



STUDENT DISCIPLINARY STATUTE

Introduction

The Treaty

“The [Treaty of Waitangi](#) is the founding document of New Zealand. Unitec acknowledges the great importance of this living, dynamic document, and will continue to respect and promote the equal standing which it confers on Māori and Pākehā.” (Source: [Te Noho Kotahitanga – Our partnership, 2020-12-10](#))

The Legislation

With effect from 1 April 2020, Te Whare Wānanga o Wairaka | Unitec Institute of Technology ([Unitec](#)) is a subsidiary company of Te Pūkenga – New Zealand Institute of Skills and Technology ([Te Pūkenga](#)). Under the governing legislation (Education and Training Act 2020 ([Act](#))), Unitec will continue to exist as a company until 31 December 2022, or such later date as directed by Order in Council (Transition Phase).

During the Transition Phase, certain references to a Council in the Act must be read as references to the Board of the relevant Te Pūkenga subsidiary. Accordingly, for the Transition Period, the Board of Unitec is entitled to appoint a Chief Executive and an Academic Committee and delegate a range of authorities and functions to them.

As of 2020-04-01, the (former) Academic Board of Unitec was replaced by [Te Komiti Mātauranga | Academic Committee](#). Instead of reporting to the (former) Council / Commissioner, Te Komiti Mātauranga now reports up to the joint Board of Directors that oversees the Unitec and MIT subsidiaries of Te Pūkenga.

The purpose of this statute is to outline how Unitec will respond to incidents or allegations of Prohibited Conduct (as defined in Appendix 1) by Students. This statute comes into force on the date that it is approved by [Te Komiti Mātauranga | Academic Committee](#).

1 STATUTE PURPOSE AND PRINCIPLES

1.1 Purpose

This statute is made under authority delegated by Unitec Board pursuant to the powers granted to it under the Education and Training Act 2020 ([Act](#)). The purpose of this statute is to outline how Unitec will respond to incidents or allegations of Prohibited Conduct (as defined in Appendix 1) by Students. This statute comes into force on the date that it is approved by Te Komiti Mātauranga | Academic Committee.

1.2 Principles

Matters relating to Student discipline will be managed with regard to the following principles of Te Noho Kotahitanga:

1. Rangatiratanga – Authority and Responsibility: Student discipline is governed and managed through appropriate delegation of authority and responsibility.

2. Wakaritenga – Legitimacy: Student disciplinary decision-making processes legitimise the contributions of all parties and ensure that ethics and integrity inform subsequent actions.
3. Kaitiakitanga – Guardianship: Te Komiti Mātauranga | Academic Committee delegates responsibility of guardianship over student disciplinary matters and maintenance of this statute to the Staff of Unitec
4. Mahi Kotahitanga - Co-operation: Student disciplinary actions and processes are developed in co-operation with appropriate partners with the understanding that all such partners share accountability for executing these in a way that supports natural justice
5. Ngākau Māhaki – Respect: These operating principles are conducive to a high-trust environment, based on respect, transparency in decision-making and the safeguarding of Students’ and Staff Members’ individual freedoms and rights.

2 APPLICATION AND SCOPE

2.1 Application

1. This statute applies when there is an allegation of Prohibited Conduct (as defined in Appendix 1 of this statute) in respect of a Student’s actions or behaviour.
2. Unitec expects Students to behave in ways that do not impact negatively on the work or day-to-day experiences at Unitec of any other Members of the Unitec Community, and that this statute will be used only in exceptional circumstances.

2.2 Scope

3. This statute applies to any person who is a Student at Unitec, being a person who either:
 - a. is currently enrolled as a Student at Unitec for one or more courses; or
 - b. was previously enrolled as a Student at Unitec after the date which is 3 years before a complaint or allegation against that person has been received by Unitec.

In each case only in respect of any action (or failure to act) while that person was enrolled as a Student at Unitec (“Student”).

4. This statute applies to Student conduct:
 - a. within Unitec Premises; or
 - b. in the context of any Unitec activity or service, including any Field Trip/Placement as part of a Unitec course of study; or
 - c. that is directly and demonstrably related to his or her status as a Student of Unitec.

3 DEFINITIONS

In this statute, unless otherwise stated or unless the context otherwise requires, words with initial capitals carry the meaning given to each of the terms set out in Appendix 2.

In particular, the term “Prohibited Conduct” may be categorised as either “Inappropriate Conduct”, “Misconduct” or “Serious Misconduct” as each of those terms are defined in Appendix 2.

In this statute, the words “including”, “includes”, and other similar words do not imply any limitation.

4 OPERATIVE PROVISIONS AND PROCEDURES

4.1 Unitec Staff Action

1. Where a Staff Member identifies an incident or behaviour which they consider may amount to Prohibited Conduct under this statute they must:
 - a. consider whether urgent action needs to be taken to ensure the safety of members of the Unitec community and/or the good order of Unitec, and take that action in accordance with section 4.2; and
 - b. consider whether the incident actually amounts to Prohibited Conduct and if so submit a report with the allegation of Prohibited Conduct against the Student/s in accordance with section 4.6
2. In considering whether the incident amounts to Prohibited Conduct the staff member should take all relevant circumstance of the alleged incident into account e.g. the nature, intent, impact, context and seriousness of the conduct

4.2 Urgent Interim Action

1. Urgent interim action may be taken by a Staff Member if, in his or her opinion, it is required to ensure the safety of Members of the Unitec Community and/or the good order of Unitec.
2. Any urgent interim action taken under this Section 4.2 must be reported in writing to the Deputy Chief Executive Academic (DCE Academic), including the context and reasons for the action, as soon as practicable so that the alleged Prohibited Conduct can be fully investigated.

