

DISCIPLINE STATUTE

- A Under the provisions of the *Education Act 1989*, the Council of the Auckland University of Technology governs the University (Clause 165, 1 (a)).
- B Under Clause 194, 1(a), the Council has made the following Statute:

1 Discipline Statute

- 1.1 This statute may be cited as the Discipline Statute.
- 1.2 This statute shall come into force on 1 December 2001.
- 1.3 This statute does not govern:
- (a) Research misconduct by students. All matters relating to research misconduct will be dealt with under the General Academic Statute except where there is a breach of Ethics Committee conditions attached to research which will be dealt with by this Statute.
 - (b) Academic matters such as plagiarism or cheating in academic work or examinations which will be dealt with under the General Academic Statute.

2 Definitions

- 2.1 In this Statute, unless the context otherwise requires:
- “*Academic Board*” means the Academic Board set up by the Council of Auckland University of Technology.
- “*The Act*” means the Education Act 1989 as amended from time to time.
- “*AUTSA*” means the Auckland University of Technology Students’ Association.
- “*Class*” means any lecture, tutorial, seminar, laboratory, or other occasion where one or more students are receiving tuition including supervision (whether or not it is on University grounds) and any lecture or address within the University at which students are present.
- “*Complainant*” means any person, being a student, academic or allied staff member, either acting on their own behalf or on behalf of the faculty or department, or a member of the AUTSA Executive who brings a complaint of breach of discipline against a student.
- “*Council*” means the Council of the Auckland University of Technology.
- “*Harassment*” has the meaning assigned it by the Council Policy on harassment.
- “*Misconduct*” means any breach of sections 6 and 7 of the Statute.
- “*Staff member*” means any employee of the University including academic and non academic staff.
- “*Student*” means a duly enrolled or registered student of the University and includes a person applying to enrol or register, any extramural student and any person attending any examination conducted by the University.

“*The University*” means Auckland University of Technology, including any institution under the control of the Council or the Vice-Chancellor, including all departments, units, agencies and operations, which provide services to students.

“*University grounds*” includes land and buildings owned, occupied or controlled by the University.

“*Vice-Chancellor*” means the Chief Executive of the Auckland University of Technology.

“*Working day*” means Monday to Friday (inclusive) and does not include public holidays or the period 23 December through to 15 January.

3 Student Acknowledgement

- 3.1 Every student on enrolling at, or registering with the University shall sign an acknowledgement in the following form:

“I promise that I will make myself familiar with the requirements in regard to student behaviour as set out in Sections 6 and 7 of the Discipline Statute. I will obey the statutes, rules and regulations of the University. I acknowledge that if I breach the statutes, rules and regulations of the University I will be subject to the discipline procedures and penalties imposed under the University Discipline Statute and General Academic Statute.”

4 Powers of the Vice-Chancellor

- 4.1 The Vice-Chancellor has the power to refuse to permit or cancel the enrolment of a person as a student at the University, or in a particular course of study or training at the University on the grounds that the person is not of good character or has been guilty of misconduct or a breach of discipline. Provided that where a complaint has been made as set out in Section 9, it will be dealt with in accordance with the following provisions.
- 4.2 The Vice-Chancellor has the power to deal with any complaint or appeal in the manner set out in the following provisions.
- 4.3 Where the Vice-Chancellor considers a complaint to be serious he or she has the power to suspend a student against whom that complaint has been made from attendance at the University until the complaint is dealt with under sections 9–15.

5 Delegation of powers by the Vice-Chancellor

- 5.1 The Vice-Chancellor may delegate the authority to grant the permission required under section 7 to:
- (a) Deans and Directors and Deputy Vice-Chancellors or their nominees for departmental and faculty functions; and
 - (b) The President of AUTSA for functions held within the facilities under the control of AUTSA where less than 40 people are present.
- 5.2 The Vice-Chancellor may delegate some or all of the powers set out in Sections 4 and 9–15 to another person or a specified person provided that such a delegation is in writing.

6 Student Behaviour

6.1 No student shall:

- (a) act in a manner which is contrary to the good government of the University or is prejudicial to its functioning or brings discredit or ill-repute to the University;
- (b) provide false or misleading information to the University;
- (c) fail to identify himself or herself if required to do so by a staff member;
- (d) fail to comply with any lawful and reasonable direction given by any staff member in order to maintain good order and discipline;
- (e) damage or deface any property within the University grounds;
- (f) impede or disturb the activities of the University, whether in teaching, research, administration or otherwise;
- (g) be in a part of the University in which the student is not entitled to be at that time;
- (h) fail to comply with the directions on any notice erected with the authority of the Vice-Chancellor and governing entry, speed and exit of vehicles and the location and use of parking spaces;
- (i) harass any person in the University grounds or in class with offensive or unwanted behaviour in a way that affects that person's ability to study or to enjoy the University amenities or to carry out their work;
- (j) commit any crime defined in the Crimes Act 1961 or Summary Offences Act 1981 against any student or staff member or University property in the University Grounds or in class;
- (k) commit any crime defined in the Crimes 1961 Act or Summary Offences Act 1981 against any student or staff member or University property outside the University grounds where such action has an impact on the good management and discipline of the University;
- (l) discriminate against or harass any person or group of people either by conduct, or research or study, in breach of the Human Rights Act or the Discrimination policy of the University; and
- (m) act in a disruptive manner as a result of being under the influence of a drug or substance on University Grounds or in class unless it is prescribed by a qualified medical practitioner;
- (n) act in breach of any published University regulation or policy.
- (o) act in breach of any agreement regarding confidentiality that the student has entered into with the University.
- (p) bring animals (other than those registered and being used as Royal New Zealand Foundation for the Blind Guide Dogs) onto AUT premises without the permission of the University Security Manager.
- (q) Any student who in anyway assists, counsels, procures or encourages another to commit a breach shall be guilty of the same breach and subject to the same disciplinary measures.

7 Alcohol Consumption

- 7.1 No student shall consume alcohol within the non-licensed precincts of the University without permission.
- 7.2 The Vice-Chancellor's permission is required for consumption of alcohol at official functions and the Vice-Chancellor's permission for alcohol to be consumed at other functions will be subject to the following conditions:
 - (a) where the function is held in a lecture theatre, reading room, seminar room, staff study or staff common room or other place within the University precincts, one senior member of the staff shall be present throughout the function.
 - (b) where the function is held within the facilities under the control of AUTSA, a senior member of the staff or a member of the Student Executive or a member of the AUTSA Committee shall be present throughout the function.

8 Misconduct in class

- 8.1 Where there is misconduct by a student in class, the staff member in charge of the class may require the student to leave the class and (depending on the circumstances) exclude him or her from up to two further successive classes.
- 8.2 Where a staff member excludes a student for more than one class, the staff member shall promptly report the situation to the University Security Manager and a complaint shall be made as set out in Section 9.
- 8.3 Any complaint will be dealt with in accordance with Sections 9–15.

9 Complaints about breach of student discipline

- 9.1 Where a person, who is either a student or staff member of the University or a member of the AUTSA Executive, considers that there has been a breach of this Statute by a student, he or she shall have the power to report or make a complaint against that student to the Vice-Chancellor through the Administrative Secretary.
- 9.2 The Administrative Secretary shall be a person nominated from time to time by the Vice-Chancellor to manage the complaint process and provide administrative services to the Discipline Committee.
- 9.3 The Vice-Chancellor shall investigate the complaint. Such investigation shall be conducted having regard to the principles of natural justice and shall be commenced within 3 working days of the receipt of the complaint. It shall be a full and fair investigation without any predetermination as to the outcome.
- 9.4 If after the investigation, the complaint is found to have substance, then the Vice-Chancellor shall consider whether mediation is appropriate and may in the first instance ask the Complainant and the Student if they are willing to attend a mediation to attempt to resolve the complaint.
- 9.5 If the parties are willing to attend mediation then the complaint shall be referred to a mediator in accordance with Section 10 below.

- 9.6 If the mediation is unsuccessful or the parties do not agree to attend mediation then the Vice-Chancellor shall, after considering the findings of the investigation, decide whether the alleged breach of discipline is serious or not.
- 9.7 If the Vice-Chancellor considers that the alleged breach of discipline has occurred and is not serious, he or she may deal with the matter immediately and may, after giving the student a reasonable opportunity to be heard on the issue of penalty, impose any of the following penalties:
- (a) a reprimand;
 - (b) a direction that the student apologise;
 - (c) a fine not exceeding \$150.00;
 - (d) a requirement that the student make restitution in respect of any damaged lost or stolen property or any other costs or loss suffered;
 - (e) a requirement that the student undertake unpaid University community service not exceeding 15 hours in duration.
 - (f) impose conditions on the student to prevent any future breach or disturbance.
- 9.8 Any student disciplined by the Vice-Chancellor under Section 9.7 may appeal under the appeal provisions set out at Section 15. If the student does not appeal, but does not satisfy the requirements of the penalty imposed by the Vice-Chancellor, then the matter shall be referred back to the Vice-Chancellor who may enforce the penalty in accordance with Section 14.1(c).
- 9.9 If, the Vice-Chancellor considers that the alleged breach is serious, the Vice-Chancellor shall refer the matter to the Discipline Committee which shall deal with it in accordance with Sections 11–14.

