

# Statute for Student Discipline

## 1. Title and Commencement

This Statute is to be called the University Statute for Student Discipline and comes into force on the 1 January 2013.

## 2. Scope

This Statute applies to all Students.

## 3. Good Government and Discipline

- a) The University expects that Students will act reasonably towards one another and towards all Members of the University, Wardens, and staff of the Students' Union, and towards all tenants, contractors to, and guests of, the University.
- b) Every student must comply with Statutes, Regulations, Rules and Policies.
- c) The University requires all students to comply with such directions as may reasonably be given by an Authorised Person to maintain safety, good order and discipline. A breach of a direction will be treated as a breach of a Rule.
- d) Any student who, on enrolment or in the course of their attendance at the University, is subject to conditions imposed on their attendance to prevent disturbance or to maintain good order and discipline shall comply with those conditions and these conditions shall be the same as a Rule.
- e) Authorised Persons and Bodies are primarily responsible for upholding discipline in areas which fall under their jurisdiction. The University expects these responsibilities to be carried out reasonably, fairly and without undue delay.
- f) Where it is necessary to protect the safety of persons or property, Authorised Persons and Authorised Bodies may take immediate action, without the requirement for either a hearing or an explanation (beyond that the requirement is reasonable and in accordance with the expectations and principles outlined in clauses 3a and 3c of this Statute).
- g) Authorised Persons and Authorised Bodies shall, subject to a right of Review to the Discipline Committee, have the power to impose upon Students the Penalties set out in clauses 6 b i)-iii) and the measures set out in 6c.
- h) Council and Senate delegate the power to impose all Penalties set out in clauses 6b i)-vii) and the measures set out in 6c upon students for contravention of or failure to comply with this Statute or any Statute, Regulation, Rule or Policy to the Discipline Committee.
- i) This Statute specifies the composition of Discipline Committee and its role with respect to infringements of Statutes, Regulations, Rules and Policies and of the general expectation of good conduct.

## 4. Discipline Committee

- a) Discipline Committee shall:
  - i) Hear cases referred to it by Authorised Persons and Bodies and remit cases to be dealt with by Authorised Persons and Bodies where it deems this appropriate.
  - ii) Hear Reviews against the imposition of and/or the amount of Penalties or restitution requirements that have been imposed on a Student by an Authorised Person or Body. The only grounds for a Review will be whether:
    - a) There was a failure of the University's process,
    - b) The decision to impose a Penalty was manifestly inconsistent with and/or unsupported by the evidence.
    - c) The Penalty was manifestly excessive.

Any application for Review of a Penalty must be lodged with the Registrar within one calendar month of the decision or imposition of a Penalty being notified to the student. The decision of Discipline Committee in reviewing Penalties imposed by Authorised Persons and Bodies is final.

- iii) Hear such cases as are of a serious nature, or which have the potential to lead to the cancellation of a Student's enrolment.
- b) The Discipline Committee shall comprise:
  - i) Two persons who shall be Student members of the Senate; and
  - ii) One academic Staff Member who is a member of the Senate; and
  - iii) Two academic Staff Members but who need not be members of Senate.
- c) The Discipline Committee to hear any charge against a Student, or any review of a decision or penalty imposed on a Student, shall be drawn from a panel appointed by the Vice-Chancellor. The panel shall comprise:
  - i) Not less than two persons who are Student members of the Senate; and
  - ii) Not less than four academic Staff Members who are members of the Senate; and
  - iii) Not less than one person who is a sub-professorial academic Staff Member, but who need not be a member of the Senate.

## 5. Proceedings of Discipline Committee

- a) Discipline Committee shall from time to time promulgate and formally adopt procedures for its hearings, Reviews and processes that conform with the principles of natural justice and its legal and delegated mandates (including fully informing the student of the matter before the Committee and giving them the opportunity to be heard on the matter), and shall publish such procedures on the University website.
- b) The procedures of Discipline Committee and the application of discipline by Authorised Persons and Bodies shall, where a process or procedure is not already spelt out in a

Rule, conform with fair and reasonable requirements and standards consistent with their intended summary application.

