

# Behavioural Misconduct Regulations

## 1. Version

These Regulations came into force on 1 January 2022.

## 2. Authority

The Tumu Tuarua Akoranga | Deputy Vice-Chancellor Academic holds authority for these Regulations.

## 3. Scope

- (a) These Regulations apply to all students of the University.
- (b) The University has jurisdiction over student conduct that has a sufficient nexus/connection to the legitimate interests or concerns of the University.
- (c) All rights of appeal from these Regulations are set out in the Appeals Regulations.

## 4. Behavioural Misconduct

- (a) Behavioural misconduct is student conduct that is in breach of University discipline for the purposes of these Regulations. Behavioural misconduct includes:
  - i. the breach of the student code of conduct;
  - ii. the breach of any University regulation, policy, code or any instruction to students issued by or under the authority of Te Kaunihera | University Council, Te Poari Akoranga | Academic Board, Te Tumu Whakarae | Vice-Chancellor or Te Tumu Tuarua Akoranga | Deputy Vice-Chancellor Academic; and/or
  - iii. any conduct that could reasonably be considered prejudicial to the functioning or interests of the University or to the interests of its students.
- (b) Behavioural misconduct does not include academic misconduct, which is subject to the Academic Misconduct Regulations.
- (c) The standard of proof applicable to behavioural misconduct is on the balance of probabilities.

## 5. Care of University Property

- (a) A student will take reasonable care of all University apparatus, equipment, machinery and other material with which they work.
- (b) A student may be required to replace or repair any apparatus, equipment, machinery or other material lost or damaged through the student's lack of reasonable care. Replacement or repair must be to the satisfaction of the Academic or Service Division concerned.
- (c) A student who fails to comply with these requirements may, at the discretion of the Amo Matua | Executive Dean, be excluded from laboratories and workshops or from using any such equipment, machinery or other material.

## 6. Pouroki | University Registrar's Powers in Matters of Health, Safety and Wellbeing

- (a) This Regulation applies where action is necessary because the conduct of a student:
  - i. endangers, or threatens to endanger, the health, safety or wellbeing of others or of the student themselves; or
  - ii. is so disruptive that it prevents effective teaching, learning or research and/or a safe and inclusive community.
- (b) The Pouroki | University Registrar, after determining that a condition in Regulation 6(a) has been met, may make any combination of the following orders:
  - i. an order that the student be excluded from some or all University premises for a maximum period of up to 24 months;
  - ii. an order that the student's enrolment be suspended for a maximum period of up to 3 months;
  - iii. an order that the student's enrolment be cancelled for a maximum period of up to 24 months; and/or
  - iv. a non-contact order.
- (c) Where the Pouroki | University Registrar makes an order that a student's enrolment be cancelled, the student can request the decision be reviewed by the Pouroki | University Registrar 3 months after the order was made or such reasonable period of time as determined by the Pouroki | University Registrar. The student can request a further review 3 months after a previous review.

- (d) On making an order under Regulation 6(b), the Pouroki | University Registrar may make a recommendation to the student that they seek medical help and may impose a condition that the student may only be readmitted to the University on receipt of a medical certificate issued by a suitably qualified professional confirming that they are fit to return.