10 Mediation

10.1 Mediator Selection

- (a) All parties involved in the complaint will be asked to agree on a mediator. If the parties cannot agree, the Vice-Chancellor will nominate an appropriate Mediator.
- (b) Parties will be informed if the Vice-Chancellor decides that an external mediator be engaged to mediate a complaint, and the reasons for that decision. As soon as an external mediator is appointed, parties will be informed of that person's name and background.

10.2 Setting Up Mediation

- (a) Once a mediator has been appointed, he or she will contact the parties to introduce him or herself, explain his or her role and arrange the mediation date, time and venue.
- (b) Initially, the mediator will talk separately with all parties to find out their individual view of the complaint and discuss their commitment to the mediation process. This will enable the mediator to assess whether pre-mediation meetings are required with the parties separately or whether a mediation session can be arranged straight away.

- (c) On occasion, the mediator may decide that shuttle mediation will take place. Shuttle mediation is where the parties talk to each other through the mediator but do not meet face-to-face. The mediator will decide whether shuttle or “round-table” mediation is the most appropriate form of mediation for the particular conflict.
- (d) The mediator will arrange a date, time and venue for pre-mediation interviews and/or the mediation session.
- (e) The Vice-Chancellor and the University and the mediator will provide all the assistance they can so that the mediation session can be arranged promptly and efficiently.
- (f) All parties to the mediation will be expected to Co-operate fully with the mediator so that a mediation session can be arranged as soon as possible
- (g) All parties to the mediation must keep confidential any statement, admission, information or documentation (“information”) disclosed in the course of the mediation and they shall not use such information for any other purposes including any future Discipline Committee hearing.

10.3 Parties’ Conduct in Mediation

In order to successfully participate in a mediation session parties should approach the mediation with an open mind, being prepared to listen to what the other party/parties has to say. Parties must be willing to accept the role of the mediator as director of proceedings.

10.4 Mediation Report

- (a) At the conclusion of a mediation the mediator will complete a mediation report.
- (b) A mediation report will include the following information:
 - (i) The names of the parties
 - (ii) The date the mediation took place
 - (iii) The name of the mediator
 - (iv) The mediation venue
 - (v) In broad terms, the nature of the complaint and the issues in dispute
 - (vi) Details of any agreement reached between the parties
 - (vii) Details of any issues remaining unresolved at the conclusion of the mediation
- (c) All parties and the mediator must sign the mediation report.

- 10.5 A copy of the report shall be given to the parties and the Vice-Chancellor. A copy of the report is given to the Vice-Chancellor so that he or she can monitor the effectiveness of mediations generally, organise any support required for parties to make an agreement work, monitor that agreements are successful, and organise for assistance to be provided, where appropriate, to resolve any outstanding issues.

- 10.6 Where the parties agree, other related persons involved will be given a copy of the mediation report by the Vice-Chancellor. The purpose of the Vice-Chancellor providing a copy of the report to the other person/s is so that these people can provide practical support to parties to help them implement their settlement agreement or resolve outstanding issues.
- 10.7 All these persons must keep the contents of this report confidential, unless the parties agree otherwise. Any agreement to provide a copy of the report to other persons is to be recorded by the mediator.

11 Discipline Committee – the people

- 11.1 A Discipline Committee shall be composed of three persons as follows:
 - (a) a nominee of AUTSA;
 - (b) a legal advisor nominated by the Vice-Chancellor;
 - (c) a nominee of the Academic Board
- 11.2 The Vice-Chancellor shall appoint the Chair of the Committee from amongst its members.
- 11.3 The Administrative Secretary may receive and formulate any complaints referred to the Discipline Committee by the Vice-Chancellor.
- 11.4 The Vice-Chancellor shall provide the details of the complaint to the Administrative Secretary. Such details shall include outcome/s of any investigation, documents referred to and all other relevant material.
- 11.5 The role of the Discipline Committee is to assist in maintaining the good order and discipline of the University through hearing and determining all complaints and imposing appropriate penalties where there has been a breach of discipline.

12 The Discipline Committee – the initial process

- 12.1 Where the Vice-Chancellor has referred a complaint to the Discipline Committee the process set out in Sections 12–14 below shall apply.
- 12.2 The Administrative Secretary shall:
 - (a) ascertain the identity of the nominees, i.e. the identity of the AUTSA, Vice-Chancellor and Academic Board’s nominees.
 - (b) set a date for the committee hearing – such date to be within 7 working days of the receipt of the complaint by the Discipline Committee.
 - (c) prepare a notice to the student, the complainant and the committee members containing the following:
 - (i) a statement of the complaint against the student, setting out the nature of the complaint, the facts upon which the complaint is based, reference to the particular provisions of the statute that have allegedly been breached, and the potential penalties that could be imposed;
 - (ii) date, time and place of the hearing;

- (iii) the people who will be present at the hearing;
 - (iv) the consequences of not appearing at the hearing;
 - (v) any documents or evidence relevant to the complaint including statements from witnesses and documents referred to or relied on unless it would compromise the safety of the Complainant or be against the public interest;
 - (vi) an explanation of the process that will be followed;
 - (vii) the right to representation for both parties;
 - (viii) a request that any documentary or other information to be submitted by the student be given to the Administrative Secretary at least two (2) days prior to the hearing so that it can be distributed and considered.
 - (ix) The statement in (c) (i) above should specify the matters set out so as to fully, fairly and clearly inform the student and the committee of the nature and detail of the complaint, the grounds on which it is made and the potential penalties.
- (d) Send a copy of such notice to:
- (i) the student
 - (ii) the committee members
 - (iii) the complainant.
- (e) Any notice shall be deemed to have been received by the student where it has been sent to the student by registered post at their last address notified to the Academic Registry.
- (f) In the event that further documentation is put forward, ensure that all parties (refer (d) above) have a copy as soon as possible prior to the hearing.
- 12.3 Once the matter is referred to the Discipline Committee, if there is any member whose participation in the hearing would be inappropriate for various reasons including that of conflict of interest, that member should withdraw from participation in the hearing and a new person be appointed in their place.
- 12.4 The student shall be informed, in the event that the complainant withdraws his or her complaint, whether the Discipline Committee will proceed with the hearing or not.
- 12.5 The Discipline Committee may adjourn the hearing to an alternative date:
- (a) at the request of either the student or the complainant where such request is reasonable and to continue would result in an injustice to the student or the complainant;
 - (b) to consider further or new evidence or to await the collection of further or new evidence.
- 12.6 Where the hearing is adjourned, a new date must be set at the earliest opportunity.

13 Discipline Committee – the procedure of the hearing

- 13.1 The Discipline Committee shall have the right to regulate its own process, provided that it does not act in a manner contrary to the principles of natural justice, or in breach of or contrary to the provisions of this statute.
- 13.2 The Discipline Committee shall not be bound by the rules of evidence and may hear any evidence presented as is just and equitable in the circumstances. All evidence considered shall be given the appropriate weight and relevance.
- 13.3 A guideline to the appropriate procedure is set out in Schedule A (refer to page 664). This is a guide only and shall not be read so strictly or narrowly as to inhibit the ability of the Disciplinary Committee to regulate its own proceedings.
- 13.4 At the conclusion of the Hearing, the Committee shall reach a decision as to whether on the balance of probabilities there has been a breach of discipline.
- 13.5 If it is decided that a breach has not been proved then the complaint shall be dismissed.
- 13.6 If it is decided that a breach/s has been proved then the Committee shall make a decision as to:
 - (a) the nature of the breach;
 - (b) the penalty to be imposed.
- 13.7 In reaching a decision it is preferable that the Committee be unanimous. If, however, that is not possible then the decision of the majority will be the decision of the Committee.
- 13.8 A decision may be delivered initially orally (at the discretion of the Committee) but shall also be notified in writing.
- 13.9 The written decision of the Discipline Committee shall set out the details of the decision itself and the reason/s for that decision.
- 13.10 A copy of the written decision shall be provided to the student, the complainant, the Vice-Chancellor, and to any other person or persons that the committee considers appropriate. Further, the Discipline Committee may, if it considers it appropriate, resolve that all or part of its decision remain confidential to the student, the complainant and the Vice-Chancellor.
- 13.11 The student and the complainant shall have the right to appeal the decision reached by the Discipline Committee in accordance with the appeal provisions set out at Section 15. They shall be notified of such right at the time the decision is sent to them.

