

Misconduct Procedures Guide for Students

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 [2022 UC-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 Grievance and Academic Process Advisor](#). Support in 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.

Generally, the following conduct will be within the jurisdiction of the University's misconduct procedures:

- conduct that takes place on campus;
- conduct that relates to University work, including assessment;
- conduct that takes place on a University field trip or during University-organised professional practice; and
- conduct that brings the University into disrepute.

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 discipline and includes:

- the breach of the [Student Code of Conduct](#);
- 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

- any conduct that could reasonably be considered prejudicial to the functioning or interests of the University or to the interests of its students.

Examples of [University policies](#) that set standards of student conduct include the Parking and Traffic Policy, the Campus Drug and Alcohol Policy, the Prevention of Harassment and Bullying Policy, the Internet Usage Policy and the IT Policy Framework. Behavioural misconduct does not include conduct that is within the definition of academic misconduct.

(c) Academic misconduct

Academic misconduct is student conduct that is in breach of academic integrity. Academic integrity means acting honestly, fairly, ethically, responsibly and with due care in academic work. Academic misconduct can be deliberate or accidental.

Examples of academic misconduct include, but are not limited to:

- Plagiarism, which is the copying or unauthorised use of the work of another within a piece of assessment without adequate acknowledgement of the copying, thereby representing the work as your own. Plagiarism includes copying from such sources as textbooks, journal articles, websites, and the work of another student or person.
- Collusion, which is working with another student on an individual assessment and submitting the work as your own.
- Ghost writing or contract cheating, which is causing or allowing another person to complete academic work for you and submitting it as your own.
- Fabricating or alteration, which is making up or altering material such as survey results or other data and representing this material or data as being true.
- Breaching assessment instructions, which can include falsifying your word limit, failing to declare and/or explain the contributions of others on an assessment submission, and bringing unauthorised material into a closed book examination.
- Enabling the academic misconduct of others, which can include giving another student your own work that is then copied and submitted as the work of the other student, completing academic work for another student which is then submitted as the work of the other student, and sharing questions and answers for an active exam.

It is the responsibility of students to:

- learn the academic conventions and referencing style relevant to their disciplines;
- inform themselves about assessment conditions;
- submit work that is their own and that properly acknowledges the work of others;
- discourage and not assist others from breaching academic integrity; and
- foster an atmosphere in which the members of the University community work together honestly in an atmosphere of trust, fairness, mutual respect, and shared responsibility.

(d) Standard of proof

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 conduct 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 in writing. 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 complaint progresses then generally your name and the content of the complaint that you have made will be disclosed to the accused student. This is necessary in order to adhere to natural justice principles by giving that student the reasonable opportunity to defend the allegation/s. You should advise the University's Grievance and Academic Processes Advisor if there is a potential health, safety and wellbeing risk which could arise by disclosing your name because there may be grounds to withhold that information. Should the matter progress to the Misconduct Committee or the University Appeals Committee, it is possible that you may be invited to appear as a witness.

You will be informed as to how your complaint is going to be handled by the University and will be updated on its progress, as appropriate. If an investigation is not going to take place or is not going to progress then you will be informed of this and told the reasons for it, where doing so does not breach the privacy of any other person.

A Pou Uruhi | Proctor may in some circumstances impose a non-contact order, meaning that the accused student will be ordered to not make any contact with you and vice versa. This may end when the misconduct process concludes or it may be kept in place subsequently. An accused student may also be ordered not to enter some parts of the University. You should discuss this with the Grievance and Academic Processes Advisor if you think this may be relevant in your situation.

When the misconduct process is complete, you will be advised as to the general outcome that has been reached. You will not be informed of the details of any penalty imposed against the accused student or any other details of the decision.

4. What happens if I am accused of misconduct?

(a) Notice of the allegation

After gathering preliminary information, the investigator (a Pou Uruhi | Proctor or Academic Integrity Officer) will inform you (the accused student) in writing of the allegation against you. That 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 how you are going to respond and about whether any evidence exists that supports your response. You may not make an audio or video recording of the interview, but you may take written notes.

(c) Possible outcomes

At the end of the investigation process, the investigator may decide:

1. that there is inadequate evidence from which to conclude that misconduct occurred;
2. that misconduct occurred and to impose a penalty for the misconduct; or
3. to refer the matter to another person or committee.

