

 Telford Rural Polytechnic <i>Te Whare Wanaka O Puerua</i>		Ref No.	6 - 04
		Version No.	8
		Date Issued	17 Sept 09
Title	STUDENT DISCIPLINE		
Responsibility	Chief Executive Officer		

1. PURPOSE

To ensure there is a formal process that is fair, consistent and appropriate for the resolution of student discipline problems.

2. APPLICATION

This Policy and Procedure applies to all enrolled Telford students.

3. DEFINITIONS

Serious Misconduct

Any un-authorised breach of any Telford policy, procedure or regulation or any other act or omission by a Telford student which could reasonably be held to be prejudicial to the functioning of, and in the best interests of Telford. It includes but is not limited to:

- wilful conduct which is disruptive of Telford teaching, research, practical and assessments and activities or the learning experience of any Telford student;
- wilful damage to, or theft of Telford property;
- committing any act of harassment as defined by the Human Rights Act 1993 or by the Telford Harassment Procedures.
- conduct likely to bring Telford into serious disrepute;
- Unauthorised possession of/ or supply of controlled drugs;
- Unauthorised possession of alcohol.

Minor Misconduct

An action or behaviour displayed by a Telford student which is unacceptable but which has not reached the level of seriousness that it could be taken to be serious misconduct.

4. STATUTORY OBLIGATIONS

This Policy and Procedure complies with the Education Act 1989 and the Human Rights Act 1993.

5. POLICY

- 5.1 Every signed enrolment form is a student's declaration to abide by Telford's policies, procedures and regulations.
- 5.2 The Chief Executive Officer will appoint a Proctor, and delegates to the Proctor responsibility for managing incidents of serious misconduct.
- 5.3 The Proctor will undertake disciplinary proceedings as a result of serious misconduct by a student or students.
- 5.4 The Proctor is responsible for making recommendations to the Chief Executive Officer as to the suspension or expulsion of a Telford student.

- 5.5 Telford will fully indemnify the Proctor and all other Telford staff members against any personal liability arising out of the exercise of their functions under these procedures

6. PROCEDURE

- 6.1 On receiving notification of misconduct the relevant member of the Management Team will determine whether the alleged misconduct is minor or serious in nature. If it constitutes serious misconduct, the matter will be referred to the Proctor.

Minor Misconduct

- 6.2 Minor misconduct may be dealt with by the Telford staff member who witnessed the misconduct or who is in authority over the student at the time the misconduct occurred.
- 6.3 In dealing with the Telford student involved in acts of minor misconduct, Telford staff members may:
- issue an informal reprimand to the Telford student involved to the effect that the misconduct is unacceptable and that further acts of misconduct will not be tolerated and that if the Telford student continues to commit similar acts of minor misconduct, they will be liable for disciplinary action as if the misconduct was an act of serious misconduct; and
 - instruct the Telford student involved to undertake corrective action.
- 6.4 Telford staff members must ensure that when issuing an informal reprimand that the:
- Telford student concerned are in no doubt of the consequences of their actions, and the consequences of continued actions;
 - informal reprimand is expressed in a manner that the Telford student understands and to ensure that any cultural, intellectual or physical differences are taken into account to facilitate this understanding.
- 6.5 Corrective action that Telford staff members may require Telford students to undertake includes:
- formal apology to any and all affected individuals
 - withdrawal of certain privileges (for a stated period)
 - Telford Campus or Farm duties
 - improved behaviour in the area of concern.
- 6.6 Telford staff members who issue an informal reprimand and corrective actions must record the matter on the Incidents Database.
- 6.7 The Programme Coordinator will provide advice and support to students where their pattern of attendance poses a risk to successful completion of their programme of study.

Serious Misconduct

- 6.8 Matters of serious misconduct will be brought to the attention of the Proctor via a relevant member of the Management Team.
- 6.9 The Proctor will inform the Telford student concerned that an allegation constituting serious misconduct has been laid against him or her, and that it will be investigated.
- 6.10 As part of the process a parent or guardian may be informed.
- 6.11 The Proctor will fully investigate the alleged serious misconduct, interviewing whoever the Proctor deems necessary to ensure all aspects of the incident are made known.
- 6.12 The Proctor will interview the Telford student against whom the allegation of serious misconduct has been laid. The Telford student attending the interview may be accompanied by as supported, another Telford student, or family/whanau member.