14 Discipline Committee powers

14.1 The Discipline Committee shall have the power:

- (a) to impose on any student who does not observe the provisions of this Statute; or the conditions (if any) attached to his or her attendance at classes; or who otherwise commits any breach of University discipline; any one or more of the following penalties as it thinks fit:
 - (i) such sum by way of restitution as may be appropriate for any damage caused;
 - (ii) a fine not exceeding \$500.00;
 - (iii) a suspension from attendance at the University or any of its classes for such period as it thinks fit and/or until such conditions that it thinks fit have been met;
 - (iv) a suspension from attendance at any test or examination;
 - (v) a limitation or prohibition on his or her attendance at any class or classes at the University or his or her use or enjoyment of any the facilities of the University;
 - (vi) expulsion from the University;
 - (vii) any other remedy it sees fit including the requirement for an apology, performance of community service, attendance at counselling, or other non-monetary restitution.
- (b) Where the student fails to pay monies owing by way of fine or restitution or fails to satisfy the requirements of the penalty imposed on the student, the failure shall be referred to the Administrative Secretary who shall refer the matter to the Vice-Chancellor.
- (c) The Vice-Chancellor may direct that until all monies have been paid, or the requirements of the penalty have been satisfied:
 - (i) the student be prohibited from sitting examinations;
 - (ii) examination results may be withheld;
 - (iii) award of any certificate, diploma, degree that the student is entitled to be deferred;
 - (iv) he or she be suspended;
 - (v) he or she not be permitted to re-enrol at the University.
 - (vi) The student shall be notified in writing of such direction.

15 Appeals

- 15.1 Any party to a complaint (being either the student or the complainant) or a student who has not been permitted to enrol or had their enrolment cancelled at the University or in a particular course of training or study at the University pursuant to Section 4.1 may, within (14) days of the decision of the Discipline Committee or the Vice-Chancellor, appeal the decision by giving notice to the Vice-Chancellor in writing, provided that:
- (a) the complainant shall only be able to appeal the appropriateness or reasonableness of the penalty.
 - (b) the student shall only be able to appeal on the grounds that:
 - (i) that the penalty was inappropriate or unreasonable; or
 - (ii) that the Discipline Committee or Vice-Chancellor failed to meet the principles of natural justice; or
 - (iii) that fresh evidence has arisen that was not reasonably available at the time of the hearing and that if taken into account it is likely to alter the decision of the Committee or Vice-Chancellor.
- 15.2 The notice of appeal must set out:
- (a) The decision or particular part of the decision that is being appealed.
 - (b) The grounds of appeal, which shall be specified with such particularity as to give full advice to the Adjudicator and the other party of the issues involved.
- 15.3 An Appeal Panel shall be set up by the Vice-Chancellor of people who will be drawn upon to act as adjudicators who will hear and decide the appeals filed in accordance with the provisions of this Statute.
- 15.4 The Vice-Chancellor shall:
- (a) Appoint an adjudicator from the Appeal Panel to hear the Appeal.
 - (b) Give the notice of appeal together with the name of the adjudicator to the Administrative Secretary who shall:
 - (i) Notify the parties of the date, time and place of the hearing of the appeal, such date to be within 10 working days of the receipt of the notice of appeal;
 - (ii) Where there is a record of the Discipline Committee hearing, provide a copy of that record with the notice of appeal.
 - (iii) Notify the parties of:
 - (aa) The consequences of not appearing at the hearing;
 - (bb) Any documents or evidence relevant to the appeal including statements from witnesses and documents referred to or relied on unless it would compromise the safety of the Complainant or be against the public interest;
 - (cc) An explanation of the process that will be followed;
 - (dd) The right to representation for both parties;

- (ee) A request that any documentary or other information to be submitted by the Appellant or any other party be given to the Administrative Secretary at least two (2) days prior to the hearing so that it can be distributed and considered.
- 15.5 The adjudicator shall hear and determine the appeal in such manner as he or she thinks proper, having regard to the principles of natural justice. Provided that the Appeal hearing will not operate by way of a rehearing of the complaint.
- 15.6 The adjudicator shall have the power to:
- (a) Send the complaint or penalty back to the Discipline Committee to be reconsidered.
 - (b) Change, reduce, or increase the penalties imposed by the Discipline Committee.
 - (c) Dismiss the appeal and uphold the decision of the Discipline Committee.
- 15.7 The decision of the Adjudicator shall be in writing and shall set out the reason/s for the decision. It shall be sent to all relevant parties.

16 General provisions

- 16.1 All fines paid to the University under the Discipline Statute shall be used for such benevolent or charitable purposes which benefit the students and for which purpose the Discipline Committee, after consultation with Vice-Chancellor, may from time to time determine. Those purposes may include general hardship.

The University shall fully indemnify the Vice-Chancellor and his/her nominee, the Administrative Secretary, a mediator, members of the Discipline Committee and an Adjudicator against any personal liability arising out of the exercise of their functions under the Discipline Statute.

Schedule A: Guidelines for Discipline Committee Procedure

- 1 The Chairperson of the Discipline Committee shall:
 - 1.1 open the hearing and introduce the Committee members, Secretary, and any counsel or representative/s present;
 - 1.2 state the purpose of the hearing;
 - 1.3 state the procedure of the hearing;
- 2 If there are any witnesses present, the Chairperson shall:
 - 2.1 hear from the student and the complainant as to whether there are issues of credibility, or any concerns about the witnesses remaining in the hearing;
 - 2.2 decide whether the witnesses can remain;
 - 2.3 if they cannot, then request they wait outside until called upon and advise them not to discuss their evidence.
- 3 The Chairperson shall move a motion that members of the public be excluded from the whole of the proceedings of the hearing to protect the privacy of the persons concerned and on the grounds contained in Section 9 of the Official Information Act 1982.
- 4 The Chairperson shall confirm that the student understands the complaint/s and the allegations against him or her and that he/she has a copy of all material. If not, the Chairperson shall take the student through the complaint as set out in the notice.
- 5 The Chairperson shall ask the student to state whether or not he/she denies or admits the complaint.
- 6 Throughout the hearing, either party may involve a representative. For the purposes of these guidelines where reference is made to the student or complainant (other than the giving of evidence) it shall also be deemed to be referring to their representative.
- 7 If the complaint is admitted and the student accepts the allegations as set out in the complaint then the Chairperson shall:
 - 7.1 ask the student if he/she or witnesses have any further comments or information they wish the Committee to consider.
 - 7.2 ask the Complainant if they have any comments they wish to make.
 - 7.3 call for any questions from the other Committee members.
 - 7.4 allow the student the opportunity to re-examine or clarify points that have arisen.
 - 7.5 ask for an indication from all the parties as to what they consider an appropriate penalty to be.
- 8 If the student admits but challenges the circumstances of the offence, the disputed circumstances will be heard in the manner set out below as if the complaint was denied.
- 9 If the complaint is denied or admitted but the circumstances challenged then the hearing will proceed as follows:
 - 9.1 Chairperson will advise whether or not a record will be kept of the proceedings.

- 9.2 The Chairperson will inquire as to whether the parties will be calling witnesses. If so, the Chairperson will explain that as each witness appears they will:
- (a) make a statement;
 - (b) answer any questions put to them by the Committee members;
 - (c) at the discretion of the Chairperson, answer any questions put to them by the other party;
 - (d) the Chairperson may intervene in any question/s where necessary at any time.
- 9.3 The student and the Complainant shall have the opportunity to make any introductory remarks/statements and closing statements/submissions.
- 9.4 The order of the proceeding will be as follows:
- (a) The Complainant shall set out their case, which shall include calling any witness, referring to any documentation (copies of which should already have been provided), explaining why the conduct complained of amounts to a breach of statute, and setting out the implications of such conduct on the good discipline of the University (e.g. disrupting others, danger to students and faculty, etc.).
 - (b) The student shall then set out their case, which shall include but not be limited to, calling evidence, referring to documentation (copies of which should already have been provided), disputing whether the conduct took place or the identity of the perpetrators, outlining why the conduct does not amount to a breach and/or setting out any mitigating circumstances.
- 9.5 The Complainant shall then make closing remarks including, where appropriate, views on the penalty.
- 9.6 The Student shall then make closing remarks including, where appropriate, views on the penalty.
- 10 The Committee shall fully and fairly consider all information put to it in reaching its decision without bias or predetermination.
- 11 Require all people (other than the Committee members and the Secretary) to leave and wait outside while the Committee considers its decision.
- 12 If it is likely to take longer than half an hour to reach its decision, then the Chairperson shall advise the parties that they will be advised of the decision in writing by the Secretary within two working days.
- 13 If the decision can be reached in less than half an hour, the parties (excluding witnesses) will be called back into the hearing room once a decision is made and advised:
- 13.1 of the decision and the reasons for it;
 - 13.2 that they will receive written confirmation of such decision and reasons in writing from the Secretary within seven working days;
 - 13.3 of the right to appeal.

LIBRARY REGULATIONS

These Regulations apply to Libraries of the Auckland University of Technology.