4.3 Urgent actions available to Staff Members in charge of a Class

1. A Student may be excluded from the duration or remainder of a Class if:
 - a. a Unitec Staff Member responsible for that Class has reasonable grounds for believing that Student has (or may have) committed Prohibited Conduct; and
 - b. the Student fails to comply with a request or direction from the Staff Member to stop behaving in the manner which the Staff Member reasonably considers may be Prohibited Conduct; and
 - c. the Staff Member has reasonable grounds for believing that immediate action is required to protect the safety and well-being of persons in that Class and/or to ensure that the activities within the Class can continue.
2. A Staff Member who excludes a Student from a Class under this Section 4.3 must refer the matter in writing to the relevant Head of School or relevant manager to consider whether further immediate action is required and to initiate a full investigation in accordance with Section 4.6.

4.4 Urgent actions available to Staff Members in charge of Unitec Facilities

1. If a Staff Member in charge of a Unitec Facility has reasonable grounds for believing that a Student has (or may have) committed Prohibited Conduct and that immediate action is required to ensure that the activities within the Facility can continue, or to protect the safety and well-being of Members of the Unitec Community, that Staff Member may exclude that Student from the Facility for a period not exceeding 24 hours.
2. Exclusion under this Section takes effect as soon as the Student has been advised.
3. A Staff Member who excludes a Student from a Unitec Facility under this Section 4.5 must refer the matter in writing to the relevant Head of School or other relevant manager to consider whether further immediate action is required and to initiate a full investigation in accordance with Section 4.6.

4.5 Urgent actions available to a Head of School or relevant manager

1. If a Head of School or other relevant manager has reasonable grounds for believing that a Student has (or may have) committed Prohibited Conduct and believes that immediate action is required to ensure the safety of Members of the Unitec Community and/or the good order of Unitec, he or she may:
 - a. instruct the Student to stop the alleged Prohibited Conduct and/or leave the area where the Prohibited Conduct has occurred; and/or
 - b. suspend the Student from attendance at Unitec, or from particular Classes, until a formal investigation into the alleged Prohibited Conduct has been carried out in accordance with this statute; and/or
 - c. temporarily exclude the Student from any designated part of Unitec until a formal investigation into the alleged Prohibited Conduct has been carried out in accordance with this statute; and/or
 - d. require the Student not to have any contact with another (or other) Student(s) or Staff Member(s) until a formal investigation into the alleged Prohibited Conduct has been carried out in accordance with this statute.
2. In cases of alleged Prohibited Conduct in Unitec owned or leased accommodation, the relevant Manager may suspend or exclude the Student from the Unitec accommodation only.
3. Before suspending or temporarily excluding a Student, the Head of School or other relevant manager must:
 - a. provide the Student with a reasonable opportunity to comment on the allegations made against the Student and the proposed temporary suspension or exclusion; and
 - b. ensure that the effect on the Student's course of study is minimised.
4. A Student may be suspended or temporarily excluded under this Section 4.5 for no longer than two weeks.
5. An instruction to suspend or temporarily exclude a Student given orally must also be communicated to them in writing (which includes by email) as soon as possible after the oral instruction.
6. Any Student suspended or temporarily excluded must be informed by the relevant Head of School or other relevant manager of the support services available to them through the Student Advocate/s.
7. Immediately following any urgent actions taken under this Section 4.5, a full investigation must be conducted in accordance with Section 4.6.

4.6 Investigating Allegations of Prohibited Conduct

4.6.1. Reporting Allegations of Prohibited Conduct

1. If a Member of the Unitec Community believes a Student has acted in a manner which is in breach of this statute they must report the alleged Prohibited Conduct in writing to the relevant Head of School or other relevant manager.
2. The Head of School or other relevant manager must:
 - a. decide whether recourse to this statute is relevant or appropriate given the circumstances of the alleged Prohibited Conduct; and
 - b. if the allegation is of behaviour which may constitute "Inappropriate Conduct" the Head of School or other relevant manager may (but is not required to) decide that an

investigation will be held;

- c. if he/she considers the alleged Prohibited Conduct may amount to Misconduct or Serious Misconduct, he/she should refer the report to the DCE Academic for his/her advice

4.6.2. Determining who will conduct the Investigation

1. If the allegation concerns behaviour which may constitute “Inappropriate Conduct” and the Head of School or other relevant manager has decided under section 4.6.2(3)(b) that an investigation will be held, that Head of School or other relevant manager shall delegate responsibility for the investigation to an Academic Programme Manager or other relevant manager.
2. If the allegation concerns conduct which is (or may) constitute “Misconduct” or “Serious Misconduct”, the DCE Academic will decide (or confirm) the person delegated to conduct the investigation.
3. As a general rule, the person conducting an investigation under section 4.6.2(2) will be the relevant Head of School or other relevant manager. However, the DCE Academic may determine that another Staff Member should conduct the investigation in certain circumstances, including where:
 - a. the relevant Head of School or other relevant manager is in any way conflicted, implicated or otherwise involved in the complaint; or
 - b. the nature and circumstances of the complaint are such that another Staff Member should conduct the investigation; or
 - c. on the face of the complaint, the investigation might result in disciplinary action that the relevant Head of School or other relevant manager is not authorised to take (see Section 4.9).

