Student Discipline Regulations

Preamble
At the time they enrol, students are required to sign a Student Declaration agreeing to abide by the regulations of the University of Waikato as published in the University of Waikato Calendar. The Student Discipline Regulations provide the framework for addressing alleged breaches of University regulations by students and for applying penalties where breaches are substantiated.

Members of the University community are entitled to operate and interact in an environment of safety and respect. It is expected that students will act with integrity and demonstrate respect for others.

If differences and disputes arise between members of the University community, it is expected that they will attempt to resolve such conflicts reasonably and co-operatively. Formal procedures should be used only where other methods of resolving conflicts have been ineffective or would be inappropriate.

It is the policy of the University that all discipline procedures conform to the principles of natural justice. The procedures in these regulations have been adopted to safeguard the rights of individuals in this respect.

Student Discipline Regulations 2012

Part 1
General

1. Title
These are the Student Discipline Regulations 2012.

2. Purpose
The purpose of these regulations is to
(a) define student misconduct
(b) explain procedures for making, investigating and resolving complaints of student misconduct, and
(c) set out the penalties that may be applied where misconduct by a student is substantiated.

3. Date of effect
These regulations are effective from 14 March 2012.

4. Definitions
In these regulations
chief examiner means the person appointed by the relevant Dean as the chief examiner for the paper concerned (the names of the chief examiners are available from the Head of Student and Academic Services) and includes any other person appointed by the Dean as an alternate chief examiner for the sole purpose of exercising summary jurisdiction under these regulations

class means a lecture, tutorial, laboratory, workshop, practical session, practicum, placement, field trip or any other type of learning activity delivered or supervised by a staff member

hall of residence means Bryant Hall, College Hall, Orchard Park or Student Village

internal assessment means the portion of the assessment for a paper that is assigned, supervised and marked internally within the relevant department; it may include assignments, practical work, work in tutorials, seminars, written or oral tests, recitals, performances or attendance requirements

natural justice means the right to have a decision made by an unbiased decision-maker who observes fair and impartial procedures

student means a student enrolled at the University of Waikato

summary jurisdiction means a process for dealing with a complaint of misconduct, where a designated person has authority, individually, to obtain and hear evidence, arrive at a judgement and, within the terms of that authority as defined in these regulations, impose a penalty

University means the University of Waikato.

5. Application

(1) These regulations apply to the conduct of students while they are enrolled as students.

(2) These regulations apply to the conduct of students

(a) on any property or in any facility owned or managed by the University

(b) in the context of a University activity

(c) where the conduct is related directly to the student's status as a student, or

(d) where the conduct has the potential to harm unfairly the reputation of the University.

(3) For the purpose of these regulations, the period during which a student is deemed to be enrolled as a student is defined as the period in a given year from (inclusively) the Monday of the start week of the paper in the student's programme of study that starts earliest in that year, to the Sunday of the end week of the paper that ends last.

(4) 'Start week' and 'end week' in subsection (3) are defined for Student Loans and Allowances purposes.

(5) The processes for dealing with complaints of misconduct may extend beyond the period defined in subsection (3).

Part 2

Misconduct

6. Definition of misconduct

A student commits misconduct if he or she

(a) commits a serious breach of the obligation, shared by staff and other members of the University community, to act towards others reasonably, courteously, considerately and with good faith

(b) behaves in a manner that significantly impedes or subverts the efficient functioning of the University in accordance with its statutory role

(c) behaves in a manner that discredits the University
(d) breaches any regulation published in the University of Waikato Calendar
(e) fails to comply with any reasonable and lawful policy or instruction approved and notified by the Vice-Chancellor, Council, Academic Board, or delegated authority of the Vice-Chancellor, Council or Academic Board
(f) uses University property, resources or funds for other than authorised purposes
(g) incurs liability on the part of the University without authorisation
(h) behaves in a manner that is likely to harm unfairly the reputation or professional prospects of another student or a member of staff
(i) behaves in a manner that jeopardises the health or safety of another person
(j) knowingly misleads the University in any significant matter
(k) encourages, assists, or procures a person to commit misconduct.