## **6. Penalties imposed by Discipline Committee**

a) Discipline Committee may of its own motion or on reference to it pursuant to:

- i) This Statute; or
- ii) Any other Statute, Rule, Regulation or Policy

impose on a Student who commits a breach of any Statute or Rule, any one or more of the Penalties prescribed in clauses 6b, or require any such Student to pay an amount by way of restitution pursuant to clause 6c.

b) For breach of any Statute, Regulation, Rule or Policy Discipline Committee may impose one or more of the following Penalties:

- i) The Penalties prescribed in that Statute, Regulation, Rule, or Policy;
- ii) Issue a reprimand orally or in writing to the Student charged with the offence in terms that it considers appropriate in the circumstances;
- iii) Issue a direction to record instances of academic misconduct in the University's Register of Deliberate Academic Misconduct;
- iv) A fine not exceeding \$5,000;
- v) A limitation or prohibition on attendance at any Class or Classes or the use and enjoyment of any of the Facilities;
- vi) A suspension from attendance at the University or any Class or Classes for such period as it thinks fit;
- vii) Cancellation of a Student's Enrolment at the University in a course of study or training;

c) In determining any matter which involves damage to property, Discipline Committee may, with or without imposing a Penalty, require restitution to be made.

d) On default of payment, within the time prescribed, of:

- i) A fine; or
- ii) An amount to be paid or act done by way of restitution pursuant to clause 6c of this Statute;

Discipline Committee may suspend the Student in default from attendance at the University or any Class or Classes until that fine or that amount is paid.

- iii) If the failure to pay the full amount or do an act of restitution as ordered by an Authorised Person or Body or by Discipline Committee continues for more than 3 months, this shall be treated as a breach of a Rule and the case shall be referred to Discipline Committee by the Authorised Person or Body. Discipline Committee may then impose any of the full range of Penalties outlined in 6b i-vii.

- iv) Any fine imposed or monetary sum required in restitution shall be a debt due to the University.

## 7. Reviews

Any Student upon whom a Penalty is imposed by Discipline Committee under clause 6 after a hearing pursuant to clause 4 a i) and iii) may, by giving written notice to the Registrar within one calendar month of the imposition of the Penalty, seek a Review of the imposition or of the amount of that Penalty. The Review shall be heard by the Appeals Committee as constituted by Council. The decision of Appeals Committee shall be final.

## 8. Transitional Provisions

This Statute replaces and repeals The Disciplinary Statute 1998 but specifically preserves all process, proceedings, hearings rulings and rights to Review already commenced under The Disciplinary Statute 1998 until they have been disposed of under that Statute.

Unless and until replaced or superseded by a Rule those prohibitions and directions which are set out in clause 4 of The Disciplinary Statute 1998 shall each be deemed to be included in this Statute as a Rule.

## 9. Interpretation

This Statute does not override the provisions in, and must be interpreted so as to be consistent with, the Student Academic Conduct Statute.

## 10. Definitions

- **Appeals Committee** means a Committee constituted by the Council under clause 7 of this Statute to review a Penalty imposed on a student by Discipline Committee.
- **Authorised Body** Any Faculty, Faculty Committee or other Committee with any disciplinary responsibility within the University.
- **Authorised Person** means the Vice-Chancellor, the Registrar, any Staff Member, a Warden, or member of the staff of the Students' Association.
- **Class** includes any lecture, tutorial, field trip, seminar, laboratory, or similar classification whether physical or on-line of Students at which tuition or instruction is being given and includes any lecture or address at which Students are present or participate.
- **Council** means the Council of the University.
- **Facility/Facilities** means all land, buildings and equipment, including vessels and vehicles, made available by the University.
- **Hall (of Residence)** means any hostel or hall of residence or other student accommodation under the control of the University and intended for the occupation of students.
- **Member** means a Staff Member, Council Member or a Student of the University.
- **Penalty** means those Penalties set out in clauses 6b i)-vii) but is deemed not to include temporary actions undertaken pursuant to clause 3f.
- **Registrar** means the person for the time being holding office as the Registrar of the University.

