1. **PURPOSE**

1.1 To ensure that students are informed of their rights and the standards of behaviour expected of them while they study at WITT.

1.2 To enable WITT to achieve its mission and goals in line with its values.

1.3 To ensure WITT is meeting its commitment to Te Tiriti o Waitangi.

2. **APPLICATION**

2.1 This policy applies to all students of WITT.

3. **DEFINITIONS**

4. **POLICY**

4A **STUDENTS’ RIGHTS**

WITT students have the right to expect that:

4.1 Their learning needs will be of primary importance

4.2 Their cultural needs will be treated with respect and sensitivity.

4.3 They receive high quality learning and flexible and innovative delivery that respects diversity and promotes lifelong learning and excellence.

4.4 They have reasonable on-campus access to members of staff outside timetabled class time.

4.5 They have adequate access to information and resources that relate to learning.

4.6 They have access to their own academic records.

4.7 They receive accurate information before enrolment about all key aspects of a course or programme including details of all costs and an itemisation of fees to be charged.

4.8 They receive full programme details including curriculum and assessment details and details of the programme structure at the start of a programme.

4.9 All forms of student assessment are fair, valid reliable and consistently applied.

4.10 Student work be assessed and returned within a reasonable period.

4.11 The workload associated with any course or programme is reasonable and achievable.
4.12 They have adequate time to prepare for end-of-course examinations after the completion of prescribed course work.

4.13 They have input into decisions that directly affect them.

4.14 They will have a safe learning environment supported by appropriate control mechanisms.

4.15 They will have access to an official complaints procedure that is widely advertised and available for all students to use.

4.16 They will have access to support services that complement guidance offered by tutors e.g. learning assistance, counselling, finances, library, health, exam assistance.

4.17 If they have a disability, reasonable assistance will be provided to enable them to participate fully in the learning environment.

4.18 Full details of all WITT policies and procedures and associated regulations will be readily available.

4.19 All personal information will be kept confidential by WITT, and only released with the consent of the student, or when the Institute is legally required to do so (in accordance with the provisions of the Privacy Act 1993 and the Official Information Act 1982).

4.20 Access to appropriate classroom space, technology and equipment will be provided from programme commencement.

**4B STUDENTS’ RESPONSIBILITY**

WITT expects students to:

**GENERAL**

4.21 Comply with WITT regulations, including the standards and provisions that apply to their programme of study.

4.22 Accept responsibility for their own learning by meeting deadlines and participating in class and individual study.

4.23 Respect the environment and resources of WITT.

4.24 Show respect and consideration for other students and staff.

4.25 Pay all fees due for the programme.

**SAFETY**

4.26 Adhere to all Health and Safety rules including evacuation and emergency procedures.

4.27 Ensure that no action or lack of action on their part results in harm to themselves or others.

4.28 Ensure that no action or lack of action results in harm or damage to WITT’s plant, property or equipment.

4.29 Refrain from dangerous, reckless or inconsiderate driving in or about WITT campuses.

4.30 Adhere to WITT policy and procedure ‘Breaches of Parking Regulations’.

4.31 Not be in possession of, or under the influence of, or consume non-prescribed drugs and/or alcohol, or any other substance which may affect their performance on WITT property or work placement. (NB The Chief Executive may authorise the consumption of alcohol at specified WITT functions.)

4.32 Comply with WITT’s Smoke Free Environment policy.

4.33 Promptly report to the Registry or Health Clinic any incident or potential incident on campus involving injury to themselves, fellow students or others.
### PROPERTY AND SECURITY

| 4.34 | Show reasonable care of property belonging to WITT or any individual staff member or student. |
| 4.35 | Take responsibility for their own personal property when on campus. WITT will not be responsible for any loss or damage to student property on campus. |
| 4.36 | Not bring firearms or weapons on campus, or assemble ammunition or offensive equipment on campus. |
| 4.37 | Not engage in dishonest practices. |
| 4.38 | Not falsify or attempt to falsify any official and/or personal record relating to their attendance and/or performance at WITT or the qualifications/results issued to them by WITT. |
| 4.39 | Not falsely represent the records of WITT. |
| 4.40 | Not act in a way that constitutes illegal conduct. |

### DISCRIMINATION

| 4.41 | Respect the cultural background of others, and not to discriminate against or harass others because of gender, ethnicity, special needs, age, marital status, sexual orientation, religious or ethical beliefs, colour, national origins, disability, political opinion, employment status and family status, in accordance with the provisions of the Harassment Prevention Policy and current Human Rights legislation. |