1 Membership

- 1.1 The following shall be entitled to membership of the Library:
 - 1.1.1 Staff and students of the University.
 - 1.1.2 Staff of the University's Students' Association (AUTSA).
 - 1.1.3 Members of the University Council, University Advisory Boards, and persons awarded an honorary status by the Council of the University.
 - 1.1.4 Persons who are officially and currently engaged in research and/or teaching students of the University.
- 1.2 The following are entitled to free membership to access the print collection and where licences permit, access to e-resources within the Library:
 - 1.2.1 Alumni.
 - 1.2.2 Staff and students of associated organisations that have a written agreement, or memorandum of understanding, with the University that specifically includes Library membership.
 - 1.2.3 Staff and students from other New Zealand and Australian Universities accessing the Library collection in person if their institutions are members of reciprocal borrowing schemes.
- 1.3 Members of the public may apply for external membership, for which a fee is charged.

2 Access

- 2.1 Access to, and use of, electronic resources must comply with specific licences, and may be restricted to members of the University.
- 2.2 A current University ID card must be presented to borrow Library material.
- 2.3 Borrowed materials remain the member's responsibility until they are returned to the Library.
- 2.4 Library materials may be recalled at any time and members will be advised of the new due date by email. Disregard of a notice recalling Library material may incur suspension of borrowing privileges.
- 2.5 Members may be charged the replacement cost of materials they lose or damage.
- 2.6 Members with unpaid Library charges may have their academic results withheld and/or lose their Library borrowing privileges.
- 2.7 The loss of a University ID card should be reported to Library staff immediately to avoid liability for any costs incurred from another person using that card.
- 2.8 Contact details should be updated with the University.
- 2.9 At peak times access may be restricted to current students and staff.

3 Conduct and Behaviour

- 3.1 Library members must comply with any instructions from authorised staff, and are required to produce their University ID card at any time if asked by Library or Security staff.
- 3.2 Smoking, illegal drug use, alcohol and hot and/or messy food is prohibited in the Library. Drinks must be in lidded or capped containers. Authorised staff may confiscate hot and/or messy food as well as drinks not in lidded or capped containers.
- 3.3 Cell phones and other devices are permitted provided they are switched to silent mode.
- 3.4 Library property and resources must not be damaged, defaced or inappropriately used and must be left fit for use for other Library members. Library resources include hardware and software. Library members should notify the Library if property or resources are damaged, defaced or inappropriately used or accessed.
- 3.5 Noise levels must be appropriate to the study space being used. Silence is to be observed in silent study areas.
- 3.6 The Library does not accept responsibility for personal belongings left unattended in the Library. Books and any other articles left unattended in the Library may be removed by authorised staff.
- 3.7 Authorised staff may inspect bags and personal belongings if the alarm sound when exiting a building.
- 3.8 In cases of emergency members are required to vacate the Library in accordance with instructions issued by authorised staff.
- 3.9 Children must be accompanied and appropriately supervised by an adult at all times, while in the Library.
- 3.10 All users of copying and printing facilities must adhere to New Zealand Copyright law.
- 3.11 Notices and/or products may not be distributed or posted in the Library without permission from authorised staff.
- 3.12 No one may film or take photos in the Library without permission from authorised staff.
- 3.13 Loanable items must be issued before being removed from the Library. Written approval is required from the University Librarian to take loanable items out of New Zealand.
- 3.14 The Library is a place of study for AUT community. All members shall respect the rights of other Library members to pursue their studies without unnecessary disturbance or distraction.

Members who do not adhere to the Library Regulations may have their borrowing privileges suspended, be temporarily excluded from the Library, and/or face discipline under the University Discipline Statute.

CHILDREN ON CAMPUS POLICY

Children of staff and/or students of the University are welcome on campus and are eligible to attend the University Childcare Centres. However, other University buildings have not been designed for use by children. For this reason, if children are brought into the University buildings they must be accompanied and appropriately supervised by an adult at all times. It is important that children do not interrupt learning of students and delivery of classes and lectures. Alternative arrangements for care of children should be made during lecture and class times.

EXTRACT FROM THE PROTOCOL FOR PAYMENT AND REFUND OF FEES

5.3 General rules regarding fees for domestic students

5.3.1 Calculation of fees

- (i) All domestic students will have their fees calculated on an enrolment invoice, normally based upon the number of papers enrolled in.
- (ii) Other approved fees which are not based upon papers may be added to the enrolment invoice from time to time.
- (iii) Generally, enrolment invoices for domestic students should prescribe a payment due date which is prior to the commencement of the first class related to the papers detailed on the enrolment invoice.
- (iv) Notwithstanding (iii) above, all domestic students shall have a minimum of seven days from the date of generation of the enrolment invoice to pay the fees detailed therein.

5.3.2 Unpaid fees

- (i) All domestic students are required to pay the fees detailed on the enrolment invoice by the due date. Failure to do so will result in the University debtor management processes commencing which will include withdrawal of services.
- (ii) Continued non-payment of fees may result in any subsequent re-enrolment being disallowed.

5.3.3 Confirmation of attendance

All students intending to study beyond the specified refund period are required to confirm their attendance by either:

- paying their fees in full; or
- indicating their intention to continue study and pay their fees in full

5.4 General rules regarding fees for International students

5.4.1 New students

- (i) All International students being offered a full-time place at the University shall receive a contract document (“Offer of Place”) which details the programme of study and the amount payable upon acceptance of the offer.
- (ii) The contract amount payable will normally consist of the total of the tuition fee, compulsory student services fee, the application fee and medical/travel insurance fee (if insurance arranged through AUT).
- (iii) The University reserves the right to withdraw or otherwise amend any offer made to an International student who does not accept the offer by the date specified on the contract document.
- (iv) International students are required to have paid, in full, the amount detailed on the contract document prior to commencing study at the University.

- (v) The tuition fee component of the amount payable will be calculated at the time the offer is made and will generally be equivalent to the fee for one year's normal full time study (1.0 EFTS/ 120 points). Shorter programmes (e.g. 0.5 EFTS/ 60 points) may necessitate a different amount to be charged.
- (vi) The annual tuition fee for the academic year detailed on the contract document shall be the fee used for the calculation of subsequent enrolment invoices, which shall be calculated on the basis of the total EFTS of the papers enrolled in, multiplied by the tuition fee.
- (vii) Where the fee calculated on the initial enrolment invoice is greater than that paid on the contract document, the student is required to pay the additional amount prior to commencing study.
- (viii) Where the fee calculated on the initial enrolment invoice is less than that paid on the contract document, any resultant credit balance on the student's account will be held by the University and will be applied to any subsequent enrolment within the following two years. The resultant credit balance is not available as a refund, and will be forfeit to the University if:
 - (a) the student withdraws from the programme after the refund period during the first year of enrolment, without any subsequent re-enrolment; or
 - (b) the student completes the qualification, without any subsequent re-enrolment; or
 - (c) the balance is still outstanding after two years.
- (ix) New International students are required to have a valid student visa prior to commencing study at the University.
- (x) New International students are required to have valid medical/travel insurance seven days prior to commencing study at the University.

5.4.2 Returning students

- (i) All returning International students will have their fees calculated on an enrolment invoice, based upon the number of papers enrolled in.
- (ii) Returning International students on a student visa are normally required to be studying full-time.
- (iii) Notwithstanding (ii) above any returning International student who is in their final year of study, and who can complete their qualification without the requirement for full-time study, will have their fees calculated based upon the number of papers required to complete.
- (iv) Any returning International student who has commenced their programme of study and who then elects to have a break in study of greater than one academic year, will have their enrolment invoice calculated on the basis of the current academic year's tuition fee.

- (v) Returning International students are required to have a valid student visa prior to recommencing study at the University.
- (vi) Returning International students are required to have valid medical/travel insurance seven days prior to recommencing study at the University.

5.4.3 Unpaid fees

- (i) New International students are required to pay the fees detailed on the Offer of Place contract document by the specified date. Failure to do so will result in the contract being withdrawn by the University.
- (ii) All returning International students are required to pay the fees detailed on the tax invoice by the due date. Failure to do so will result in the University debtor management processes commencing which will include withdrawal of services.
- (iii) The University will advise Immigration New Zealand regarding any student who does not complete enrolment by paying their fees in full.
- (iv) Continued non-payment of fees may result in any subsequent re-enrolment being disallowed.

5.5 General rules regarding refunds for domestic students

5.5.1 General

- (i) Any request by a student to amend their programme of study or withdraw from a programme or paper must be made in writing.
- (ii) Non-payment of fees, ceasing to attend, or verbally advising a member of staff will not be accepted as notice of amendment or withdrawal.
- (iii) The date of receipt by the faculty/school/department of the course amendment or withdrawal request will be the date used to calculate any refund that may be applicable.
- (iv) The University reserves the right to request additional supporting information before any course amendment request is considered.
- (v) Where the student's account has a credit balance which is clearly attributable to an overpayment of fees, any such balance will be refunded in full.
- (vi) Where any enrolment and/or financial transaction resulting in a credit balance on the student's account, other than those defined in clauses 5.5.1(v), 5.5.2, 5.5.3 and 5.5.4, a refund will be given less a \$20 administration charge. In the case where a credit balance is insufficient to cover the total amount of the administration charge, the administration charge will be adjusted to equal the amount of the credit balance.
- (vii) Any refund of fees requires authorisation by the Director of Student Administration or authorised delegate.