4.6.3. Conducting an Investigation

The Investigator shall:

1. collect all information and materials relating to the allegation;
2. decide whether there is a case for further investigation, and advise the Respondent and the Complainant of their decision;
3. confirm/review the appropriateness of their role as the investigator (see Section 4.9) considering if the allegation is proven the likely disciplinary action;
4. advise the Respondent in writing of:
 - a. the substance of the complaint, with copies of written material relevant to the complaint, without compromising privacy rights and responsibilities; and
 - b. the relevant Section/s of this statute that have allegedly been breached; and
 - c. the support services available to them through the Student Advocates and other support services (e.g. Counselling); and
 - d. the relevant procedural details which will apply to the resolution of the complaint including whether the response will be sought in writing or through a Hearing; and
 - e. their entitlement to have a Hearing and if Hearing is held to have representation during such a Hearing.
5. provide the Respondent with a reasonable opportunity to respond to the allegation/s in writing

and/or at a Hearing;

6. ensure that any meeting with the Respondent in relation to the complaint is treated as a Hearing;
7. inform the Respondent of their right to invite a representative and/or support person/people to be present and have permission to speak on their behalf at any meeting or Hearing;
8. where a Hearing is held, include at least one and up to two other Staff Members, who have no involvement with the alleged Prohibited Behaviour, to be part of a Hearing Panel;
9. advise the Director Student Success of any allegation of "Serious Misconduct" and any Hearing date in order to ensure any relevant matters related to Student wellbeing can be considered and attended to;
10. advise the International Office in the case of an International Student;
11. give due consideration to all the information presented and any explanations/comments from the Respondent before any decision is made;
12. where a decision is made that the allegation(s) has/have been proven, ensure that any disciplinary actions are consistent with the range of disciplinary actions available and are within the powers of the Investigator (see Section 4.9);
13. advise the Respondent in writing of their decision (where a Hearing is held this should be done within five (5) working days of the Hearing if practical) and the Respondent's right to appeal the decision in accordance with Section 4.10;
14. inform the Complainant of their decision; and
15. record details of the investigation, including any disciplinary action taken as an outcome of the investigation, in accordance with Section 4.11.

4.6.4. Conducting Investigations using Tikanga Māori Protocol

1. Unitec's commitment to the Treaty of Waitangi is reflected in Te Noho Kotahitanga ("TNK"). In the spirit of TNK, tikanga Māori can be used to seek resolutions to disputes and complaints through houhourongo – a facilitated process where an open exchange of views seeks consensus and acceptance from all parties as to the resolution.
2. A Respondent may request that a complaint is addressed by applying tikanga Māori. This can be processed if the Complainant(s), Respondent(s), Investigator (in consultation with the DCE Academic), and the Pae Arahi all agree to such a process, including who will participate in that process and the procedure to be followed. The Pae Arahi will have the responsibility of ensuring that all the other parties are sufficiently aware of tikanga before agreeing to the process.
3. For the purposes of this statute, tikanga comprises at least the following elements:
 - a. resolution of the dispute will take place within Puukenga or the Wharenuī - Ngākau Māhaki;
 - b. within Puukenga or the Wharenuī - Ngākau Māhaki te reo Māori may be used and statements will also be repeated in English or an interpreter will be provided if this is necessary to ensure that all the parties have a clear understanding of what is being communicated;
 - c. the process will be facilitated by the Pae Arahi (or his or her delegate), unless the Pae Arahi is involved as a party to the dispute, in which case another facilitator will be selected by the DCE Academic, in consultation with the parties to the dispute, as appropriate;

- d. all parties will have the right at their discretion to be supported by whanau;
- e. where possible, decisions in respect to a complaint will be negotiated by the parties. Where consensus is unable to be reached, the decision must be made by the Pae Arahi (or his or her delegate). The decision may include any of the disciplinary actions provided for in Section 4.9;
- f. the decision from this process will be final and binding and will complete Unitec’s investigation; and
- g. the Pae Arahi (or his or her delegate) must record details of the investigation, including any disciplinary action taken as an outcome of the investigation, in accordance with Section 4.11.

4.7 Communications under this statute

Communication will be by letter given directly to the Respondent and Complainant or sent to the last known physical and/or email address of the Respondent and Complainant as notified by the Respondent and Complainant to Unitec.