- **Review** means a Review undertaken pursuant to this Statute and section 194(2) of the Education Act 1989.
- **Rule** means any written direction or requirement (including a Policy) made by the Council, Senate, any of their Committees, or any Authorised Person of which notice has been given before the alleged misconduct has occurred, to the student charged with the misconduct, or to the person charged with misconduct as a prospective student by:
  - a) publication in the University Calendar whether online or in hard copy; or
  - b) publication online in the University Policy Register; or
  - c) other means.
- **Senate** means the Senate of the University.
- **Staff Member** means a member of the staff of the University.
- **Statute** means a Statute made by the Council and includes this Statute, and all Regulations of the University made before January 1991 and not since revoked.
- **Student** means a person duly enrolled in University and includes a person applying to enrol to be a student where appropriate.
- **Students' Association/AUSA** means the Auckland University Students' Association Incorporated.
- **Student Union** means University premises that are for the time being administered by the Students' Association.
- **University** means Waipapa Taumata Rau, University of Auckland.
- **Vice-Chancellor** means the person holding office for the time being as the Chief Executive of the University; and includes any person for the time being:
  - a) acting in that capacity; or
  - b) acting as a Deputy of the Chief Executive.
- **Warden** means the person for the time being in charge of any Hall; and includes a deputy of that person.

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# THE UNIVERSITY OF AUCKLAND

## The Disciplinary Statute 1998 [Partially repealed]

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The Disciplinary Statute 1998: partially repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.

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### 1. Title and Commencement

*[Repealed]*

Clause 1 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.

### 2. Interpretation

*[Partially repealed]*

[Clause 2 was preserved (by implication) for the interpretation of the prohibitions and directions set out in clause 4 of the Disciplinary Statute 1998, but was otherwise repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]

**'Appeals Committee'** means the Committee constituted by the Council with delegated authority to exercise the powers conferred on it by Statute.

**'Authorized Person'** means the Vice Chancellor, the Registrar, any Staff Member, a Warden or a member of the staff of the Students' Association.

**'Class'** means any lecture, tutorial, seminar, laboratory, or other assembly of Students at which tuition is being given and includes any lecture or address within the University at which Students are present.

**'Council'** means the Council of the University.

**'Discipline Committee'** means the committee constituted by the Council with delegated authority to exercise the powers conferred on it by Statute.

**'Enrolment'** means enrolment in a course of study or training at the University and „enrol“ has a corresponding meaning.

**'Facility'** means premises and equipment made available by the University for the recreation of Students and Staff Members as, for example:

- Common Rooms
- Physical Fitness Facilities
- Playing Fields
- Student Union
- The Maidment Theatre.

**'Field Trip'** means a trip beyond University Premises undertaken by Students and conducted by the University for the purposes of study or research.

**'Hall'** means any hostel or hall of residence or other student accommodation under the control of the University and intended for the occupation of students.

**'Registrar'** means the person for the time being holding office as the Registrar of the University.

**'Rule'** means any rule of conduct made by the Council, the Senate, or any Authorized Person of which notice has been given:

- (i) by publication in the University Calendar; or
- (ii) by other means; or
- (iii) to the person charged with misconduct before the alleged misconduct has occurred.

**'Senate'** means the Senate of the University.

**'Specified Statutes'** means the Examination Regulations, the Fees Regulations, the Computer System Regulations, the Library Regulations as published in the most recent University Calendar and includes any other Regulations or Statutes so published which prescribe offences for misconduct (whether or not penalties are also prescribed for those offences).

**'Staff Member'** means a member of the staff of the University.

**'Statute'** means a Statute made by the Council and includes this Statute, a Specified Statute and all Regulations of the University made before 1 January 1991 and not since revoked.

**'Student'** means a duly enrolled student of the University and includes, for the purposes of section 3 of this Statute, a person applying to enrol.

**'Students' Association'** means the Auckland University Students' Association Incorporated.

**'Student Union'** means University Premises that are for the time being administered by the Students' Association.

**'University'** means The University of Auckland.

**'University Premises'** means land and buildings owned by the University or of which the University has possession or control; and includes any Hall and (for the avoidance of doubt) the Student Union.

**'Vice Chancellor'** means the person holding office for the time being as the Chief Executive of the University; and includes any person for the time being:

- (a) acting in that capacity; or
- (b) acting as a Deputy of the Chief Executive.

