



## STUDENT MISCONDUCT POLICY AND PROCEDURES

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### 1 DOCUMENT MANAGEMENT

Version control	Effective date	Created/reviewed	Reason for review
Version 4	2023	Soon Yin	Updated
Version 5	2024	Ricky Versteeg	Annual review

### 2 PURPOSE

The purpose of this policy is to maintain a safe and ethical environment at Kiwi College. Any breaches to the institution's rules, regulations, policies and Learner Code of Conduct are subject to disciplinary action.

### Glossary

Exclusion	Request to leave class or premises until further notice
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### 3 POLICY

The policy was developed to align with the expectations of The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021. Termination of the contract of enrolment or taking of disciplinary action must be in accordance with the principles of natural



justice. This includes the prompt, considered and fair resolution of the matter that is the subject of the action.

- (a) Where required, a disciplinary hearing should take place approximately 3 days after the incident is reported. The decision should be made immediately after the disciplinary hearing.
- (b) Staff should exercise good judgement; the application of this policy should be under extreme circumstances.
- (c) A teacher or manager may exclude a learner from attending the remainder of a class session or from the institution where the students's behaviour interferes with the learning of other students or endangers the safety of themselves or others, provided that the student has been told the required standard of behaviour and warned of the consequences of failing to modify their behaviour.
- (d) A teacher who excludes a student from a class session must report this to the Programme Leader and Administration Manager within one working day. The Programme Leader or proxy will investigate the incident and determine if disciplinary or other action is warranted.
- (e) Exclusion from class or college is to protect the learning of other students and safety of others; it is not a disciplinary action.
- (f) Students who are excluded or withdrawn by Kiwi College of New Zealand are not eligible for any refund of any fees.

#### **4 PROCEDURES**

- (a) The Administration Manager and Programme Leader must be informed about the incident as soon as possible.
- (b) A full investigation of any incident will be undertaken by a Senior Manager and a disciplinary hearing will be convened.
- (c) Two senior staff members will be present at the hearing.
- (d) The student is encouraged to bring a support person to the hearing.
- (e) The student must present an explanation of the alleged misconduct, and the college will present all evidence pertaining to the allegation.
- (f) The student may elect not to attend the disciplinary hearing.
- (g) The investigation concludes with consideration of the specific facts and circumstances of the incident.
- (h) The Manager along with other members of the hearing team, will determine the severity level of the offence (see below). The severity determines the penalty.
- (i) The student can then either:
  - i. Be excluded from Kiwi College of New Zealand and/or
  - ii. Be withdrawn from the training scheme or programme by Kiwi College of New Zealand
  - iii. Be asked to take corrective action(s)



- iv. Receive a written warning; or
  - v. Receive a verbal warning; or
  - vi. Be cleared of all allegations.
- (j) If excluded from Kiwi College of New Zealand, the student must leave the premises immediately and a senior manager will escort the student from the premises.
- (k) A student who is excluded cannot be on college premises or take part in any college activities.
- (l) If excluded/withdrawn the Senior Manager or proxy will inform the student in writing.

#### **4.1 Student's Rights under the Policy**

- (a) Attend a disciplinary hearing once per allegation.
- (b) Present an explanation of the alleged misconduct, at the disciplinary hearing; any form of evidence is allowable.
- (c) Receive a copy of this policy.
- (d) Question witness statements
- (e) View all evidence pertaining to the allegation.
- (f) Have a support person present during any hearing.

#### **4.2 Misconduct**

Misconduct can include (but not limited to) the following:

- (a) Contravenes any rule of the organisation
- (b) Fails to comply with any lawful instruction by the organisation
- (c) Steals, damages or abuses any property belonging to the organisation
- (d) Introduces any alcohol onto the premises or consumes any alcohol on the premises
- (e) Is in possession of or under the influence of any drug without a medical prescription
- (f) Brings onto the premises a firearm, dangerous weapon and or explosive
- (g) Brings the name of the organisation into disrepute
- (h) Providing false information on application(s).
- (i) Offering bribes.

#### **4.3 Appeals**

If a student is dissatisfied with the decision, they can contact NZQA by sending an email to [risk@nzqa.govt.nz](mailto:risk@nzqa.govt.nz).



## **5 ASSOCIATED POLICIES AND PROCEDURES**

Concerns, Complaints and Academic Appeals Policy (G2, H1)  
Student Code of Conduct