

Student Discipline Policy		FSA Policy	xxx
Approval	Senior Management Team	Date of approval	9 May 2022
Responsibility	Te Kaihāpai / Chief Executive Officer	Effective Date:	9 May 2022
		Review Date:	2024

## 1. PURPOSE

This policy sets out the process to be followed when a student breaches Future Skills Academy's ('Academy') rules, regulations, policies, standards and Codes. It sets out the rights of students whose case is being dealt with and the appeal process they can access. In all disciplinary investigations and decision-making, the Academy, will not discriminate on the grounds of race, gender and identity, sexual orientation, marital status, age, disability, religious or ethical beliefs, or political opinions.

## 2. DEFINITIONS

### Te Kaihāpai

In this policy the term conveys the meaning of an advocate and supporter and refers to the Academic Director (or delegate) exercising the Chief Executive's delegated authority to resolve academic appeals, complaints, and student disciplinary matters not resolved by the relevant manager.

**Exclusion** is a general term covering both temporary suspension and expulsion from a programme or a component of a programme.

## 3. POLICY

1. The Chief Executive delegates the investigation of student disciplinary matters directly to the Te Kaihāpai.
2. The Te Kaihāpai has the authority to investigate and action a range of disciplinary measures, including but not limited to, suspension or exclusion, cancelling academic results, seeking damages or reparation.

3. In making decisions and imposing disciplinary measures the Te Kaihāpai will apply the principles of natural justice and procedural fairness to ensure impartiality, balanced and considered assessment of information and decisions based on evidence.
4. Every student has the right to representation, advice, advocacy, and support at all stages of the investigation of allegation(s) and/or appeal process, by a support person.
5. Any matter of concern that might lead to actions under this policy, will be raised with the student as early as possible with the intention of resolution as directly and informally as possible.
6. Staff will exercise fair and sound judgement throughout the complaints process.
7. Breaches of the Academy's rules, regulations, policies, standards includes but is not limited to:
  - a. Providing false information on application(s).
  - b. Cheating including plagiarism.
  - c. Inappropriate or unacceptable behaviour that interferes with the rights and safety of other people.
  - d. Bringing the name of the Academy into disrepute.
  - e. Use of offensive language, imagery, or gestures (verbal, written or electronic).
  - f. Steals, damages or abuses any property belonging to the Academy.
  - g. Threatening, bullying, harassing or intimidating behaviour.
  - h. Carrying or being under the influence of drugs and/or alcohol without a medical prescription,
  - i. Acts of aggression,
  - j. Criminal behaviour that is likely to result in police or legal investigation.
  - k. Bringing onto the premises a firearm, dangerous weapon and or explosive
  - l. Offering bribes.
  - m. Inappropriate use of Future Skills Academy's property, computers, networks, including unauthorised access to IT systems or IT services, cyber-bullying in any form on any platform (whether done on or off Academy premises or networks).
  - n. Using the Academy's supplied networks to view inappropriate material (whether Academy owned computers, or on personal computers or personal devices); and
  - o. Failing to comply with any lawful instruction by the organisation.

## PROCEDURES

1. A full investigation of any incident will be undertaken by the Student Success Manager under the supervision and guidance of the Te Kaihāpai with the intention of resolution directly and informally with the student.
  - a. The outcome of the investigation must be recorded in writing with a copy provided to the student who has five (5) working days to respond.
  - b. A meeting will be held for the student to respond to the allegations and concerns. The student is encouraged to bring a support person to the meeting.
  - c. Where a resolution is reached by the student and Student Success Manager, a copy of the resolution will be placed on the student's academic file and reported to the Te Kaihāpai for Senior Management Team reporting.
  - d. Where there is no resolution, the Student Success Manager will refer the matter to the Te Kaihāpai clearly setting out areas where agreement was reached and those that remain in dispute for further reconsideration.
2. The Te Kaihāpai may report immediately to the Chief Executive any incident deemed of significant magnitude that may have significant consequences or risks for Future Skills Academy.
3. The Te Kaihāpai will arrange a meeting with the student and their support person within seven (7) working days after the Student Success Manager's referral to reconsider only the issues that remain in dispute. A senior manager will attend this meeting. If the student does not attend without notification and good reason the Te Kaihāpai may consider the allegation in the student's absence.
4. After the meeting with the Te Kaihāpai, the student will receive a written decision, warning, and /or any resulting actions from the Te Kaihāpai within five (5) working days of the hearing. The Te Kaihāpai's decision is final subject to exclusions which are authorized following consultation with the Chief Executive.
5. The student can either:
  - a. Be cleared of all allegations.
  - b. Be asked to take corrective action(s)
  - c. Receive a written warning; or
  - d. Receive a verbal warning; or
  - e. Be suspended from the Academy