7. Discrimination and harassment

(1) The University of Waikato is committed to providing a work and study environment that is free from discrimination and harassment.

(2) A complainant may choose to have discrimination or harassment treated as a formal complaint of misconduct under these regulations.

(3) Discrimination means conduct that results, or is likely to result, in less favourable treatment, or creates, or is likely to create, a less favourable environment, for a person or group of people on any of the prohibited grounds set out in section 21 of the Human Rights Act 1993. The grounds on which discrimination is prohibited under section 21 of the Human Rights Act 1993 (unless any of the exceptions in Part II of the Act apply) are

(a) sex, which includes pregnancy and childbirth
(b) marital status
(c) religious belief
(d) ethical belief
(e) colour
(f) race
(g) ethnic or national origins, which includes nationality and citizenship
(h) disability
(i) age
(j) political opinion
(k) employment status
(l) family status
(m) sexual orientation.

(4) Harassment means serious or persistent interference in the pursuit of work or study of another person, by behaviour that is unwelcome, uninvited and unwarranted. Harassment includes

(a) sexual harassment: verbal or physical behaviour of a sexual nature that is unwelcome, uninvited and unwarranted
(b) racial harassment: the use of language (whether written or spoken), or visual materials, or physical behaviour that
   (i) expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic origins of that person
   (ii) is hurtful or offensive to that other person (whether or not that is conveyed to the person complained about), and
   (iii) is either repeated or of such a significant nature that it has a detrimental effect on that other person.
(5) General information, including examples of the types of behaviour that constitute discrimination and harassment and sources of advice and support on campus, is available from the Head of Student and Academic Services.

8. **Informal methods of dispute resolution**
   (1) As a matter of principle, the University encourages the use of informal methods for resolving disputes, although it is recognised that there are instances in which informal methods are not appropriate or will not be effective.
   (2) Methods of seeking an informal resolution to a complaint include the following:
      (a) the complainant discussing the issue with a third party but not proceeding further
      (b) direct discussions between the parties
      (c) the complainant writing a letter to the other party
      (d) a third party representing the complainant's concerns on his or her behalf
      (e) discussions between the parties, mediated by a third party
      (f) the complainant changing his or her own position to avoid or accommodate the conflict.
   (3) Within the University there is a network of trained staff and students to assist complainants with informal methods of dispute resolution; further information, including details of contact persons can be obtained from the Head of Student and Academic Services.

9. **Students accused of misconduct subject to discipline procedures**
   (1) A student against whom a complaint of misconduct is made, either by a member of the University or another person, is subject to the discipline procedures set down in Part 3 of these regulations.
   (2) All authority under these regulations must be exercised in accordance with the principles of natural justice.
   (3) Any person who is a party to a complaint of misconduct, or who provides information pertaining to a complaint of misconduct, may be required by the relevant authority to sign a statutory declaration in relation to any aspect of his or her testimony.
   (4) If a person who is a party to a complaint of misconduct fails to respond to a communication by a relevant authority, provided the authority has made all reasonable effort to locate and contact that person and to provide adequate opportunity for a response, the authority may proceed to deal with the complaint at his or her discretion.

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### Part 3

**Procedures for Making, Investigating and Resolving Complaints of Student Misconduct, and Penalties where Misconduct is Substantiated**

10. **Opportunity for preliminary advice**
   (1) A person who considers that a student has committed misconduct may, if that person wishes, first seek preliminary advice from one of the following staff members:
      (a) the Head of Student and Academic Services or another relevant divisional director
      (b) the Chairperson of the Student Discipline Committee
      (c) a relevant Chairperson of Department
      (d) a relevant Dean.
(2) A staff member from whom preliminary advice has been sought under subsection (1) must
(a) provide all reasonable assistance and support to the complainant
(b) advise the complainant, on the evidence provided by him or her, whether a formal complaint of misconduct might appropriately be lodged, and
(c) advise the complainant about the appropriate procedures for lodging a formal complaint should the complainant choose to lodge one.