4.8 Support for Respondents and for Investigators

1. The Respondent must be informed of their right to have support and advice and representation at any meeting or hearing convened in relation to any allegation of Prohibited Conduct.
2. Support and advice for any Respondent in relation to any allegation of Prohibited Conduct is available from the Student Advocate(s).
3. Throughout the investigation, including where a Respondent is suspended or temporarily excluded, the Respondent may access Unitec Student Services e.g. Counselling, Health Centre, International Office, Student Advocate(s), Maia Māori, and Pacific Centre. This should be arranged by appointment so that appropriate services are made aware of attendance at any venue on campus for this purpose.
4. The Unitec Legal Counsel is available to advise staff on the legal implications of actions taken under this Statute.
5. Where an incident involves actions which could be deemed to be harassment, bullying or discrimination as defined by the Countering Harassment Policy, Unitec’s DCE People and Culture should be contacted to advise the Head of School or other manager investigating the incident.
6. Where general advice is required, the Head of School or other relevant manager may seek this through the DCE Academic or his/her delegate.

4.9 Disciplinary Actions

1. The type of disciplinary action that may be taken against a Respondent is outlined in this Section under the categories of “Inappropriate Conduct”; “Misconduct” and “Serious Misconduct”. Any disciplinary actions taken against a Respondent must specify the length of time that this will be recorded on the Respondent’s personal file (up to a maximum of five years).
2. Disciplinary actions may be one or a combination of the actions specified below.
3. If the complaint is investigated using tikanga Māori protocol, the Pae Arahi may take any of the disciplinary actions specified below against the Respondent.

4) Disciplinary Action for “Inappropriate conduct”	Investigation must be authorized by Head of School or relevant manager at comparable level of seniority.
a) A formal oral or written warning or reprimand to the	

Respondent;	Disciplinary Action can be taken by: <ul style="list-style-type: none"> Academic Programme Manager; or Head of School, or relevant manager at comparable level of seniority; or Member of the Executive Leadership Team; or Staff member authorised by the Chief Executive. And will remain on the Student's file for up to two years
b) A direction to the Respondent to do or refrain from doing something, including requiring an undertaking as to future behaviour or an apology;	
c) A reduction in the mark or grade awarded to the Respondent for an item of assessment in respect of which the inappropriate conduct occurred	
d) The award of a fail or non-passing grade, the award of nil mark and/or the cancellation of credit for the item of assessment in respect of which the inappropriate conduct occurred or the course to which it relates	
e) A direction to submit an alternative item of assessment	
5) Disciplinary Action for "Misconduct"	Investigation must be authorised by DCE Academic. Disciplinary Action can be taken by: <ul style="list-style-type: none"> Head of School or relevant manager at comparable level of seniority; or Member of Executive Leadership Team; or Staff member authorised by the Chief Executive. And will remain on the Student's file for at least 2 years and up to 5 years
a) Direction to the Respondent to undergo an educational or supervision programme;	
b) Direction to the Respondent to pay compensation for any loss or damage caused by or arising from the Respondent's Misconduct (restorative damages);	
c) Direction to the Respondent to implement a change to a specified document(s);	
d) Direction to the Respondent to take action to relieve distress caused to the Complainant and/or repair any damage cause by the Respondent, and/or correct the Respondent's conduct;	
e) Suspension of the Respondent from some or all Classes for a period not exceeding the balance of the current semester;	
f) The withdrawal of some or all library services from the Respondent for a period not exceeding the balance of the current semester;	
g) The withdrawal of some or all information technology services from the Respondent for a period not exceeding the balance of the current semester	
6) Disciplinary Action for "Serious Misconduct"	Investigation must be authorised by DCE Academic Disciplinary Action can be
a) Disqualification of the Respondent from sitting for any assessments for any period considered appropriate	

<p>b) If the Investigator considers that the Respondent may pose a risk to the safety and wellbeing of themselves or Member/s of the Unitec community, or that the Respondent is likely to disrupt or impede the activities of Unitec direct the Respondent to undergo, at Unitec's expense, an assessment/consultation by a registered medical practitioner, psychiatrist or counsellor (as approved by the DCE Academic or his/her nominee in consultation with an appropriately licensed healthcare practitioner)</p>	<p>taken by</p> <ul style="list-style-type: none"> • Member of the Executive Leadership Team; or • Staff member authorised by the Chief Executive. <p>And will remain on the Student's file for 5 years</p>
<p>c) Suspension of the Respondent from any course(s) and/or exclusion of the Respondent from any programme(s) for any period considered appropriate</p>	
<p>d) Expulsion of the Respondent and exclusion from enrolment at Unitec or in particular any programme(s) at Unitec for any period considered appropriate</p>	
<p>e) Suspension or restriction of the Respondent's access to all or any part of Unitec Facilities for any period considered appropriate</p>	
<p>f) The withdrawal of some or all information technology services from the Respondent for any period considered appropriate</p>	

4.10 APPEALS

4.10.1 Scope to appeal a decision under this statute

1. With the exception of those investigations that have been addressed using the tikanga Māori process, a Respondent has one right of appeal against any disciplinary action taken against them by the Investigator.
2. The grounds upon which an appeal can be lodged, and process to appeal, are set out in Unitec's Student Appeals Procedure.