An Academic Integrity Officer, for any work determined to be the result of academic misconduct, may deny or partially deny credit for the work and/or resolve the matter in any other reasonable way. A Pou Uruhi | Proctor may impose any combination of a number of penalties: (1) 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 \$500; and/or (5) a requirement that the student undertake specified unpaid University or community service not exceeding 40 hours in duration. A Pou Uruhi | Proctor may also advise or require you to undertake any other action that may be of assistance to you, for example, undertaking counselling or mediation.

If you have been found to have engaged in misconduct then this will be recorded in the University misconduct register for a period of ten years. The register is private and can be viewed by only a few University staff members. If you are undertaking a qualification that results in professional accreditation, the University may disclose information on the discipline register to the relevant professional body. You should contact your department or school if you want further information on this issue.

An Academic Integrity Officer may refer a matter to a Pou Uruhi | Proctor, who will then commence a new investigation process. A Pou Uruhi | Proctor may refer a matter to the Misconduct Committee.

The outcome of the process will be notified to you in writing. Details of how the decision can be appealed will be included in the notification.

(d) Other measures

A Pou Uruhi | Proctor may impose measures during the disciplinary process. These may include refusing enrolment, refusing graduation, refusing a transcript, an order that you not contact another person and the order that you must not be in some specified parts of the University. The breach of such an order may itself amount to misconduct. Should you feel that any such measure is

disproportionate or causes you an undue burden then you should contact the Pou Uruhi | Proctor to discuss this.

Should you not meet the requirements of any penalty imposed against you, a Pou Uruhi | Proctor may impose measures against you including the refusal of enrolment, the refusal of graduation and the refusal of a transcript.

5. Can I appeal the finding of misconduct or the penalty imposed?

Where a Pou Uruhi | Proctor, Academic Integrity Officer or the Misconduct Committee (when the matter has been referred to it by a Pou Uruhi | Proctor) finds that you have engaged in misconduct and imposes some penalty or consequence, you are entitled to appeal this decision. Where the decision is that of the Pou Uruhi | Proctor or Academic Integrity Officer, the appeal will be to the Misconduct Committee. Where the decision is that of the Misconduct Committee, the appeal will be to the University Appeals Committee. The letter setting out the finding should inform you of how to appeal the decision. You have ten working days to appeal a decision, and a late application to appeal will be accepted only in exceptional circumstances.

The Misconduct Committee is a panel made up of senior University staff members and a student representative. The University Appeals Committee is a panel made up of two members of the University Council, a senior University staff member and a student representative.

Where you have appealed a decision to the Misconduct Committee and are unsuccessful in the appeal, then you may be able to appeal to the University Appeals Committee. You must, however, apply for leave to appeal to the University Appeals Committee, and this will only be accepted if you can show that there was a breach of process in the first appeal or that there is new evidence or information that was not available to you at the time of the first appeal. You have only ten working days to appeal a decision, and a late application to appeal will be accepted only in exceptional circumstances. The Committee will consider your leave to appeal application and you will be advised by the Committee Secretary in writing whether your application has been successful or not.

There are some other matters that can also be appealed to the Misconduct Committee, which are set out in 8 below. Where there is a right to appeal to the Misconduct Committee, then there will also be a subsequent right to seek leave to appeal to the University Appeals Committee. Leave to appeal will be granted only if you can show that there was a breach of process in the first appeal or that there is new evidence or information that was not available to you at the time of the first appeal. You have only ten working days to appeal a decision, and a late application to appeal will be accepted only in exceptional circumstances.

It is important to present written evidence in support of your leave to appeal application. It is your responsibility to obtain and present any supporting evidence. The Misconduct Committee may not permit you to present documentary evidence at a hearing that you have not provided earlier.

If presenting medical evidence, it should be submitted from a qualified medical practitioner. If you are resident overseas any medical evidence, you present must be translated into English and you 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 five working days prior to the hearing, including giving the names of any witness you want to appear.

At the hearing, a staff member (i.e. the Pou Uruhi | 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 you or 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 20 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 can, 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 Regulations; and (5) a 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 Misconduct 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 University's complaints process. If your complaint is not effectively addressed, you may be able to escalate the matter to the New Zealand Qualification Authority. Information about the Code can be found [here](#). Information about how students can complain if they feel that the University is in breach of the Code can be found [here](#).

(b) Dispute resolution schemes

Both domestic and international students can make to a complaint about a financial or contractual dispute to the Dispute Resolution Scheme set up under the Code. Further information about the Scheme can be found [here](#).

International students can contact iStudent Complaints, which is an independent service which has experience in helping people resolve disputes. Students can use the service for free. Further information about the services provided by iStudent Complaints can be found [here](#).

(c) Other

Resolution of disputes may also be available from other bodies or agencies, including [the Disputes Tribunal](#), [the Human Rights Commission](#) or [the Ombudsman](#).