**'Warden'** means the person for the time being in charge of any Hall; and includes a deputy of that person.

## **GOOD GOVERNMENT AND DISCIPLINE**

### **3. Observance of Statutes and Rules**

*[Repealed]*

[Clause 3 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]

### **4. Prohibitions and Directions**

*[Preserved]*

[Clause 4 was preserved, on 1 January 2013, by clause 8 of the University Statute for Student Discipline, which states: "Unless and until replaced or superseded by a Rule, the prohibitions and directions which are set out in clause 4 of the Disciplinary Statute 1998 are each deemed to be included in the University Statute for Student Discipline as a Rule". Any of the prohibitions and directions set out in clause 4 of the Disciplinary Statute 1998 that become replaced or superseded by a Rule are repealed by clause 8 of the University Statute for Student Discipline.]

a. No Student or Staff Member shall:

- (i) Wilfully act (on University Premises or elsewhere) in a manner contrary to the good government of the University or so as to bring the University into disrepute.
- (ii) Wilfully damage, deface or destroy University Premises, any property on University Premises or any property of a Student, a Staff Member, or the Students' Association.
- (iii) Wilfully impede the activities of the University, whether in teaching, research or otherwise.
- (iv) Wilfully obstruct any Authorized Person in the due performance of the functions or duties of that Authorized Person.
- (v) Wilfully create any nuisance in or on University Premises.
- (vi) Wilfully interfere with the pursuit of work or study by any Student or Staff Member or his or her proper enjoyment of the amenities of the University.
- (vii) Be in University Premises when the Student knows or ought to know that he or she is not entitled to be there at that time.
- (viii) Smoke in any place where smoking is prohibited in terms of the Smoke Free policy of the University for the time being.
- (ix) Cause any unnecessary disturbance or annoyance to persons living in residential quarters on University Premises or to residents in the immediate neighbourhood of University Premises.
- (x) Ride, drive or park a cycle or motor vehicle in the University grounds except in compliance with the directions notified from time to time regulating the entry, exit and speed of cycles and vehicles and the places where they may be parked.
- (xi) Be accompanied by a dog (other than a guide dog) or any other pet on University Premises.



- (xii) Refuse any reasonable request to identify himself or herself by an Authorized Person who has reason to suspect that the Student is involved in a breach of any Statute or Rule.
  - (xiii) Post notices elsewhere than on the permanent notice boards provided for the purpose and except in compliance with the conditions prescribed by the Executive of the Students' Association in that regard.
  - (xiv) Bring or consume alcoholic liquor on University Premises other than:
    - (a) on licensed premises; or
    - (b) any other premises where permission has been given to consume alcohol and then only in accordance with any conditions imposed.
  - (xv) Use the Personal Identification Card or Access Card of another student or staff or permit his or her Personal Identification Card or Access Card to be used by another person.
- b. All Students shall comply with:
- (i) Such directions as may reasonably be given by an Authorized Person to maintain good order and discipline.
  - (ii) (While in a Class); any requirements as to behaviour or attire made for the orderly conduct of the Class or the safety of persons or property.
  - (iii) (While using any Facility); the Rules applicable to its use and any directions by the person in charge to preserve the safety of the persons using the Facility.
  - (iv) (While resident or present in a Hall); the Rules governing the maintenance of good order and discipline in the Hall and any directions given by the Warden of the Hall for that purpose;
  - (v) (While on a Field Trip); any Rules by the person in charge of the Field Trip to preserve the safety of the persons engaged on the Field Trip or to prevent misconduct during the Field Trip.
  - (vi) (While present in the Student Union); requests made by an Authorized Person to prevent unruly behaviour or to cause it to cease.

## **5. Members of the Security Intelligence Service**

*[Repealed]*

[Clause 5 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]

## **IMPOSITION OF PENALTIES ON STUDENTS**

### **6. Misbehaviour in Classes or Facilities**

*[Repealed]*

[Clause 6 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]

### **7. Misbehaviour in Halls**

*[Repealed]*

[Clause 7 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]

## **8. Misbehaviour in the Student Union Building or its Precincts**

*[Repealed]*

[Clause 8 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]

## **9. Other Penalties**

*[Repealed]*

[Clause 9 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]

## **10. Reprimands**

*[Repealed]*

[Clause 10 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]

## **11. Review of Penalties**

*[Repealed]*

[Clause 11 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]

## **12. Saving**

*[Repealed]*

[Clause 12 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]

## **13. Transitional Provisions**

*[Repealed]*

[Clause 13 was repealed, on 1 January 2013, by clause 8 of the University Statute for Student Discipline.]