### CONFIDENTIALITY AND IT SYSTEMS

| 4.42 | Comply with the provisions of the following Quality Management System Policies and Procedures:  |
|       | - Confidentiality/Privacy of Information  |
|       | - Protected Disclosures Act 2000  |
|       | - Computer Regulations  |
| 4.43 | Not seek or be in possession of information gained by unauthorised entry to WITT's information system. |

### ACADEMIC FREEDOM

| 4.44 | Exercise academic freedom in accordance Section 161 of The Education Act 1989. |
| 4.45 | Be free to pursue research under the supervision of a WITT staff member, in accordance with current WITT policy and procedure Research. |
| 4.46 | Be free to disseminate research results through publication, for review, critique, acceptance, replication or synthesis by peers in their academic and professional disciplines. |
| 4.47 | Not engage in academic activities or behaviour that discredits the name and/or integrity of WITT. |

### ACADEMIC CONDUCT

| 4.48 | Not impersonate any other person, nor allow impersonation by any other person, for the purpose of any examination, essay, assignment, course requirement or any other work relevant to student assessment. |
| 4.49 | Not claim the work of another person as their own work. |
| 4.50 | Not copy or paraphrase another person’s work, whether published or unpublished without clearly acknowledging it (plagiarism). Paraphrasing without appropriate acknowledgement will be deemed to be plagiarism. |
| 4.51 | Comply with all rules, stated in the course information, concerning the conduct of tests, examinations, course work and the requirement to use Turnitin. Any student who is found guilty of any dishonest practice will be liable to the penalties stated under 4E of this policy. |
4.52 Not take into an examination room, or use, any material or item not permitted under the instructions for that examination, whether or not with the intention of using this material to obtain an advantage.

4.53 Not obtain information during an examination that relates to that examination, or any other form of assessment, without the approval of the supervisor of that examination or other assessment.

4.54 Not give information during an examination that relates to that examination, or any other form of assessment, without the approval of the supervisor of that examination or other assessment.

4C WITT’S RESPONSIBILITIES

WITT’s Council, management and staff members acknowledge the responsibilities they have to students under WITT’s key strategic documents and current education legislation, and reaffirm their commitment to:

4.55 Ensuring adequate resources are available to fulfil WITT’s obligations under clause 4A Student Rights.

4.56 Providing a quality learning and training environment for WITT students.

4.57 Giving students sound assessments of their work and regular feedback on their progress.

4.58 Making WITT’s policies, procedures and regulations readily accessible.

4.59 Ensuring that information about the personal details and progress of students remains confidential except where legal or professional (eg NZQA, TEC) requirements demand otherwise.

4.60 Ensuring that WITT does not discriminate against any person.

4.61 Ensuring that standards of integrity, conduct and concern for the public interest and the wellbeing of its students are maintained.

4.62 Maintaining high ethical standards.

4.63 Promptly drawing to the attention of students any inappropriate behaviour or attitudes.

4.64 Ensuring that students are aware of the standards of behaviour required.

4.65 Ensuring that in the case of an alleged breach or suspected breach of the Student Code of Conduct, students are given the opportunity respond to the allegation.

4.66 Providing a culturally safe working environment.

4D NON-COMPLIANCE WITH THE CODE OF CONDUCT

Every effort will be made to interpret the provisions of this Student Code of Conduct in a fair and open manner that respects individual rights and by procedures that are just and equitable. In the event of a breach, or suspected breach, of the Student Code of Conduct, the following principles and processes will be applied:

4.67 Any remedial action to be taken with respect to a student will be taken as soon as practicable.

4.68 Disciplinary procedures will be applied in an equitable, fair and consistent manner to all students.

4.69 Disciplinary action aims to prevent recurrence not to be punitive in nature.

4.70 The degree of disciplinary action taken will relate to the nature of the offence. Due regard will be given to the:

- Seriousness of the breach or suspected breach
- Time span involved
- Frequency of the breach or suspected breach
- Student’s history including the quality of the performance and conduct of the student
4.71 If the misconduct is found to be unproven, the student and person reporting the misconduct will be notified.

4E DISCIPLINARY ACTION FOR NON COMPLIANCE OF THE STUDENT CODE OF CONDUCT

4.72 Grounds for disciplinary action will exist if a student fails, or allegedly fails, to comply with the Student Code of Conduct.

4.73 No disciplinary action will be taken until the relevant facts – including the student’s explanation – have been ascertained and considered.

4.74 Faculty Leaders have the right to suspend a student from programme activities while an allegation of a breach of the Student Code of Conduct is being investigated, should that allegation be considered serious (refer to Clause 4.96 following).