- 6.13 Having investigated an incident of alleged serious misconduct, the Proctor may conclude that serious misconduct occurred or that only minor misconduct occurred or that there is insufficient evidence that any misconduct occurred. If the Proctor is satisfied that only minor misconduct occurred, he/she may issue an informal reprimand and/or require corrective action to be undertaken. If the Proctor is satisfied that serious misconduct occurred then the Proctor will either:
- issue a written warning;
 - issue a written warning and corrective action;
 - recommend to the Chief Executive Officer that the Telford student concerned be suspended; or
 - recommend to the Chief Executive Officer that the Telford student concerned be expelled.
- 6.14 A written warning may be issued for a subsequent occurrence of minor misconduct.
- 6.15 Any written warning issued must contain the following details:
- an accurate statement outlining the misconduct;
 - reference to any previous acts of misconduct by the Telford student;
 - any corrective action required of the Telford student including agreed timeframe and details of any required follow up;
 - statement of the proposed action to be taken should the Telford student fail to undertake corrective action;
 - whether a parent/guardian was informed.
- A copy of the written warning must be placed on the student's personal file with a record of when the warning was given to the student.
- 6.16 Corrective action that the Proctor may impose in conjunction with a written warning may include:
- any of the corrective actions previously stated within this procedure;
 - placing the Telford student on a good behaviour contract for a specified period;
 - ordering the student to make restitution in money or by replacement;
 - referring the Telford student to a service providing counselling.
- 6.17 If a Telford student has been dealt with by a court of law as a result of any action that according to this procedure would be classified as serious misconduct, the Proctor may decide to either:
- take no further action; or
 - issue a written warning; or
 - issue a written warning and corrective action, taking into account any penalty that has been imposed by the court.

Suspensions and Expulsions

- 6.18 The decision to recommend to the Chief Executive Officer that a Telford student be suspended or expelled will be taken by the Proctor only where either:
- the misconduct is of such a serious nature (for example drug related) to warrant suspension or expulsion; or
 - the Telford student has ignored a previously issued written warning; or
 - the Telford student has failed to undertake a corrective action that he or she was required to undertake in conjunction with a previously issued written warning.
- 6.19 The Proctor in having decided to recommend that a Telford student be suspended or expelled must have undertaken an investigation of the incident constituting serious misconduct to ensure that:
- all the important and relevant facts have been gathered;
 - the Telford student concerned has been interviewed;
 - any other individual concerned with the misconduct has been interviewed;

- the Telford student's past behaviour have been taken into account;
 - the Telford student is being treated consistently with other Telford students in similar circumstances.
- 6.20 The Proctor will forward to the Chief Executive Officer a written recommendation for suspending or expelling a Telford student. This recommendation will contain a record of all aspects of the evidence of the serious misconduct, as well as an explanation of the Proctor's reasoning for recommending the suspension or expulsion.
- 6.21 The Proctor will inform the Telford student concerned (and where appropriate his or her parents/guardians) that a report recommending that the student be suspended or expelled is to be forwarded to the Chief Executive Officer.
- 6.22 If the Chief Executive Officer agrees with the recommendation for suspending or expelling a Telford student, then the Chief Executive Officer will inform the Telford student in writing of the decision to suspend or expel them. The written notice will include the date from which the expulsion is to take effect, or the period during which the suspension is in effect, and advice about the right of appeal including the time limit for appeal. The Chief Executive Officer or delegate will also inform parents/guardian of the decision.
- 6.23 If the Chief Executive Officer does not agree with the recommendation for suspending or expelling a Telford student, the Chief Executive Officer will inform the Proctor, who shall issue a written warning and corrective action to the Telford student concerned.

Appeals

- 6.24 A student may make an appeal against imposed disciplinary action within seven days of the original decision being made. Decisions of the Proctor will be appealed to the Chief Executive. Decisions of the Chief Executive will be appealed to the Chair of Council.
- 6.25 Upon receipt of an appeal, the matter will be reviewed, and either confirmed or overturned. An investigation team or independent legal advisor may be involved.
- 6.26 An outcome of the Appeal, may be either:
- uphold the original disciplinary decision; or
 - reverse the original disciplinary decision.
- 6.27 Appellants will be notified in writing of the outcome of the Appeal. This written notification will include advice on the right of appeal to the Tertiary Ombudsman, should the student remain dissatisfied with the Appeal decision.

7. RECORD MANAGEMENT

Record	Responsibility	Filed	Retention Time
Documentation relating to incidents of minor misconduct.	TRP Staff Member concerned	Incidents Database	Indefinitely
Documentation relating to incidents of serious misconduct.	Academic Director	Executive Admin Office	Indefinitely
Documentation relating to Appeals.	CEO	Executive Admin Office	Indefinitely

8. ASSOCIATED DOCUMENTS

Nil.

REVISION HISTORY			
Version	Description of Change	Author	Effective Date
0	Initial release.	J. Clark	16 Nov 1997
01	Changes to informal reprimands and written warnings policy.	M. Bowen	Jan 2000
02	Changes to informing parents/guardians.	Mang Comm	Nov 2000
03	Triennial review.	L. Johnston	1 Nov 2003
04	Reformatted.	L. Johnston	April 2004
05	Minor inclusions.	QMS Team	Nov 2004
06	Minor changes.	QMS Review Team	Dec 2005
07	Alignment of the QMS with actual practices at Telford in response to the ITPQuality Audit Report, April 2007. Clauses 4.1-5.5 deleted from version 6. Clauses 6.24-6.27 added to version 7. All references to 'compliant' and Appeals Committee removed. Clause 5.1 second sentence deleted, 5.5 deleted. Changes to 6.7, 6.22 and 6.24 version 7. Clause 8 added. Minor editing and re-formatting.	QMS Policy Review Committee	1 March 2008
08	Alignment with amended 6-03 Student Code of Conduct, 8-03 Work Placement Code of Conduct, 6-11 Alcohol and Drugs to incorporate drugs and alcohol into Serious Misconduct.	QMS Policy Review Committee	17 September 2009