- 5.5.2 Change of class(es)
- (i) Where the student elects or is required to change a class within a paper, there will generally be no change in the fees, and therefore additional fees, refunds and administration charges do not normally apply.
 - (ii) Where the student elects or is required to change a class within a paper resulting in additional fees:
 - (a) the student is required to pay any additional fees;
 - (b) no administration charges will be incurred.
 - (iii) Where the student elects to change a class within a paper resulting in a credit balance on the student's account, a refund will be given less a \$10 per paper administration charge. In the case where a credit balance is insufficient to cover the total amount of the administration charge(s), the administration charge will be adjusted to equal the amount of the credit balance.
 - (iv) Where the student is required by the University to change a class within a paper resulting in a credit balance on the student's account, a refund will be given and no administration charges will be applicable.
- 5.5.3 Transfer of paper(s)
- (i) Where the student elects or is required to transfer from one paper to another paper there may be a change in the fees.
 - (ii) Where the student elects or is required to transfer from one paper to another resulting in additional fees:
 - (a) the student is required to pay any additional fees;
 - (b) no administration charges will be incurred.
 - (iii) Where the student elects to transfer from one paper to another resulting in a credit balance on the student's account, a refund will be given less a \$10 per paper administration charge. In the case where a credit balance is insufficient to cover the total amount of the administration charge(s), the administration charge will be adjusted to equal the amount of the credit balance.
 - (iv) Where the student is required by the University to change a class within a paper resulting in a credit balance on the student's account, a refund will be given and no administration charges will be applicable.
- 5.5.4 Cancellation or withdrawal from paper(s)/programme of study
- (i) For the purposes of calculating any refund that may be due, each paper will be assessed individually and any refund calculated based upon the first class start date for that paper.
 - (ii) Where the student elects to cancel or withdraw from individual papers or their whole programme of study, the following rules apply:

Date Of Course Amendment Request	Enrolment Status	Refund Due	EFTS Consumption	Academic Result
Completed less than 10% of paper duration	Cancellation	100%	Nil	No result recorded
Completed between 10% and 75% of paper duration	Withdrawal	Nil	100%	Withdrawn result recorded
After 75% of paper duration completed	Withdrawal	Nil	100%	Did not complete result recorded

- (iii) Where the student elects to cancel or withdraw from individual papers or their whole programme of study, the following rules apply to NZQA external examinations or assessment/moderation fees (where applicable):

(iv)

Date of Amendment Request	Refund Due
Before paper commences	100%
After paper commences	90%

- (v) Where the student elects to cancel or withdraw from individual papers or their whole programme of study where the NZQA registration fee has been charged, the full amount paid to the University will be refunded, provided the fee has not already been forwarded to NZQA.
- (vi) Where the student elects to cancel or withdraw from individual papers or their whole programme of study where NZQA unit standard fees have been charged, the full amount paid to the University will be refunded, provided the fees have not already been forwarded to NZQA.

5.5.5 Extraordinary withdrawal from paper(s)/programme of study

- (i) Under some circumstances the provisions of 5.5.4 above may be overridden.
- (ii) Such circumstances may include, but are not limited to: serious illness, death, family crisis.
- (iii) Application for extraordinary withdrawal shall be made by the faculty and will require the specific approval of the Head of Student Relations.
- (iv) The amount of any credit/refund will be assessed and approved by the Head of Student Relations or nominee.
- (v) Any fee credit/refund granted will normally incur a \$50 administration charge.
- (vi) Any refund of fees will be authorised by the Director of Student Administration.
- (vii) Any refund will normally be limited to 50% of the fees except in the case of death, terminal illness or similar circumstances when 100% may be refunded.

- (viii) Any fee credit granted must be taken up at the next enrolment opportunity and is not refundable if the student subsequently withdraws.

5.5.6 Transfer to another institution

- (i) Where a student is transferring to another tertiary institution, the University may, at its sole discretion, elect to refund fees to the student.
- (ii) The student shall apply in writing, stating the reasons for the transfer and provide proof of admission to the other institution.
- (iii) Any refund granted will be strictly on a “pro rata” basis, calculated on the date of application and the original duration of the papers paid for.
- (iv) Any refund granted will normally incur a \$50 administration charge.

5.5.7 Method of refund

- (i) Where a student is due a refund, payment of the refund amount shall normally be made to the student’s nominated bank account, irrespective of who originally paid the fees.
- (ii) Notwithstanding (i) above, where the original fees were paid by StudyLink, any refund due to the student shall be paid to StudyLink, not the student.
- (iii) Notwithstanding (i) above where the original fees were paid by an organisation or business set up as a duly approved “corporate debtor” with the University, any refund due to the student shall be paid to that organisation or business, not the student.

5.6 General rules regarding refunds for International students

5.6.1 General

- (i) Any request by an International student to amend their programme of study or withdraw from a programme or paper must be made in writing.
- (ii) The date of receipt by the Admissions and Fees Office of the course amendment request will be the date used to calculate any refund that may be applicable.
- (iii) The University reserves the right to request additional supporting information before any course amendment request is considered.
- (iv) Where any enrolment and/or financial transaction resulting in a credit balance on the student’s account, other than those defined in clauses 5.4.1(ix), 5.6.2, 5.6.3 and 5.6.4, a refund will be given less a \$50 administration charge. In the case where a credit balance is insufficient to cover the total amount of the administration charge, the administration charge will be adjusted to equal the amount of the credit balance.
- (v) Any application fee paid is non-refundable in all circumstances.
- (vi) Any refund of fees will be authorised by the Director of Student Administration.

5.6.2 Change of class(es)

- (i) Where an International student elects or is required to change a class within a paper, there will generally be no change in the fees, and therefore additional fees, refunds and administration charges do not normally apply.
- (ii) Where an International student elects or is required to change a class within a paper resulting in additional fees:
 - (a) the International student is required to pay any additional fees;
 - (b) no administration charges will be incurred.
- (iii) Where an International student elects to change a class within a paper resulting in a credit balance on the International student's account, a refund will be given less a \$10 per paper administration charge. In the case where a credit balance is insufficient to cover the total amount of the administration charge(s), the administration charge will be adjusted to equal the amount of the credit balance.
- (iv) Where the student is required by the University to change a class within a paper resulting in a credit balance on the student's account, a refund will be given and no administration charges will be applicable.
- (v) Notwithstanding (ii) to (iv) above, where the International student is in their first year of study, the provisions of section 5.4.1 are applicable.

5.6.3 Transfer of paper(s)

- (i) Where an International student elects or is required to transfer from one paper to another paper there may be a change in the fees.
- (ii) Where an International student elects or is required to transfer from one paper to another resulting in additional fees:
 - (a) the International student is required to pay any additional fees;
 - (b) no administration charges will be incurred.
- (iii) Where an International student elects to transfer from one paper to another resulting in a credit balance on the International student's account, a refund will be given less a \$10 administration charge. In the case where a credit balance is insufficient to cover the total amount of the administration charge(s), the administration charge will be adjusted to equal the amount of the credit balance.
- (iv) Where the student is required by the University to change a class within a paper resulting in a credit balance on the student's account, a refund will be given and no administration charges will be applicable.
- (v) Notwithstanding (ii) to (iv) above, where the International student is in their first year of study, the provisions of section 5.4.1 are applicable.