11. Procedures for making a formal complaint
(1) Any person may lodge a formal complaint of misconduct against a student
(a) even if that person has not sought or achieved an informal resolution under section 8, and
(b) even if that person has not sought preliminary advice from a staff member under section 10, and
(c) regardless of any advice given by a staff member under section 10.

(2) A formal complaint of student misconduct must be made in writing
(a) if it relates to student conduct in a Hall of Residence or the Rec Centre, to the Head of Student and Academic Services
(b) if it relates to student conduct in the Library, to the University Librarian
(c) if the complainant is an academic staff member and the complaint involves alleged plagiarism or cheating in a subject where authority has been delegated to a chief examiner under section 15, to the relevant chief examiner
(d) in cases other than (a) (b) or (c), to the Chairperson of the Student Discipline Committee.

12. Preliminary procedure in discipline complaints
(1) Where the Chairperson of the Student Discipline Committee receives a complaint of misconduct against a student, the complaint may be addressed through a tikanga process under section 13.

(2) Unless it is agreed to follow a tikanga process under section 13, the Chairperson of the Student Discipline Committee may
(a) offer summary jurisdiction to the student, or
(b) refer the matter to the Student Discipline Committee.

(3) If the Chairperson of the Student Discipline Committee offers summary jurisdiction, the student may choose either
(a) to accept the offer of summary jurisdiction, or
(b) to have the matter referred to the Student Discipline Committee.

13. Tikanga Māori
(1) The spirit of tikanga is to seek resolutions to complaints in a Māori way that encourages a facilitated open exchange of views, in order to achieve a resolution that is agreed by all the parties involved.

(2) A complaint may only be addressed through a tikanga process if
(a) the complainant
(b) the student answering the complaint
(c) the Chairperson of the Student Discipline Committee, and
(d) the Pro Vice-Chancellor (Māori)
agree to the arrangements determined under subsection (3).
The Pro Vice-Chancellor (Māori) is responsible for determining the arrangements for the tikanga process after discussion with the parties, and is also responsible for informing the parties of the nature and implications of the process.

The process is facilitated by the Pro Vice-Chancellor (Māori), assisted by a tikanga panel appointed by the Pro Vice-Chancellor (Māori).

Where possible, a resolution is negotiated by the complainant and the student answering the complaint; where they are unable to negotiate a resolution between themselves, a resolution is determined by the Pro Vice-Chancellor (Māori) in consultation with the Chairperson of the Student Discipline Committee.

In determining a resolution under subsection (5), the Pro Vice-Chancellor (Māori) is authorised to take any of the actions that are available under summary jurisdiction procedures, as provided in section 14(6).

The Pro Vice-Chancellor (Māori) is responsible for reporting the resolution negotiated or determined under subsection (5), in writing, to the complainant and the student answering the complaint.

The Chairperson of the Student Discipline Committee is responsible for ensuring that all appropriate records relating to the outcome are maintained.

Failure to comply with a resolution negotiated or determined under this section is misconduct.

A resolution negotiated or determined under this section is final; there is no right of appeal.

Subject to the agreement of the Vice-Chancellor, the Pro Vice-Chancellor (Māori) may delegate his or her authority under this section.

Summary jurisdiction procedures

Summary jurisdiction is exercised by the Chairperson of the Student Discipline Committee, or, if section 15 applies, a chief examiner.

A student who accepts summary jurisdiction by the Chairperson of the Student Discipline Committee may write an answer to the complaint.

The complainant and the student
(a) must be given the opportunity to appear and give evidence at a summary jurisdiction meeting with the Chairperson of the Student Discipline Committee
(b) may be required to attend, at the Chairperson of the Student Discipline Committee's discretion
(c) may be accompanied at the meeting by any other person to act as an adviser or support person, subject to any conditions that the Chairperson of the Student Discipline Committee may impose.