4.75 The student has the right to attend any disciplinary hearings to forward his or her case, and may be accompanied by a support person.

4.76 The Chief Executive delegates authority to Faculty Leaders to:
- Issue warnings
- Suspend

4.77 The Chief Executive delegates the authority to a Disciplinary Committee to:
- Request an apology
- Issue a formal reprimand
- Require restitution from a student for any damage
- Issue warnings
- Suspend
- Annul results
- Exclude
- Recommend expulsion

NB: A Disciplinary Committee is comprised of:
- Executive Director (Chair)
- Faculty Leader (from a Faculty not associated with the student’s programme of study)
- Independent academic staff member (not associated with the student’s programme of study)
- Student representative (not associated with the student’s programme of study) if student identifies as Māori
- Any other person required for their specific area of expertise

4.78 Decisions of the Disciplinary Committee may be appealed to the Chief Executive.

4.79 Any person who exercises any power under this regulation, or is a member of or serves the committee which hears a matter, must treat the subject matter and proceedings in the strictest confidence, subject to procedural fairness and the principles of natural justice.

INVESTIGATING INCIDENTS

4.80 A careful investigation will be made and will include:
- Interviewing the student and giving him/her a chance to explain the situation
- Interviewing other people, including witnesses, if appropriate
- Checking records, or verifying facts by other means
4.81 A student subject to an interview is to be given:
- Prior written warning of the nature of the allegations being investigated and the right to representation
- The opportunity to have a support person, advocate, or witness with him/her at any stage of the interview
- The opportunity, during the interview or in writing, to explain the incident or deny the occurrence of the incident
- Clear advice as to the result of the interview including conclusions reached, as soon as possible after the interview

4.82 Any person conducting an interview must be accompanied by another appropriate person. A written record of the proceedings must be kept and signed by all persons present at the interview. The person conducting the investigation must initiate any further investigation that relates to the student’s explanation. If further information is gathered after the interview, the student will be given the opportunity to comment on that further information before a decision is reached.

**WARNINGS**

4.83 Except when summary expulsion is justified by reason of the nature and severity of an incident, a student whose behaviour is unsatisfactory must be given a reasonable time to reply, and a reasonable opportunity to correct his/her behaviour, before disciplinary action is taken.

4.84 The notification of complaint and any warning(s) given must be recorded in writing and signed by the student concerned, signifying his or her understanding of the nature of the complaint or warning(s).

4.85 A written warning must state:
- The date
- The grounds for concern
- The particular breach of the Student Code of Conduct
- The corrective action required by the student
- The consequences of failing to improve (if expulsion is a consequence, this will be clearly stated)
- Reference to the previous warning (if any) and the date it was given
- The period allowed for improvement and the date of a review, if necessary
- Any commitment that the student is prepared to give to improve his or her conduct

**First Warning**

4.86 The objective of a first warning is to avert more serious disciplinary action and is issued by the faculty leader. The Faculty Leader will discuss with the student how an improvement in behaviour may best be brought about.

4.87 The procedure for issuing a first warning is:
- The student has been advised in writing of the concern and an interview has been conducted in accordance with Clauses 4.80 – 4.82
- All relevant facts have been considered and evaluated against the student’s past record
- If it is deemed appropriate for a first warning to be given, the student will be informed of the improvements required and/or warned of the consequences of any further breach
- Where a first warning is to be given it will be given by the Faculty Leader conducting the interview
- A copy of the warning, detailing that a first warning has been given, shall be placed on the student’s file for a period of one year
- The student will be advised that the written record has been placed on his or her personal file
Second Warning or Serious Breach of the Code of Conduct

4.88 If, following a first warning there is a further breach or the breach is of a serious nature the issue will be referred directly to the Disciplinary committee. Refer to Clauses 4.76 and 4.77.

4.89 The Disciplinary committee may issue a second warning, which may, however, be given as a first and final warning for more serious breaches.

4.90 A copy of the written warning signed by both parties must be given to the student and a further copy kept on the student’s file.

STUDENTS’ RIGHTS TO RESPOND

4.91 A student in receipt of a warning may:

- Respond in writing and have a copy of the response placed on his or her personal file.
- Appeal against the warning in writing within seven days. Appeals should be addressed to the Chief Executive.

REMOVAL OF WARNINGS FROM PERSONAL FILE

4.92 The record of warning will be removed after the completion of the programme of study or after three years, whatever is the longer.