4.11 RECORDING DETAILS OF PROHIBITED CONDUCT INVESTIGATIONS

1. As soon as an investigation has commenced the Investigator must ensure relevant details are entered into the Unitec Student Disciplinary Statute Register (The Register) by emailing studentdiscipline@unitec.ac.nz. The Register must be updated (by emailing studentdiscipline@unitec.ac.nz) once the outcome of the investigation is known, including the decision of any appeal made. The Student Disciplinary Investigation Record (see Reference Documents section) should be used for this report and updated if there is a successful appeal.
2. Where allegations of Prohibited Conduct have been upheld, the Investigator will ensure that the penalties imposed are recorded on the Respondent's file in the relevant Student record system, as appropriate.
3. Where an appeal is made that overturns the decision of the Investigator and/or any penalties imposed, relevant details are recorded on the Respondent file in the relevant Student records system or, in the case of an appeal that overturns the decision of an allegation being

proven, all details recorded on the Respondent file in the relevant Student record system are removed.

4. studentdiscipline@unitec.ac.nz must be provided with a copy of the Student Disciplinary Investigation Record where an allegation of Prohibited Conduct is upheld, any appeal application, and the outcome of any related Hearing held under the Student Appeals Procedure (updated on the Student Disciplinary Investigation Record).

5 RESPONSIBILITIES

1. The DCE Academic is responsible for the implementation of this statute and ensuring that there is a Unitec Student Disciplinary Statute Register maintained by each department. He/she must be advised of all actions undertaken under this statute. He/she may request a copy of the Unitec Student Disciplinary Statute Register from any department at any time for the purposes of review or audit. He/she may delegate specific tasks related to this responsibility.
2. Members of the Executive Leadership Team will be responsible for ensuring that all staff in their departments are familiar with the statute and their responsibilities under it. They are responsible for ensuring that any allegations of Prohibited Conduct are reported according to the statute, that investigations are carried out according to the statute, and that any disciplinary actions taken are recorded in the Unitec Student Disciplinary Statute Register held by the relevant Department and on the Respondent's file as appropriate.
3. Heads of School and other relevant managers will be responsible for ensuring that all staff members in their department are familiar with the statute and their responsibilities under it. They are responsible for ensuring that any allegations of Prohibited Conduct are reported to their Executive Leadership Team member and the DCE Academic prior to confirming an investigation, that investigations are carried out according to the statute, and that any disciplinary actions taken are recorded in the Unitec Student Disciplinary Statute Register held by the relevant department and on the Respondent's file as appropriate.
4. Academic Programme Managers will be responsible for ensuring that any allegations of Prohibited Conduct raised with them are reported to their manager prior to confirming an investigation, that investigations are carried out according to the statute, and that any disciplinary actions taken are recorded in the Unitec Student Disciplinary Statute Register held by the relevant department and on the Respondent's file as appropriate.
5. Any Staff Member directly involved with a situation where a Student is allegedly engaged in Prohibited Behaviour is responsible for ensuring the safety of Staff Members and Students and the good order of Unitec which may include taking urgent action as above in Section 4.2. Where there is an incident they consider amounts to Prohibited Conduct, they must notify their manager of the allegation so that appropriate action can be taken under this statute.
6. Any Student who is concerned about the behaviour of another Student including behaviour which they consider may amount to Prohibited Conduct, may refer the matter to a staff member if they consider urgent action is required and/or may make a complaint about that behaviour using the Student Complaints Resolution process. This complaint will be considered by the Head of School of the Respondent's programme of study, and if he/she considers appropriate may also be investigated under this statute.
7. All Students of Unitec have the responsibility to manage their own conduct so that it does not impact negatively on the work or day to day experiences at Unitec of any other members of the Unitec community.
8. All Staff Members and Students are responsible for maintaining confidentiality and

respecting the privacy of all parties with regard to any processes related to the implementation of this statute.

6 REFERENCE DOCUMENTS

1. Copyright Act 1994
2. Crimes Act 1961
3. Education and Training Act 2020
4. Health and Safety Act at Work Act 2015
5. Human Rights Act 1993
6. Official Information Act 1982
7. Privacy Act 2020
8. Student Appeals Procedure - <https://www.unitec.ac.nz/about-us/unitec-policies>
9. Student Disciplinary Investigation Record

APPENDIX 1 – PROHIBITED CONDUCT DEFINED

Without limitation to any other provision of this statute, the following conduct is prohibited by this statute.

NOTE: When determining whether the alleged incident falls within the following prohibited conduct, all relevant circumstances of the alleged incident must be taken into account (e.g., its nature, intent, impact, seriousness).

