other penalty in respect of which review is sought, the reason the review is being sought and all information upon which the application is based. This decision cannot be appealed.