EXCLUSION

4.93 A student may be excluded from a specific session, or specific WITT activity(ies) for a breach/or alleged breach of the Student Code of Conduct, or academic non-performance in accordance with the policy on academic progress.

4.94 If there is a discipline problem, the staff member concerned will firstly attempt to resolve the issue with the student. If the situation is not satisfactorily resolved the staff member or agent may:

- Exclude the student from further participation in the specific teaching session or activity
- Meet with the student, prior to accepting the student back to the class, to discuss the breach of the Student Code of Conduct

4.95 If agreement cannot be reached the staff member is to refer the matter to the Faculty Leader concerned.

SUSPENSION

4.96 Suspension is to be used only where it would be inappropriate in the circumstances for the student to remain in a programme of study. Such circumstances will be:

- Where the student is thought to be under the influence of alcohol or drugs and an explanation is to be sought
- Where there has been, or appears to have been, a serious breach which interferes with the learning of, or is a threat to the safety of, or is abusive to, others, and it is felt necessary or advisable to remove the student while the matter is investigated

4.97 If there is a discipline problem, and it is considered inappropriate for the student to remain in the programme of study, the staff member will refer the matter to the Faculty Leader for his or her consideration.

The faculty leader will:

- Hear the evidence from the staff member
- Decide to suspend or not to suspend the student from his or her programme of study for a specified period of time
- Complete a written report detailing the reason(s) for suspending the student and the conditions under which the suspension may be lifted
- Send a copy of this written report to the student
- Notify in writing all staff affected by the suspension
- Refer the matter to the Student Disciplinary Committee
4.98 A student is suspended when, though his or her status as a student of WITT is not changed, he or she is required not to attend programme activities for a specified period of time. Suspension is a step that may be taken in order to investigate whether or not disciplinary action is appropriate.

4.99 The decision to allow the student to return to a programme of study or to take further action must be made as soon as possible by the Student Disciplinary Committee or Faculty Leader, as appropriate and the student notified in writing.

EXPULSION

4.100 Expulsion will only occur when the Chief Executive is satisfied that there is no other appropriate means of resolving the situation.

4.101 A full investigation will be made and sound reasons given for the action taken. In accordance with the principles of fairness the student will be given the opportunity to state his or her reasons for the breach. In the majority of cases, no student will be expelled without previous warning being given and following a reasonable opportunity to improve.

4.102 Written notice of expulsion and exclusion from enrolment at WITT including the term of expulsion and advice of the student’s right to appeal must be given by means of a letter, either handed to the student or delivered to his or her home address by courier (signature required). Letters should be mailed only if it is impractical to hand them to the student personally.

4.103 The authority to expel students lies solely with the Chief Executive whose decision is final.

APPEALS

4.104 Students may appeal to the Chief Executive against a decision of the Faculty Leader or Student Disciplinary Committee and must be advised of this right at the time disciplinary action is taken against them.

4.105 The student may elect to exercise his or her right of appeal where he or she feels that the disciplinary action taken is unjustified or unfair or that the penalty imposed is excessive.

4.106 Appeals must be made in writing to the Chief Executive and received by the Chief Executive’s Office within seven working days of receipt of the decision of the disciplinary action to be taken. Appeals should set out:

- The reason(s) for the appeal
- All relevant information to support the appeal application
- A statement as to whether the student wishes to attend an appeal hearing with the Chief Executive and/or provide a written submission
- The name and address of the proposed representative(s) should the student wish to be represented at an appeal hearing

STUDENT DISCIPLINARY APPEALS

4.107 Appeal hearings will be held within seven days of the request reaching the Chief Executive’s Office. In exceptional circumstances the Chief Executive may recommend that the seven days be extended to fourteen days.

4.108 The Chief Executive may:

- Uphold the decision of the Student Disciplinary Committee
- Revoke the decision of the Student Disciplinary Committee
- Substitute an alternative decision to that made by the Student Disciplinary Committee

4.109 The Chief Executive’s Office will notify the student in writing, of the decision within seven days of the appeal hearing.