Where the Chairperson of the Student Discipline Committee exercises summary jurisdiction, he or she determines whether the student has committed misconduct on
(a) the evidence provided by the complainant and the student, and
(b) any other evidence, written or oral, that he or she may seek or accept at his or her discretion, provided that this evidence is disclosed to the student and he or she is given the opportunity to comment on it.

The Chairperson of the Student Discipline Committee may decide at any time to take no further action on a complaint of misconduct if, in his or her judgement
(a) the evidence provided by the complainant is insufficient
(b) the subject matter of the complaint is trivial
(c) the complaint is frivolous, vexatious, or not made in good faith, or
(d) the complaint falls outside the scope of these regulations.
If, having investigated a complaint, the Chairperson of the Student Discipline Committee determines that a student has committed misconduct, he or she may take one or more of the following actions:

(a) issue to the student a warning containing a statement of the possible consequences if the act or behaviour that provoked the complaint is repeated

(b) require an undertaking from the student as to future behaviour while enrolled at the University and set in place provisions for monitoring the student's behaviour in keeping with the undertaking

(c) require the student to provide any appropriate and available remedy to relieve distress, or repair damage, or correct a mistake

(d) require the student to make a public or private apology, either written or spoken

(e) require the student to pay, by a given date, compensation or a fine of up to $500

(f) suspend the student from attendance at any class or programme for up to one year

(g) exclude the student from, or limit access to, any designated part or facility of the University for up to one year

(h) if the misconduct is related to a particular paper or programme of the University,
   (i) require the student to repeat or complete additional assessment
   (ii) refuse or reduce credit for part or all of an individual item of assessment, or refuse credit for a paper as a whole
   (i) require the student to participate in a specified educational and/or training programme related to the misconduct, in terms prescribed by the Chairperson of the Student Discipline Committee and within a prescribed period.

The Chairperson of the Student Discipline Committee must exercise his or her discretion in the matter as expeditiously as possible.

The outcome must be communicated to the complainant and the student as expeditiously as possible.

15. Delegation of summary jurisdiction to chief examiners

(1) The authority of the Chairperson of the Student Discipline Committee to exercise summary jurisdiction under section 14 may be delegated to a chief examiner, provided that

(a) the chief examiner has followed the process prescribed by the Chairperson of the Student Discipline Committee for requesting and exercising that delegated authority

(b) the complaint involves alleged plagiarism or cheating in a 100 or 200 level item of internal assessment which is worth less than 33% of the total assessment for the paper concerned

(c) the student who is the subject of the complaint has not previously been found guilty of misconduct under these regulations, and

(d) the student against whom the complaint is made accepts the delegated authority of the chief examiner.

(2) Where authority to exercise summary jurisdiction is delegated under this section, the chief examiner must follow the summary jurisdiction procedures prescribed by the Chairperson of the Student Discipline Committee.

(3) If, having investigated a complaint under this section, a chief examiner determines that the student has committed misconduct, the chief examiner may take one or more of the following actions:
(a) issue to the student a warning containing a statement of the possible consequences if the act or behaviour that provoked the complaint is repeated
(b) require an undertaking from the student as to future behaviour while enrolled at the University and set in place provisions for monitoring the student's behaviour in keeping with the undertaking
(c) require the student to repeat or complete additional assessment
(d) refuse or reduce credit for part or all of an individual item of assessment, or refuse credit for a paper as a whole
(e) require the student to participate in a specified educational and/or training programme related to the misconduct, in terms prescribed by the Chief Examiner and within a prescribed period.

(4) If, at any time during a summary jurisdiction process, a chief examiner considers that the penalties available to the Chairperson of the Student Discipline Committee may be more appropriate, or for any other reason, the chief examiner may refer the matter back to the Chairperson of the Student Discipline Committee, who will exercise his or her own summary jurisdiction as provided under these regulations.