- 5.6.4 Withdrawal from programme of study/transfer to another institution
- (i) For the purposes of calculating any refund that may be due, the first class start date for the programme will be used.
 - (ii) Where withdrawal from a programme of study is sought, an International student must prove to the University that they have satisfied the requirements of Immigration New Zealand with respect to their visa.
 - (iii) Where transfer to another institution is sought, an International student must prove to the University that they have satisfied the requirements of Immigration New Zealand with respect to their visa, and have a valid offer of place from the institution being transferred to.
 - (iv) Where an International student elects to withdraw from their programme of study, the following rules apply:

Date of Refund Request	Enrolment Status	Refund Due	Administration Charges	Academic Result
More than 7 days before the start of the programme	Cancellation	100% (less administration charges)	NZ\$300	No result recorded
From 7 days prior to the start of the programme and less than 10% of the programme duration completed	Cancellation	90% (less administration charges)	NZ\$300	No result recorded
From 10% of the programme duration completed and up to 75% of programme duration completed	Withdrawal	Nil	Nil	Withdrawn result recorded
After 75% of programme duration completed	Withdrawal	Nil	Nil	Did not complete result recorded

- 5.6.5 Withdrawal from individual papers
- (i) For the purposes of calculating any refund that may be due, each paper will be assessed individually and any refund calculated based upon the first class start date for that paper.
 - (ii) Where withdrawal from an individual paper is sought, an International student must prove to the University that they will still satisfy the provisions of their student visa.
 - (iii) Where an International student elects to withdraw from individual papers, the following rules apply:

Date of Refund Request	Enrolment Status	Refund Due	Administration Charges	Academic Result
More than 7 days before the start of the paper	Cancellation	100% (less administration charges)	The greater of: \$50; or \$10 per paper	No result recorded
From 7 days prior to the start of the paper and less than 10% of the paper duration completed	Cancellation	90% (less administration charges)	The greater of: \$50; or \$10 per paper	No result recorded
From 10% of the paper duration completed and up to 75% of paper duration completed	Withdrawal	Nil	Nil	Withdrawn result recorded
After 75% of paper duration completed	Withdrawal	Nil	Nil	Did not complete result recorded

5.6.6 Place not offered/offer withdrawn

- (i) Except in the circumstances of fraudulent information, any fees paid (excluding any application fee) are fully refundable if the University:
 - (a) does not offer a place to a student, or
 - (b) withdraws an Offer of Place, or
 - (c) is unable to provide the programme offered.
- (ii) If an offer is withdrawn or the University does not offer a place due to fraudulent information supplied by the student, the University reserves the right to retain the fees paid.

5.6.7 Failure to obtain or maintain a student visa/permit

- (i) A full refund of fees will be issued in the event of a student failing to obtain a student permit/visa, provided:
 - (a) the refund application is received by the University within 7 days of the student receiving notification from Immigration New Zealand (INZ) that their visa has been declined; and
 - (b) the student has not commenced study for the relevant period, and
 - (c) a copy of the letter from INZ declining the student's visa is received by the University.
- (ii) A full refund of fees will be issued in the event of a student's application for an extension to their visa/permit being refused by Immigration New Zealand (INZ), provided:
 - (a) the International Student Refund Application is received by the University within 7 days of the student receiving notification that their visa/permit extension has been refused; and
 - (b) the student has not commenced study for the relevant period, and
 - (c) a copy of the letter from INZ declining the student's visa is received by the University.

- (iii) In the case where a student has commenced study, and they have not maintained or obtained a student permit/visa, they shall not be entitled to a refund of any fees.

5.6.8 Student is granted New Zealand resident status

- (i) An international student who obtains permanent residency while studying on a student visa will be entitled to domestic student fees subject to the conditions below.

Where the student has not commenced study* in the next period (ie term or semester or year) of study in their programme as at the date that permanent residency is granted:	Entitled to domestic fee for the programme of study
Where the student has commenced study in a paper, but the refund period for that paper has not passed as at the date that permanent residency is granted:	Entitled to domestic fee for that paper
Where the student has commenced study in a paper, but the refund period for that paper has passed as at the date that permanent residency is granted:	International fee is payable for that paper

* "commenced study" means the commencement date of the first class in the papers which form part of the student's programme

- (ii) Any International student seeking to obtain domestic students fees must provide evidence of their permanent residency status to the University
- (iii) The amount of any refund for a paper shall be the difference between the domestic fee and the international for that paper.
- (iv) A charge of \$300 will be applied for processing the refund.

5.6.9 Overpayment of fees

- (i) An International student is entitled to a full refund of any fees that have been paid in excess of the total fees requested by the University on the offer of place.
- (ii) This refund will be granted provided the student holds a current student permit and current Medical and Travel Insurance for the period of study.
- (iii) The provisions of this section do not apply where the amount paid as detailed on the offer of place is greater than the amount detailed on the initial enrolment invoice. In such a case the provisions of section 5.4.1 apply.

5.6.10 Extraordinary circumstances

- (i) Pro-rata refunds for International students may be granted by the Director of Student Administration (under certain circumstances).
- (ii) Such circumstances may include, but are not limited to: serious illness, death, family crisis.
- (iii) Application for extraordinary withdrawal shall be made by the faculty and will require the specific approval of the Head of Student Relations.
- (iv) An International Student Refund Application Form along with supporting information must be provided.

- (v) Any such refunds shall be at the sole discretion of the University.
- (vi) Any refund granted will normally incur a \$50 administration charge.
- (vii) The amount of any refund will be assessed by the Admission and Fees Manager or nominee and approved by the Head of Student Relations.
- (viii) Any refund of fees will be authorised by the Director of Student Administration.

5.6.11 Method of refund

- (i) Where an International student is due a refund due to a change of class, payment of the refund amount shall normally be made to the student's nominated bank account.
- (ii) Where an International student is due a refund due to a transfer of papers, payment of the refund amount shall normally be made to the student's nominated bank account.
- (iii) Where an International student is due a refund due to a withdrawal from a programme, payment of the refund amount shall normally be made to the student's nominated bank account in the student's home country.
- (iv) Where an International student is due a refund due to a transfer to another institution, payment of the refund amount shall normally be made to the student's institution.
- (v) Where an International student is due a refund due to a withdrawal from an individual paper, payment of the refund amount shall normally be made to the student's nominated bank account.
- (vi) Where an International student is due a refund due to a place being not offered or the offer being withdrawn, payment of the refund amount shall normally be made to the student's nominated bank account in the student's home country.
- (vii) Where an International student is due a refund due to failure to obtain or maintain a student visa/permit, payment of the refund amount shall normally be made to the student's nominated bank account in the student's home country.
- (viii) Where an International student is due a refund due to being granted New Zealand permanent residency status, payment of the refund amount shall normally be made to the student's nominated bank account.
- (ix) Where an International student is due a refund due to an overpayment of fees, payment of the refund amount shall normally be made to the student's nominated bank account.
- (x) Where an International student is due a refund due to extraordinary circumstances, payment of the refund amount shall normally be made to the student's nominated bank account in the student's home country.

COMPLAINTS¹ PROCEDURES

The relationship between students and lecturers is of a critical, but delicate, nature. The maintenance of a sound relationship requires commitment from both parties.

The Auckland University of Technology looks to both its staff and students to work together to achieve an effective relationship that can resolve problems directly if possible. However the University recognises that this goal may not always be achievable. The following paragraphs outline the action that should be taken if a student considers that the way in which matters have been handled is not appropriate, or if they are dissatisfied with the treatment he or she has received.

A student who is dissatisfied with any aspect of the service being given, either by academic staff, administrative staff or any other of the University's service providers, is advised to take the following action:

Step One

The student should raise the matter first with the person responsible for providing the service considered unsatisfactory or, if that is clearly inappropriate, raise the matter with the programme leader or the manager of the service area involved².

Step Two

As a general rule, the person to whom the complaint has been made will work to have the matter resolved to the student's satisfaction. If the problem persists, or the student is dissatisfied about the way the matter has been handled, he or she should request a meeting with the following: For Faculty issues – the programme leader, head of department, school or the faculty registrar. For general AUT issues – The Director responsible for the service area³.

Step Three

If steps one and two have been followed and this does not lead to a resolution of the problem to the student's satisfaction, the student may lodge a formal complaint. Any formal complaint must be made in writing and be addressed to the Head of Student Relations. The written statement must outline clearly the student's concerns. A formal complaint may be submitted directly by the person concerned, or by AUTSA on behalf of the student. The Head of Student Relations will investigate the complaint and reply in writing to the student concerned.

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- 1 Dissatisfaction with respect to an academic assessment is *not* treated as a complaint. Refer to Part 5: Section 6, and Part 6: Sections 1 and 2, General Academic Regulations regarding reconsideration of assessments and appeals against results on pages 107, 109 and 110. Students may however lodge a formal complaint under these procedures if they consider that some part of the academic appeal process has been unfair or disadvantageous.
 - 2 Further advice and assistance in resolving any issues and who to contact can be obtained from Student Relations (studentrelations@aut.ac.nz).
 - 3 AUTSA can also provide assistance and are able to represent students on any step along the way (advocacy@aut.ac.nz).

CODE OF PRACTICE – HEALTH, WELLBEING AND FITNESS TO STUDY

1 Preamble

- 1.1 Auckland University of Technology is committed to supporting students and recognises the importance of a student's health and wellbeing in relation to his or her academic progression and wider University experience (such as living with other students, socialising and participating in University sports and activities).
- 1.2 There may be occasions where the health or wellbeing of a student deteriorates or their behavior causes concern to the point where it raises questions about their suitability to continue their studies; their capacity to participate fully and interact with other members of the University; or their ability to use University premises appropriately (collectively referred to as "Fitness to Study").
- 1.3 This Code of Practice is a supportive procedure to be used when a student appears unable or unwilling to manage their health and wellbeing, or their behavior is of such concern that the University has good cause to intervene. Its purpose is to outline the steps that the University will follow when concerns are raised about the Fitness to Study of one of its students.
- 1.4 This Code of Practice applies to all enrolled students, part time or full time, as well as students on placement or overseas. Throughout this document, the term 'student' will be used.
- 1.5 All references in this Code of Practice to the Deputy Vice Chancellor, Group Director of Student Services, University Health and Counselling and Student Relations Manager, Associate Dean, Head of School (and other positions identified by title), include their nominee.
- 1.6 Any action taken under this Code of Practice does not preclude other actions available to the University including disciplinary action.
- 1.7 The University may continue to act in accordance with this Code of Practice despite a student failing or refusing to engage with any of the procedures set out below.