4.110 The decision of the Chief Executive is final.
5. **PROCEDURE**

5.1 Disciplinary Action for Breaches of the Student Code of Conduct (flowchart)

5.2 Student Disciplinary Committee Actions (flowchart)

6. **RELATED FORMS AND GUIDANCE DOCUMENTS**

<table>
<thead>
<tr>
<th>Forms and Templates</th>
<th>Guidelines</th>
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7. **RECORD MANAGEMENT**

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<th>Filed</th>
<th>Retention Time</th>
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<td>Meeting minutes of interview</td>
<td>Faculty Leader</td>
<td>Faculty Leader's office</td>
<td>1 year</td>
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<tr>
<td>Notification of first warning</td>
<td>Faculty Leader</td>
<td>Student file</td>
<td>1 year</td>
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<tr>
<td>Student Disciplinary Committee meeting minutes</td>
<td>SDC Chair</td>
<td>SDC Chair</td>
<td>5 years</td>
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<tr>
<td>Second Warning</td>
<td>SDC Chair</td>
<td>Student file</td>
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<tr>
<td>Letter</td>
<td>SDC Chair</td>
<td>Student file</td>
<td>1 year</td>
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8. **REVISION HISTORY**

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<th>Effective Date</th>
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| 05      | Section relating to Confidentiality and Computers (clauses 4.8-4.57) have deleted and replaced with statement to comply with the following Policies and Procedures  
  - Confidentiality/Privacy of Information  
  - Protected Disclosure Act 2000  
  - Computer Regulations                                                                                                                                                                                | 23/10/07       |
| 06      | Delete reference to the Student Disciplinary Appeals Committee and replace with procedure for CE to hear appeals. Update terminology and titles to match new WITT structure.                                                                                     | 29/01/08       |
| 07      | Triennial Review. No major content change to the policy by it was 'reshuffled' so that content is in an order that is easy for the user.  
  Addition of clause 1.3. Amendments to the membership of the Student Disciplinary Committee.                                                                                                           | 30/07/09       |
| 08      | Updated with current titles and processes                                                                                                                                                                               | 13/10/15       |
DISCIPLINARY ACTION FOR BREACHES OF THE STUDENT CODE OF CONDUCT

Faculty Leader notified of the alleged breach of the Student Code of Conduct

FACULTY LEADER
Is breach sufficiently serious to warrant suspension pending investigation?

Yes

Letter to student outlining alleged breach and reason for suspension

No

FACULTY LEADER
Advise student of suspension

FACULTY LEADER
Arrange interview with the student
Inform student of the reasons for the interview and the right to representation and support

FACULTY LEADER
Conduct interview with the student, nominated attendees and accompanying staff member
Record meeting

Meeting Minutes

FACULTY LEADER
Conduct investigation

Yes

FACULTY LEADER
Respond to student

No

FACULTY LEADER
Respond to student

No

Has the student breached the Student Code of Conduct?

Yes

Does the breach warrant a warning?

Yes

Is this the student’s first warning?

No

Refer to flowchart Student Disciplinary Committee Actions

Yes

FACULTY LEADER
Issue first warning

No

Is further investigation required?

No

FACULTY LEADER
Has the student breached the Student Code of Conduct?

Yes

Letter to student outlining alleged breach and reason for suspension

No

FACULTY LEADER
Respond to student

No

Does the breach warrant a warning?

Yes

Is this the student’s first warning?

No

Refer to flowchart Student Disciplinary Committee Actions

Yes

FACULTY LEADER
Issue first warning
STUDENT DISCIPLINARY COMMITTEE ACTIONS

Faculty Leader notified of serious misconduct or breach following first warning

**FACULTY LEADER**
Is the breach sufficiently serious to warrant suspension pending investigation?

- **Yes**
  - **Letter to student outlining alleged breach and reason for suspension**
- **No**
  - **FACULTY LEADER**
    - Advise student of suspension
  - **FACULTY LEADER**
    - Refer alleged misconduct to the Chair of the Disciplinary Committee

**CHAIR OF STUDENT DISCIPLINARY COMMITTEE**
Convene committee

- **No further action**
- **STUDENT DISCIPLINARY COMMITTEE**
  - Investigate alleged misconduct
  - **Meeting Minutes**
    - Record meeting

**CHAIR OF STUDENT DISCIPLINARY COMMITTEE**
Notify all parties involved

- **Is this a valid case of misconduct?**
  - **Yes**
  - **STUDENT DISCIPLINARY COMMITTEE**
    - Assign appropriate disciplinary action
    - **Chair of Student Disciplinary Committee Minutes**
    - **Letter to Student**
    - Inform student of outcome and right of appeal
  - **No**
    - **STUDENT DISCIPLINARY COMMITTEE**
      - Is a second warning required? (or in case of a serious breach first and final warning)
      - **Yes**
        - **STUDENT DISCIPLINARY COMMITTEE**
          - Assign appropriate disciplinary action
          - **Chair of Student Disciplinary Committee Minutes**
          - **Letter to Student**
          - Inform student of outcome and right of appeal
      - **No**