16. Constitution and jurisdiction of the Student Discipline Committee

(1) The Student Discipline Committee comprises
   (a) the Chairperson, appointed by the Vice-Chancellor, and
   (b) two academic staff members, appointed by the Chairperson of the Student Discipline Committee from a pool of eight nominated by the Academic Board, and
   (c) two students, one of whom is enrolled at the graduate or postgraduate level, appointed by the Chairperson of the Student Discipline Committee from a pool of six students, two of whom are enrolled at the graduate or postgraduate level; the pool of six students is appointed by the Chairperson of the Student Discipline Committee in consultation with the President of the Waikato Students' Union if membership of the Waikato Students' Union is compulsory, or the student members of the Academic Board and Council in any other case.

(2) A quorum is the chairperson, one academic staff member and one student member.

(3) Written notice of the time, date and place of the hearing of the Student Discipline Committee, together with full details of the substance of the complaint, must be sent to the student against whom the complaint has been made, at least 14 days before the date of the hearing.

(4) The student answering the complaint may write an answer to the complaint.

(5) Both the complainant and the student answering the complaint
   (a) must be given the opportunity to appear and give evidence at the Student Discipline Committee hearing
   (b) may be required to attend, at the Committee's discretion
   (c) may be accompanied at the hearing by another person to act as an adviser or support person, subject to any conditions that the Student Discipline Committee may impose.

(6) The Student Discipline Committee must convene as soon as is practicable to hear
   (a) the evidence provided by the complainant and the student, and
   (b) any other evidence, written or oral, that the Committee may seek or accept at its discretion, provided that this evidence is disclosed to the student and he or she is given the opportunity to comment on it.

(7) The Student Discipline Committee may decide at any time to take no further action on a complaint of misconduct if, in its judgement,
(a) the evidence provided by the complainant is insufficient
(b) the subject matter of the complaint is trivial
(c) the complaint is frivolous, vexatious, or not made in good faith, or
(d) the complaint falls outside the scope of these regulations.

(8) If misconduct is substantiated, the Student Discipline Committee may take one or more of the following actions:

(a) issue to the student a warning containing a statement of the possible consequences if the act or behaviour that provoked the complaint is repeated
(b) require an undertaking from the student as to future behaviour while he or she remains enrolled at the University and set in place provisions for monitoring the student's behaviour in keeping with the undertaking
(c) require the student to provide any appropriate and available remedy to relieve distress, or repair damage, or correct a mistake
(d) require the student to make a public or private apology, either written or spoken
(e) require the student to pay, by a given date, compensation or a fine of up to $1000
(f) suspend the student from attendance at any class or programme for up to one year
(g) exclude the student from, or limit access to, any designated part or facility of the University for a specified period of time or permanently
(h) cancel a student's enrolment at the University, as a whole or in respect of any paper or programme, for a specified period of time or permanently
(i) if the misconduct is related to a particular paper or programme of the University, require the student to repeat or complete additional assessment
(ii) refuse or reduce credit for part or all of an individual item of assessment, or refuse credit for a paper as a whole
(j) require the student to participate in a specified educational and/or training programme related to the misconduct, in terms prescribed by the Student Discipline Committee and within a prescribed period.

(9) The Student Discipline Committee must exercise its jurisdiction in the matter as expeditiously as possible.

(10) The outcome must be communicated to the complainant and the student as expeditiously as possible.

17. Authority of staff for discipline in classes
A staff member delivering or supervising a class may dismiss from it, for its duration, any student who, in his or her judgement, has committed misconduct in that class.

18. Authority of the Dean of Science and Engineering for discipline in laboratories
The Dean of the Faculty of Science and Engineering may exclude from any laboratory in the Faculty of Science and Engineering, for up to seven days, any student who, in his or her judgement, has committed misconduct in a laboratory in the Faculty.

19. Authority of the University Librarian for discipline in the Library
The University Librarian may exclude from the Library, for up to seven days, any student who, in his or her judgement, has committed misconduct in the Library.