2 Indicators

- 2.1 It is not possible to provide an exhaustive list of circumstances that may give rise to concerns about a student's Fitness to Study. However, circumstances may include:
 - (a) Deterioration in a student's physical or mental health;
 - (b) Changes in a student's appearance or behavior which suggests a deterioration in their mental or physical health;
 - (c) A pattern of behavior or communication which appears irrational or extremely inconsistent;
 - (d) A pattern of unreasonable demands which appear irrational, inappropriate, or inconsistent.

- 2.2 This Code of Practice identifies 3 levels of intervention depending on the perceived level of risk to the health and wellbeing of the student or others. It is possible for a matter to begin at any level, progress through some or all of the levels, return to lower-level intervention, or be resolved.
 - 2.3 Concerns should be acted on promptly, as early intervention and support is likely to be in a student's best interest and reduce the potential for an issue to become more complex.
 - 2.4 Where there are concerns about serious or immediate risk to a student or others, the procedure for imposing an immediate suspension in accordance with paragraph 4.1-4.3 should be considered in the first instance.
- 3 Procedure Level 1: Emerging or Low Level Concern (no immediate or serious risk to the student or others)**
- 3.1 Initial concerns regarding a student's Fitness to Study will normally be dealt with by the student's school. Where an initial concern about a student's Fitness to Study is raised, an appropriate member of staff (for this purpose referred to as "the Primary Person") from the student's school will be identified by the school (for example, the Programme Leader) to meet with the student as soon as possible.
 - 3.2 The Primary Person will attempt to resolve the concerns in discussions with the student. It may be appropriate for the Primary Person to advise the student to engage with support services provided by the University, including the Student Relations Manager. The Primary Person may hold a review meeting with the student after they have been given sufficient time to access any support and/or address the concern.
 - 3.3 If the concerns are not managed to the Primary Person's satisfaction a second formal meeting, involving the Head of School and a representative of Student Services, will be arranged. The Primary Person will provide to the student in writing the notice of the meeting including:
 - (a) The nature of the concern(s) raised and that the matter is being dealt with under Level 1 of this Code of Practice;
 - (b) That the purpose of the meeting to explore the concern regarding the student's Fitness to Study and whether it can continue to be managed at Level 1.
 - (c) The procedures for the meeting (which include the recommendation that the student bring a support person and that the student will be invited to respond to the concern); and
 - (d) The possible outcome of the meeting.
 - 3.4 The Primary Person may speak with other relevant members of staff (for example from the student's school or faculty, Student Services, Health Relations Manager, Health and Counselling, and placement providers) as appropriate in order to deal with the matter.

- 3.5 If the Head of School and Primary Person determine that the student's Fitness to Study is impaired or may become impaired, they may take such action as is appropriate in the circumstances, including but not limited to one or more of the following:
- (a) Take no action.
 - (b) Draw up a support action plan;

To be monitored by the school or faculty and Student Relations Manager, setting out how the matter is to be dealt with and any conditions to be placed on the student (for example, in relation to their behaviour or in relation to support they should seek).

The Primary Person will set a review date and will notify the student that if any conditions set out in the action plan are not complied with, or if there is a continuation of the same or any additional concern, these issues may result in the student's Fitness to Study being referred for further assessment under Level 2 or 3.
 - (c) Referral of the case to Level 2: Continuing or Significant Concern.
- 3.6 The Head of School or Primary Person will notify the student in writing of the decision reached and provide the student with a copy of any action plan. This notice will include reasons for the decision and is expected within 5 working days of the meeting. A written record of the meeting and a copy of any action plan will be sent to the Group Director Student Services and is expected within 5 days of the meeting.
- 3.7 If the student refuses to attend the meeting or is unable to attend the meeting the Primary Person will refer the student to Level 2.

4 Procedure Level 2: Continuing or Significant Concern

- 4.1 Level 2 should be considered if there is continued concern following Level 1, or where there is significant concern about a student's health, wellbeing, behaviour, safety, or ability to study, meriting direct referral to Level 2. Such concerns may include significant deterioration in health, appearance, attitude or behavior (particularly where there is an impact on attendance), ability to meet deadlines, ability to succeed academically, or ability to use University premises appropriately.
- 4.2 Once concerns have been raised about the student, the Head of School will provide a notice of Level 2 referral. This will be done in consultation with the Student Relations Manager and will include:
- (a) Identification of the continuing and ongoing concern (including specific information);
 - (b) Collation of any relevant information about the student (e.g. non-attendance, missed deadlines, isolation, issues with other services in the University or placement providers);
 - (c) Actions taken so far and their efficacy; and
 - (d) Notes on discussions had with Student Services, the Student Relations Manager, and University Health and Counselling for advice or guidance on how best to approach the student.

- 4.3 The notice will be sent to the Group Director Student Services who will chair a case conference. Relevant members of the faculty/school, Student Services and the Student Relations Manager will be invited to attend. Subject to privacy law and professional codes of confidentiality, the student will also receive a copy of the notice.
- 4.4 The student will be invited to the case conference and provided with the following information:
- (a) The list of attendees of the case conference;
 - (b) The nature of the concern(s) raised and that the matter is being dealt with under Level 2 of this Code of Practice;
 - (c) That the purpose of the meeting to explore the concern regarding the student's Fitness to Study and whether it can continue to be managed at Level 2;
 - (d) The procedures for the meeting (which include the recommendation that the student bring a support person and that the student will be invited to respond to the concern); and
 - (e) Possible outcomes of the case conference.
- 4.5 If the case conference determines that the student's Fitness to Study is impaired or may become impaired, the following actions may be taken:
- (a) Draw up a support action plan;

To be monitored by the faculty or school and the Student Relations Manager, setting out how the matter is to be dealt with and any conditions to be placed on the student (for example, in relation to their behaviour or in relation to support they should seek).

The Associate Dean will set a review date and will notify the student that if any conditions set out in the action plan are not complied with, or if there is a continuation of the same or any additional concern, these issues may result in the student's Fitness to Study being referred for further assessment under Level 3.
 - (b) Recommend that the student undertake a specific medical assessment of his or her Fitness to Study;
 - (c) Recommend that the student take a voluntary leave of absence;

The student will be advised that when the agreed period of absence comes to an end and they wish to return to study, they will be asked to provide satisfactory evidence that they have overcome the original difficulties and are well enough to return to study. This may involve referral to University Health and Counselling.
 - (d) Referral of the case to Level 3: Serious or Persistent Concern.
- 4.6 The outcome of the case conference and associated reasons will be sent to the student no more than 5 working days after the case conference has taken place.
- 4.7 If the student does not agree to take a leave of absence or does not proceed with the recommended action, the matter may be treated as a Level 3: Serious or Persistent Concern.

5 Procedure Level 3: Serious or Persistent Concern

- 5.1 Level 3 of the Code of Practice should be used where there is ongoing concern following Level 1 or 2, or where there is serious or significant concern about a student's health, wellbeing, behaviour, safety, or ability to study. Where there are serious concerns regarding risk to the health and safety of the student or where there is a perceived threat or serious risk to the student or others, cases may be referred directly to Level 3, without going through Level 1 or 2.
- 5.2 A concern will be treated as serious or persistent if:
 - (a) Earlier intervention at Level 2 has not resolved the concern;
 - (b) It has become apparent that the concern is significantly more severe than originally anticipated (e.g. if an emerging concern needs to be treated as a serious concern);
 - (c) The concern is so serious that treating it as a Level 1 or Level 2 concern would not be appropriate;
 - (d) A student's health or wellbeing is significantly affecting their ability to engage with their studies, placement, or other aspects of University life; or
 - (e) A student's health or wellbeing is adversely affecting, or is a possible danger to, the health or wellbeing of themselves or others.
- 5.3 Serious or persistent concerns will be referred to the Group Director Student Services who will convene and chair a meeting of the Fitness to Study panel ("the Panel").
- 5.4 The purpose of the Panel meeting is to discuss the circumstances of the concern regarding the student in order to make a recommendation to the Deputy Vice Chancellor. The Deputy Vice Chancellor will then decide what, if any, action should be taken.
- 5.5 The Panel will include a combination of:
 - (a) The Group Director Student Services (Chair);
 - (b) The Student Relations Manager;
 - (c) The Associate Dean/Head of School/Primary Person from Level 1 or Level 2 from where the case has escalated through this Code of Practice;
 - (d) Any relevant member(s) of Student Services;
 - (e) A representative of AUTSA;
 - (f) Additional members who may be required e.g. a member of Accommodation Services, a representative of the International Office and other relevant people who have a direct link or support role with the student, and who hold an appropriate level of responsibility and decision making authority for the relevant area within the University.
- 5.6 Prior to the Panel meeting, the student may be asked to attend a specific assessment of his or her Fitness to Study with the University Health and Counselling Centre or an agreed medical practitioner of his or her choice. If a student refuses to attend an assessment, the Panel will be limited to reviewing the information available.