### 7. Role and Powers of the Pou Uruhi | Proctor

- (a) The Pou Uruhi | Proctor will be responsible in the first instance for the investigation of behavioural misconduct.
- (b) As part of any investigation the Pou Uruhi | Proctor must give the student a reasonable opportunity to respond to the allegation of behavioural misconduct.
- (c) The Pou Uruhi | Proctor may refer any matter to an alternative resolution process instituted by the Tumu Tuarua Akoranga | Deputy Vice-Chancellor Academic. Any referral must be made in accordance with the scope and procedures of the alternative resolution process as indicated by the Tumu Tuarua Akoranga | Deputy Vice-Chancellor Academic. The misconduct process will be suspended while the alternative resolution process is pursued. When the alternative resolution process has ended, the Pou Uruhi | Proctor will determine whether the misconduct process should continue.
- (d) Where the alleged behavioural misconduct is the subject of an active criminal investigation or public prosecution, the University misconduct process should be deferred pending the resolution of the criminal process. Measures may be imposed under Regulations 9(a) and 9(c) while the misconduct process is deferred.
- (e) If the Pou Uruhi | Proctor as the result of an investigation determines that behavioural misconduct has occurred, the Pou Uruhi | Proctor may impose any combination of the following penalties:
- i. a reprimand;
  - ii. a direction that the student apologises in writing or in person (or both);
  - iii. a fine not exceeding that specified in the Fees and Fines Regulations;
  - iv. a requirement that the student make restitution in respect of property stolen, lost, or damaged, or of costs incurred by the University through unauthorised activities; and/or
  - v. a requirement that the student undertake specified unpaid University or community service not exceeding 40 hours in duration.
- (f) The Pou Uruhi | Proctor may also advise or require the student to undertake any other action that the Pou Uruhi | Proctor deems to be of assistance to the student, for example, undertaking counselling or mediation, anger management, or a culturally appropriate activity.
- (g) If the Pou Uruhi | Proctor considers that serious behavioural misconduct has occurred that may warrant a penalty in excess of that which can be imposed under Regulation 7(e), then the Pou Uruhi | Proctor will refer the matter to the Misconduct Committee.

### 8. Role and Powers of the Misconduct Committee

- (a) The Misconduct Committee will hear and determine cases on alleged behavioural misconduct that are:
- i. referred to the Misconduct Committee by the Pou Uruhi | Proctor under Regulation 7(g); and
  - ii. appealed by a student in accordance with the Appeal Regulations.
- (b) If the Misconduct Committee determines that behavioural misconduct has occurred, the Misconduct Committee may impose any combination of the following penalties:
- i. a reprimand;
  - ii. a direction that the student apologises in writing or in person (or both);
  - iii. a fine not exceeding that specified in the Fees and Fines Regulations;
  - iv. a requirement that the student make restitution in respect of property stolen, lost, or damaged, or of costs incurred by the University through unauthorised activities;
  - v. a requirement that the student undertake specified unpaid University or community service not exceeding 40 hours in duration;
  - vi. a direction that training, education or support be undertaken (for example drug or alcohol courses, counselling, mediation, anger management, cultural education);
  - vii. conditions to prevent any future breach or disturbance;
  - viii. the suspension of the student for a specified period of time or until a specified condition is met; and/or
  - ix. the expulsion of the student.

### 9. Other Powers

- (a) The Pou Uruhi | Proctor may impose interim measures on a student alleged to have engaged in behavioural misconduct pending resolution of the misconduct process. Such measures include the refusal of enrolment, a non-contact order and an order to exclude the student from parts of the University.
- (b) The Pou Uruhi | Proctor and the Misconduct Committee may impose measures on a student who has been found to have engaged in behavioural misconduct and has not met the requirements of a penalty imposed on them. Such measures include the refusal of enrolment, the refusal of graduation and the refusal of a transcript.
- (c) The Pou Uruhi | Proctor may impose on any student measures that are reasonably necessary to ensure a safe and inclusive community. Such measures include imposing a non-contact order and an order to exclude the student from parts of the University.

### 10. Role and Powers of the University Appeals Committee

- (a) The University Appeals Committee may hear and determine appeals from decisions of the Misconduct Committee in accordance with the Appeals Regulations.
- (b) The University Appeals Committee has the same powers as the Misconduct Committee.

### 11. The Misconduct Register

The University will keep a Misconduct Register in which will be recorded, for a period not longer than ten years:

- (a) any determination of behavioural misconduct made by the Pou Uruhi | Proctor, the Misconduct Committee or the University Appeals Committee;
- (b) the exercise of powers by the Pouroki | University Registrar under Regulation 6, where the reason for the action is also determined to be behavioural misconduct; and
- (c) the exercise of powers under Regulations 9(b) and 9(c).