- 1) **Conduct in breach of any provision of any New Zealand statute or regulation**, including but not limited to:
 - a) discrimination that is unlawful in terms of the Human Rights Act 1993;
 - b) sexual harassment as described in Section 62 of the Human Rights Act 1993;
 - c) racial harassment as described in Section 63 of the Human Rights Act 1993;
 - d) causing racial disharmony as described in Section 61 of the Human Rights Act 1993; and
 - e) any act or omission in breach of the Health and Safety at Work Act 2015.
- 2) **Conduct in breach of any Unitec statute, policy, rule or procedure** applying in a particular Class, rule of conduct within Unitec accommodation, or professional code approved by Unitec, including but not limited to Unitec's:
 - a) Academic Statute; and
 - b) Associated Policy and Procedure including:
 - i) Admission, Enrolment and Fees
 - ii) Copyright
 - iii) Countering Harassment
 - iv) Health and Safety
 - v) Information and Communication Technology Systems and Use
 - vi) Library
 - vii) Privacy of Information
 - viii) Social Media Best Practice
 - ix) Vehicle Use and Parking
- 3) **Academic Misconduct**, which means:
 - a) the fabrication of data, including claiming results where different results or no results have been obtained. This may include, but is not limited to:
 - i) presenting falsified data from practice-based assessments, laboratory work, clinical placements, field trips or other work;
 - ii) presenting any data obtained improperly, including data collected without prior approval by the Unitec Ethics Committee;
 - iii) misrepresenting any academic achievements or records;
 - iv) assisting another Student to be dishonest with any assessment;
 - v) falsely claiming or owning contribution to group work.
 - b) The falsification of data, including fraudulent changing of records or results.

- c) Plagiarism, which means using others' ideas or work and presenting these as one's own without acknowledgement of the source. This may include but is not limited to:
- i) copying or using any sentences, paragraphs, computer files or codes, multimedia, research data, creative products or website data that are the work of others without appropriate acknowledgement;
 - ii) closely paraphrasing sentences, paragraphs or themes of others without appropriate acknowledgement;
 - iii) using, summarising or extracting another person's concepts, experimental results, or conclusions without appropriate acknowledgement;
 - iv) submitting material obtained from internet-based essay depositories or similar sources;
 - v) use of others, paid or not, to research, write or present any material submitted for assessment;
 - vi) submitting one's own previously assessed or published work for assessment or publication elsewhere, without appropriate acknowledgement and/or approval (self-plagiarism).
- d) Ascribing in a misleading manner, such as listing authors without their permission or attributing work to others who have not in fact contributed to the work, or failing to ascribe authorship by failing to list as authors those who have contributed to the work;
- e) Intentional infringements of the guidelines issued by Unitec's Research Ethics Committee, or of other relevant professional practices and codes of ethics;
- f) Cheating, which means acting dishonestly in any examination, test or other practical assessment. This may include, but is not limited to:
- i) use of study notes or other crib cards;
 - ii) use of any non-permitted electronic mobile device;
- g) The submission for summative assessment of work which has been jointly prepared for presentation or which has been previously submitted elsewhere, without the prior approval of the relevant lecturer;
- h) The presentation of fraudulent material as evidence of achievement in an educational or employment context in order to gain entry to a programme or to gain credit within a programme;
- i) A breach of any rule relating to summative assessment; or
 - j) Such other academic or research practices which bring or are likely to bring Unitec into disrepute.

For the avoidance of doubt, **Academic Misconduct** does not include honest errors or honest differences in the interpretation of data or conclusions drawn.

- 4) **Misuse of information**, which includes:
- a) Perusing personal information files or any other information, whether on a Unitec database or other information collection, without authorisation;

- b) Using the personal identification card or any personal identification number (PIN) number or login of another Member of the Unitec community, or permitting the use of his or her personal identification card or PIN number or login by any other person otherwise than in accordance with Unitec policies and procedures;
 - c) Wilfully misappropriating or misusing any intellectual property or confidential information belonging to Unitec, any Member of the Unitec community, or any other person or body;
 - d) Intentionally introducing erroneous or misleading material into, falsifying, or deleting without authorisation information from, any Unitec database or information collection; and
 - e) Any act or omission in breach of the Privacy Act 2020 or the Official Information Act 1982.
- 5) **Misuse of Unitec information technology systems**, which includes using Unitec's computers and/or information technology systems to:
- a) Access, store, view, publish, distribute or otherwise using in any manner whatsoever, pornographic material;
 - b) Publish or distribute any material that is defamatory or offensive, or in any way constitutes harassment or excessive mail to other users (for example, hoax letters);
 - c) Copying, loading or downloading any software or other material (including games, movies and music) in breach of copyright law or any applicable licence conditions; and
 - d) Hacking or attempting to hack into Unitec's information and communication technology systems, or using Unitec's information and communication technology systems in any way to hack or attempt to hack into any other information and communication technology systems to alter or obtain secure, confidential, or personal information.
- 6) **Other Prohibited Conduct**, which includes:
- a) Being in any part of Unitec Premises, when he or she knows or ought to know that he or she is not entitled to be there at that time;
 - b) Wilfully impeding the activities of Unitec, whether in teaching, research or otherwise;
 - c) Behaving in a manner that is disorderly, reckless, offensive or obscene;
 - d) Knowingly failing to comply with any reasonable direction given to him or her by the person in charge of a Class;
 - e) Knowingly failing to comply with any reasonable direction given to him or her by a Staff Member of Unitec;
 - f) Wilfully or recklessly damaging or defacing, or wilfully moving without authority, any property of Unitec, any other property within Unitec Premises, or any property of a Member of the Unitec community;
 - g) Wilfully creating or contributing to any nuisance, annoyance or disturbance in or on Unitec Premises or to occupants of premises in the immediate neighbourhood of Unitec Premises;
 - h) Using or being in the possession of or under the influence of illegal drugs on Unitec Premises or in the context of any official Unitec activity or service,