- f. Be excluded from the Academy
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- 6. Suspension is a short-term exclusion and is the formal process by which the student is temporarily prohibited from attending classes, off-site excursions, practical, work experience, internships or refused access to services provided by Future Skills Academy.
  - 7. An exclusion is authorised following consultation with the Chief Executive or by the Chief Executive directly.
  - 8. The Te Kaihāpai will also notify the relevant Manager of the decision who in turn may inform their staff if necessary.
  - 9. The Te Kaihāpai will record details of the case in the Complaints Register including:
    - a. Date
    - b. Student ID
    - c. Case details
    - d. Outcome
    - e. Student Acceptance of outcome

#### **Reporting to the FSA Board**

- 10. The Te Kaihāpai shall prepare in February and July of each year, a summary report of the cases and decisions from the previous 6 months for the Senior Management Team and the Future Skills Academy Board of Directors
- 11. Cases are monitored by the Te Kaihāpai to evaluate effectiveness and identify future preventative strategies as part of the Academy's internal self-assessment practices.

#### **Appeals**

- 12. If a student remains dissatisfied following the Te Kaihāpai reconsideration investigation, they can make a complaint to NZQA:
  - a. For financial and contractual disputes
    - i. International Students: <http://www.istudent.org.nz/>
    - ii. Domestic Students: <https://www.tedr.org.nz/>
  - b. or for complaints about other matters, send an email to [gadrisk@nzqa.govt.nz](mailto:gadrisk@nzqa.govt.nz). or download the form: <https://www.nzqa.govt.nz/about-us/make-a-complaint/make-a-complaint-about-a-provider/#heading2-0>
  - c. Or for all students, email [risk@nzqa.govt.nz](mailto:risk@nzqa.govt.nz)
- 13. Under section 13(1) of the Ombudsmen Act 1975, if the student has not been able to resolve the complaint internally, the Ombudsman has the ability to investigate the complaint.

14. The student may also refer to the Disputes Resolution Scheme under the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021

#### Related documents

Complaints Register  
 Programme Entry, Continuation and Exclusion Policy

#### References

Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021  
 Human Rights Act 1993  
 Ombudsmen Act 1975

### PROCESSES

Action	Responsibility
Disciplinary / misconduct is suspected/reported to the Success Manager	Staff to the Student Success Manager in writing.
Student is notified of investigation and provided details of incident.	Student Success Manger
Student is encouraged to seek advice, advocacy and support. Student has 5 days to respond.	HOD/ Student Success Manager
Incident (s) is/are investigated	Student Success Manager supervised and guided by the Te Kaihāpai
Student Success Manager compiles report of case setting out areas on incident agreed on and areas where no agreement was reached.	Student Success Manager
Where agreement is reached the findings are noted on the students file.	Student Success Manager to the Te Kaihāpai. Noted on student file.
Where the student disputes findings in part or in whole the Te Kaihāpai will hold a meeting with the student within 7 working days of the Student Success Manager's referral to reconsider the decisions(s) made where agreement was not reached. The focus is on the areas which remain in dispute.	Te Kaihāpai to conduct investigation with student and support person. A Senior Manager will sit as part of the reconsideration meeting.

The student is notified of outcome within 5 working days of the reconsideration. A copy is placed on the student's file.	Te Kaihāpai
Where the decision supports exclusion of a student the Te Kaihāpai will consult with the Chief Executive before the student is notified of the final decision.	Te Kaihāpai / CEO
Details of case entered on Complaints Register	Te Kaihāpai
February and July reports to the SMT and Board	Te Kaihāpai

### STATUTORY COMPLIANCE

Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021  
 Human Rights Act 1993  
 Ombudsmen Act 1975

### VERSION CONTROL

Version	Effective Date	Created/Reviewed by	Reason for review/Comment
1	9 May 2022	Quality Manager	New policy

### APPROVED

Sign:   
 Name: Sam Alavi (Group Chief Executive)

Date: 9.05.22