- 5.7 The Panel will receive the following information:
- (a) Identification of the continuing and ongoing serious concern (including specific information);
 - (b) Collation of any relevant information about the student (e.g. non-attendance, missed deadlines, isolation, issues with other services in the University);
 - (c) Actions taken so far and their efficacy;
 - (d) Notes on discussions had with Student Services, the Student Relations Manager, and University Health and Counselling for advice or guidance on how best to approach the student; and
 - (e) Subject to privacy law and/or professional codes of confidentiality, any medical reports or other relevant reports on the student.
- 5.8 The student will be informed of the Panel and its purpose in a clear, written statement at least 5 working days before the meeting and, subject to privacy law or professional codes of confidentiality, receive the same information made available to the Panel, as well as information on:
- (a) The list of attendees of the Panel;
 - (b) The nature of the concern(s) raised and that the matter is being dealt with under Level 3 of this Code of Practice;
 - (c) The purpose of the meeting to explore the concern regarding the student's Fitness to Study and whether it can continue to be managed at Level 3;
 - (d) The procedures for the meeting (which include the recommendation that the student bring a support person and that the student will be invited to respond to the concern);
 - (e) An explanation that the meeting will be confidential and that personal information relating to the health of the student will only be shared with those who have a direct involvement in the meeting; and
 - (f) Possible outcomes of the Panel.
- 5.9 The student will be given a copy of all documents seen by the Panel and will be able to submit documents for the Panel to consider and will be given the opportunity to give their perspective of current issues and (where appropriate) history of events, past experiences, and helpful strategies or support for managing these.
- 5.10 Where the student has not provided or is not able to provide medical or other evidence as requested, the Panel meeting will proceed on the basis of the information available at the time.
- 5.11 If the Panel determines that there is a significant concern about a student's health, wellbeing, behaviour, safety, or ability to study, or where there is a perceived threat or serious risk to the student or others, the following actions may be taken:
- (a) Recommend that the student undertake a specific medical assessment of his or her Fitness to Study;

(b) Draw up a support action plan;

To be monitored by the faculty or school and Student Relations Manager, setting out how the matter is to be dealt with and any conditions to be placed on the student (for example, in relation to their behaviour or in relation to support they should seek).

The Group Director Student Services will set a review date and will notify the student that if any conditions set out in the action plan are not complied with, or if there is a continuation of the same or any additional concern, these issues may result in the student's Fitness to Study being referred for further assessment under Level 3

(c) Recommend that the student take a voluntary leave of absence.

The student will be advised that when the agreed period of absence comes to an end and they wish to return to study, they will be asked to provide satisfactory evidence that they have overcome the original difficulties and are well enough to return to study. This may involve referral to University Health and Counselling.

(d) Where the option is available (with the student's consent), transfer them to an alternative mode of study, for example part-time, distance learning, or to a different course of study.

(e) Exclude the student from some or all of the University facilities or from entry to the whole or part of University premises for a specified or unspecified period subject to regular review.

(f) Suspend the student temporarily from the University for a specified or unspecified period subject to regular review.

(g) Suspend the student temporarily from attending a placement, a field trip, or year abroad for a specified or unspecified period subject to regular review.

(h) Withdraw the student from the University. This decision must only be made where it has been concluded that there is no reasonable prospect of the student re-engaging with their studies or wider University life.

5.12 The outcome of the Panel meeting and associated reasons will be sent to the student no more than 5 working days after the Panel meeting has taken place.

5.13 If the student does not agree to take a leave of absence or does not proceed with the recommended action, the matter will be referred to the Deputy Vice Chancellor.

6 Immediate Suspension: Immediate or Serious Risk to the Student or Others

6.1 The Group Director Student Services may suspend a student for a defined period of time with immediate effect where they have the reasonable suspicion that the student is an immediate danger to themselves or other persons. In order to make this decision the Group Director Student Services will consult with the Deputy Vice Chancellor and where necessary, appropriate members of staff from Student Services, AUTSA, Health and Counselling, Student Accommodation, the International Office and the faculty or school.

- 6.2 If a student is suspended with immediate effect the Group Director Student Services will as soon as practicable, convene a meeting of the Panel to consider the matter and make recommendations to the Vice-Chancellor in accordance with Level 3 (section 3.11.(f), (g), (h) above). The immediate suspension will be subject to review by the Group Director Student Services and the student will have a right to respond.

7 Return to Study

- 7.1 In order to return to the University following a suspension, a student will be required to submit appropriate evidence of their Fitness to Study. This may include specified medical evidence. If a student has been suspended for a specified period of time, medical evidence must be submitted at least 20 University working days before the end of the suspension period. Where the student has been suspended for an unspecified period, medical evidence may be submitted at any time.
- 7.2 The University Health and Counselling Centre will be asked to consider any medical evidence submitted by or on behalf of a student. The Centre will also advise the Group Director Student Services about whether the concern has been sufficiently addressed or managed to enable the student to return to the University, or whether the suspension should continue for either a specified or unspecified period. This will involve consultation with the faculty or school to ensure any specific issues in relation to the programme of study and placements are addressed.
- 7.3 The Panel will decide whether the student can return to the University or whether the suspension will continue for either a specified or unspecified period. The student's faculty or school will be consulted in relation to any academic or programme-related factors that need to be considered for the student's return to the University. If the student has missed a significant amount of the programme or the programme has changed during the period of suspension, it may be appropriate for the student to return to an earlier stage of the programme.
- 7.4 The student will be informed of the Panel's decision in writing as soon as possible and normally within 15 working days of receipt of the medical evidence. The student will also be informed of the right to appeal against that decision.
- 7.5 A student suspended under this Code of Practice will be invited to attend a meeting with appropriate members of faculty or school and Student Services before they return to study. This meeting is to give the student the opportunity to discuss management of their health and wellbeing on their return.

8 Appeal

- 8.1 A student who has had their enrolment suspended or who has been withdrawn from the University pursuant to section 3.11.(f), 3.11.(g), 3.11.(h) or 4.1 may, within (14) days of the decision of the Panel or of the Group Director Student Services or of the Vice-Chancellor, appeal the decision by giving notice to the Vice-Chancellor in writing, on the condition that:
- (a) The complainant will only be able to appeal the appropriateness or reasonableness of the penalty; and
 - (b) The student may only appeal on the grounds that:
 - (i) The penalty was inappropriate or unreasonable; or
 - (ii) The Panel failed to meet the principles of natural justice; or
 - (iii) Fresh evidence has arisen that was not reasonably available at the time of the hearing and that if taken into account, is likely to alter the decision of the Group Director Student Services or the Panel.
- 8.2 The notice of appeal must set out:
- (a) The decision or particular part of the decision that is being appealed; and
 - (b) The grounds of appeal.
- 8.3 An appeals panel will be set up by the Vice-Chancellor to hear and decide the appeal filed in accordance with the provisions of this Code of Practice.
- 8.4 The Vice-Chancellor will:
- (a) Appoint an appeals panel to hear the appeal.
 - (b) Give the notice of appeal together with the name of appeals panel to the Administrative Secretary who will:
 - (i) Notify the parties of the date, time, and place of the hearing of the appeal, such date to be within 10 working days of the receipt of the notice of appeal;
 - (ii) Where there is a record of the Panel meeting, provide a copy of that record with the notice of appeal.
 - (iii) Notify the parties of:
 - (aa) The consequences of not appearing at the hearing;
 - (bb) Any documents or evidence relevant to the appeal, including statements from witnesses and documents referred to or relied on, unless it would compromise the safety of any witnesses or be against the public interest;
 - (cc) An explanation of the process that will be followed;
 - (dd) The right to representation;
 - (ee) The requirement that any information or document submitted by the student or any other party must be given to the Administrative Secretary at least two (2) days prior to the hearing so that it can be distributed and considered.

- 8.5 The appeals panel will hear and determine the appeal in such manner as he or she thinks proper, having regard to the principles of natural justice. Provided that the appeal hearing will not operate by way of a rehearing of the complaint.
- 8.6 The appeals panel has the power to:
- (a) Send the complaint or penalty back to the Panel to be reconsidered.
 - (b) Change, reduce, or increase the actions decided by the Panel.
 - (c) Dismiss the appeal and uphold the decision of the Panel.
- 8.7 The decision of the appeals panel will be in writing and will set out the reason/s for the decision which will be sent to all relevant parties.