- including any Field Trip/Placement as part of a Unitec course of study;
- i) Being in the possession of or under the influence of alcohol in a Class or on Unitec Premises or in the context of any official Unitec activity or service, including any Field Trip/Placement as part of a Unitec course of study, other than on licensed premises or any other premises where permission has been given to consume alcohol (and then only in accordance with any conditions imposed);
 - j) Smoking in any place on Unitec Premises after being requested by a Staff member to adhere to the Unitec Smokefree/Auahi Kore policy;
 - k) Wilfully obstructing any Member of the Unitec community in the due performance of his or her functions or duties;
 - l) Wilfully failing to comply with directions notified from time to time regarding the entry, speed and exit of vehicles, and the places where they may be parked on Unitec's Premises;
 - m) Wilfully interfering with the pursuit of work, study, research or rightful enjoyment of Unitec Facilities by any Member of the Unitec community;
 - n) Wilfully failing to comply with a direction previously given to the Respondent under Section 4.2 of this statute;
 - o) Committing, attempting to commit, or aiding or abetting the commission or attempted commission of, any criminal offence on Unitec's Premises;
 - p) Committing any breach of any rule of conduct (oral or written) made by any authorised person provided that reasonable notice of that rule has been given to Students generally or to the Student charged with Prohibited Conduct before the Prohibited Conduct is alleged to have taken place.
 - q) Threatening or repeatedly or excessively insulting, any other person;
 - r) Engaging in any form of harassment by another Member of the Unitec community;
 - s) Refusing any reasonable request to identify himself or herself by a Staff Member who has reason to suspect that the Student is involved in a breach of this statute;
 - t) Knowingly aiding, abetting or assisting another Member of Unitec community in the commission of, or counselling, procuring or encouraging another Member of Unitec community to commit, any Prohibited Conduct;
 - u) Bribing or attempting to bribe staff by offering gifts or services in return for personal favour;
 - v) Using or attempting to use a false identity, or falsifying or attempting to falsify any document, whether or not it is for the purpose of obtaining a benefit or advantage;
 - w) Knowingly supplying false information or knowingly failing to supply relevant information in respect of any matter (including a financial matter) relating to the Student's study;
 - x) Behaving in a manner, without reasonable cause, that is contrary to the good order of Unitec or that brings or is likely to bring Unitec into disrepute. (Note: This is not intended to apply to reasonable behaviour by Students in the exercise

of academic freedom);

- y) Breaching any of the rules of conduct specified in any Residential handbook and / or accommodation agreement;

NOTE: Prohibited Conduct under this statute includes engaging in any of the conduct listed above in the context of any Field Trip/Placement as part of a Unitec course of study and/or the premises associated with that activity.

APPENDIX 2 – DEFINITIONS

Academic Programme Manager	a Staff Member at Unitec accorded this title, or his or her delegate.
Class	any lecture, address, tutorial, seminar, laboratory session, Field Trip/Placement, supervisory session and other contexts in which teaching, learning or assessment is occurring.
Complainant	a person who alleges Prohibited Behaviour by a Student or Village Resident.
Conciliator	the Staff Member at Unitec accorded this title, or his or her delegate.
DCE Academic	the Staff Member at Unitec accorded this title and includes such other person as may be delegated authority by the Chief Executive to carry out the functions assigned to the DCE Academic by the Chief Executive.
Field Trip/Placement	any off-campus experience (including clinical, work-based and outdoor experiences of any duration) organised or facilitated by Unitec for the purpose of teaching and/or Student learning and/or assessment.
Head of School	the Staff Member at Unitec accorded this title, or his or her delegate.
Hearing	a meeting arranged between the Respondent, Investigator, and other invited parties, where evidence is presented in relation to the allegation of Prohibited Behaviour.
Hearing Panel	the Investigator and those Staff Members selected by the Investigator who attend the Hearing to consider and make a decision on the evidence presented for the purpose of determining whether the allegation of Prohibited Behaviour is proven.
Inappropriate Conduct	comprising minor breaches of this statute and/or Unitec's policies or processes (includes minor academic Misconduct)
Investigator	the relevant Head of School, Academic Programme Manager, or other manager so designated authorised to take disciplinary action in accordance with Section 4.5 of this statute.
Member of Unitec Community	includes all Students, all staff of the Unitec, those charged with Governance, persons on contract to Unitec, visiting scholars, emeritus professors, Village residents, persons providing services to Unitec and, in relation to a Field Trip/Placement, any person associated with the Field Trip/Placement.
Misconduct	comprises a breach of this statute which significantly compromises the wellbeing of members of the Unitec community and/or academic integrity, and/or is likely to bring the Student or Unitec into disrepute (includes academic Misconduct)
Pae Arahi	the staff member at Unitec accorded this title who is responsible for supporting Māori Students, working to elevate the status and profile of Unitec among Māori communities, promoting bicultural awareness on campus, and representing Unitec on ceremonial occasions and advising on matters of protocol.