8. Related processes and powers

There are a number of additional powers processes that involve or relate to misconduct.

(a) Care of University Property

Students should take reasonable care of all University apparatus, equipment, machinery and other material with which they work. Students 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. 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 non-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 confirming they are fit to return before being readmitted to the University.

If the Registrar cancels a student's enrolment, the student can request the decision be reviewed by the Registrar after at least three months, and subsequently after at least three months since the most recent review. This does not prevent an appeal of the original decision to cancel enrolment.

The exercise of any of these powers may be appealed as a misconduct appeal to the Misconduct Committee as explained in 5 above.

(c) Powers of the Pou Uruhi | Proctor

An addition to the powers set out above, a 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.

The exercise of these powers may be appealed as a misconduct appeal to the Misconduct Committee, as explained in 5 above.

(d) Fine for breach of examination instructions

The Examinations Office may impose a fine of up to \$125 for a breach of examination instructions, or may refer the matter to a Pou Uruhi | Proctor. The imposition of a fine may be appealed as a misconduct appeal to the Misconduct Committee, as explained in 5 above.

(e) Library fines

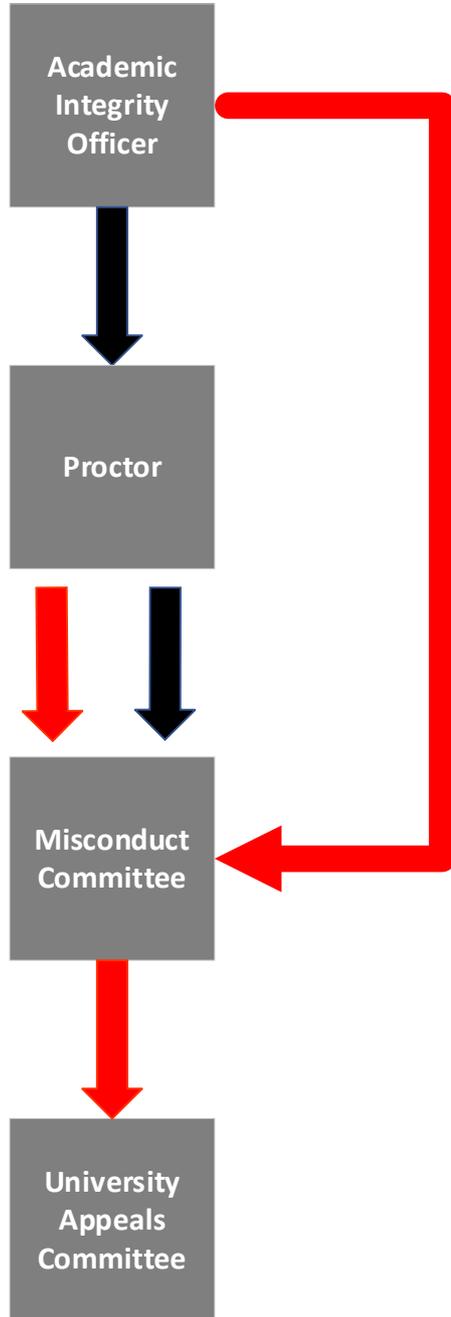
The Library may impose a fine for overdue, recalled or lost items. The imposition of a fine may, after first discussing the matter with the Pou Tuatahi | University Librarian, be appealed as a misconduct appeal to the Misconduct Committee, as explained in 5 above, only.

(f) Parking and traffic fines

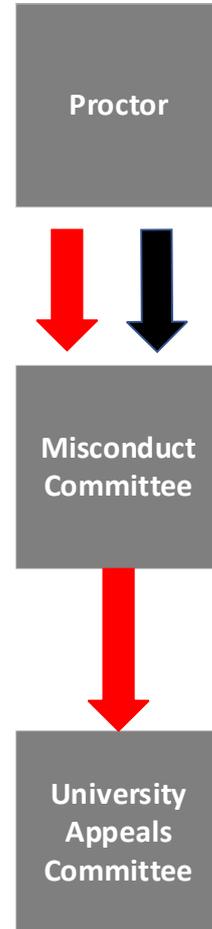
The University may impose a fine for breaches of the Parking and Traffic Policy. In order to have a fine reviewed, an application must be lodged through UC Security Services in the prescribed manner as detailed on the UC Security Services website. Such review must be initiated by written application, 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.

Appendix A Misconduct Procedures

Academic Misconduct



Behavioural Misconduct



Key:

- Referral
- Appeal