Prohibited Conduct	(See Appendix 1) Prohibited Conduct comprises three levels of seriousness: Inappropriate Conduct; Misconduct and Serious Misconduct.
Respondent	a Student against whom an allegation of Prohibited Conduct is brought under this statute.
Security Personnel	any person contracted or employed by Unitec to provide security services
Serious Misconduct	a major breach of this statute and posing a serious threat to the wellbeing of members of the Unitec community and/or academic integrity, and which results in a serious incompatibility between the Student and Unitec (includes serious Academic Misconduct).
Staff Member	any person employed or contracted for services by Unitec. In this statute, the phrase “Staff Member at Unitec accorded this title” includes a Staff Member holding an acting appointment to the position.
Staff member in charge of facility	includes staff members or their delegates but is not limited to, the Director Facilities Management, the Security Manager, Security personnel, supervisors of Student Laboratories, the Director Library
Student	any person enrolled for one or more courses at Unitec, or within the description set out in Section 2.2 (3).
Student Advocate	a Student Advocate employed directly by Unitec or through a contract of services to provide advice to Students on issues related to Unitec policies and processes
Student Representative	a Student elected to a position as a class or programme representative or to the Student Council or Student Presidency
Unitec	Unitec Institute of Technology
Unitec Facilities	Unitec Premises and all systems, amenities and services provided by Unitec for the use of Members of the Unitec community.
Unitec Premises	all premises, grounds and buildings owned by, in the possession of, or administered by Unitec, including accommodation owned/leased by Unitec

7 Document Details

Version number	11.1
Issue Date	25 August 2021
Approval authority	Te Komiti Mātauranga Academic Committee
Date of Approval	18/12/2008
Policy Sponsor	DCE Academic
Policy Owner	Te Komiti Mātauranga Academic Committee
Contact Person	Manager, Te Korowai Kahurangi
Date of Next Review	TBA

8 AMENDMENT HISTORY

Version	Issue Date	Created/Changed by	Reason for Revision
1	18/12/2008	Registrar	First edition – supersedes the General Disciplinary Statute first approved in April 2000
1.1	9/03/2009	Registrar	Council approved addition of Section 8.1(t)
1.2	27/03/2009	Manager, Information & Policy	Grammatical errors corrected on pgs 10 & 14
2	12/05/2009	Executive Officer (Glenda Jacobs)	Decision flowchart documents created and hyperlink to these added to 'Reference' Section
3	23/06/2009	Executive Officer (Glenda Jacobs)	Disciplinary Summary Form created and hyperlink to this added to 'Reference' Section
4	13/07/2009	Executive Officer (Glenda Jacobs)	Amended version approved by Council
5 (07)	23/02/2011	Executive Officer (Dave Hodges)	Formal review – revised document approved by Te Komiti Mātauranga Academic Committee & Council. Appeals process expanded to incorporate all aspects of the appeals procedures; relevant amendments made to minimise incorrect use of statute; inclusion of a student's right to a 'hearing'; the inclusion of a clause to enable Executive Deans/Directors to delegate the investigative process to another Staff Member.
6	22/10/2013	No information	No information
7	07/09/15	Director Pou Aroha Student Support (Alison Dow)	Formal Review – revised document to be approved by Te Komiti Mātauranga Academic Committee and Council: <ul style="list-style-type: none"> • incorporation of Te Noho Kotahitanga to frame the statute • introduction of three "levels" of prohibited behaviour: inappropriate conduct, misconduct, serious misconduct and links to appropriate disciplinary actions • further development of the process of Hohourongo- investigations econducted using Tikanga Māori • clarification of support available for students and for staff related to actions arising from the statute • clarification of the rights of students in the application of the statute • specific content about roles and responsibilities related to the statute • introduction of a Student Disciplinary Investigation Record template to support consistency of processes and to assist record keeping – to be retained within each department.
8	May 2016	Executive Dean responsible for Academic Development	To reflect changes in organisational structure

9	25 September 2018	Director Student Success	Amended section 4.11 to require information about student disciplinary actions be sent to a central email address, to enable Unitec to maintain a central register of student disciplinary actions Replaced all mentions of the 'Director of Pou Aroha' with the 'Director of Student Success'. Replaced the mention of the 'Doc Owner: Chief Operating Officer' in the footer of the document with the Executive Director Student Experience Replaced the 'Document owner: Executive Dean responsible for Academic Development' under the 'document details' section with the 'Executive Director Student Experience
10	14 October 2019	Director Student Success	Replaced the mention of the 'Doc Owner: Executive Director Student Experience' in the footer of the document with 'DCE Academic' Replaced the 'Document owner: Executive Director Student Experience under the 'document details' section with the 'DCE Academic' Replaced all mentions of Executive Dean responsible for Academic Development' with 'DCE Academic'
11	February 2020	Legal Counsel	Amendment to Section 4.10 in light of the introduction of a generic Student Appeals Procedure to which students can have regard if they wish to appeal against a disciplinary decision made against them under this statute.
11.1	August 2021	DCE Academic	Administrative update - Nomenclature updated. External and internal links to resources updated as required to remain current.