20. Authority of the Head of Student and Academic Services for discipline in the halls of residence
(1) The Head of Student and Academic Services has authority for order and discipline in the halls of residence and may give instructions as he or she thinks fit in accordance with that authority.
(2) Any instructions by the Head of Student and Academic Services under subsection (1) must
(a) be notified individually to each resident to whom they apply, and
(b) be displayed permanently and conspicuously in an appropriate place in the relevant hall.

(3) Where the Head of Student and Academic Services receives a complaint of misconduct in a hall of residence, he or she may
(a) refer the matter to the Residents’ Discipline Committee of the hall in which the student resides, or
(b) offer summary jurisdiction to the student.

(4) If the Head of Student and Academic Services offers summary jurisdiction, the student may choose either
(a) to accept the offer of summary jurisdiction, or
(b) to have the matter referred to the relevant Residents’ Discipline Committee.

(5) A student who accepts summary jurisdiction by the Head of Student and Academic Services may write an answer to the complaint.

(6) The complainant and the student
(a) must be given the opportunity to appear and give evidence at a summary jurisdiction meeting with the Head of Student and Academic Services
(b) may be accompanied at the meeting by any other person to act as an adviser or support person, subject to any conditions that the Head of Student and Academic Services may impose.

(7) Where the student accepts the offer of summary jurisdiction by the Head of Student and Academic Services, the Director determines whether the student has committed misconduct on
(a) the evidence provided by the complainant and the student, and
(b) any other evidence, written or oral, that the Director may seek or accept at his or her discretion, provided that this evidence is disclosed to the student and he or she is given the opportunity to comment on it.

(8) The Head of Student and Academic Services may decide at any time to take no further action on a complaint of misconduct if, in his or her judgement,
(a) the evidence provided by the complainant is insufficient
(b) the subject matter of the complaint is trivial
(c) the complaint is frivolous, vexatious, or not made in good faith, or
(d) the complaint falls outside the scope of these regulations.

(9) If misconduct is substantiated, the Head of Student and Academic Services may take one or more of the following actions:
(a) issue to the student a warning containing a statement of the possible consequences if the act or behaviour that provoked the complaint is repeated
(b) require an undertaking as to future behaviour
(c) require the student to provide any appropriate and available remedy to relieve distress, or repair damage, or correct a mistake
(d) require the student to make a public or private apology, either written or spoken
(e) require the student to pay, by a given date, a sum of up to the equivalent of one week’s board at the relevant hall
(f) require the student to undertake community service work in the relevant hall, of whatever nature the Director thinks fit.
(g) exclude the student from the relevant hall for up to one year
(h) exclude the student from, or limit access to, a designated part or facility of the relevant hall for up to one year.

(10) Where a student accused of misconduct in a hall chooses to have the matter referred to the Residents' Discipline Committee, the committee must convene as soon as practicable to hear
(a) the evidence provided by the complainant and the student, and
(b) any other evidence, written or oral, that the Residents' Discipline Committee may seek or accept at its discretion, provided that this evidence is disclosed to the student and he or she is given the opportunity to comment on it.

(11) Written notice of the time, date and place of the hearing of the Residents' Discipline Committee, together with full details of the substance of the complaint, must be sent to the student against whom the complaint has been made at least seven days before the date of the hearing.

(12) The student answering the complaint may write an answer to the complaint.

(13) The complainant and the student
(a) must be given the opportunity to appear and give evidence at the Residents’ Discipline Committee hearing
(b) may be accompanied at the hearing by another person to act as an adviser or support person, subject to any conditions that the Residents' Discipline Committee may impose.

(14) The Residents' Discipline Committee may recommend to the Head of Student and Academic Services at any time that no further action be taken on a complaint of misconduct if, in its judgement,
(a) the evidence provided by the complainant is insufficient
(b) the subject matter of the complaint is trivial, or
(c) the complaint is frivolous, vexatious, or not made in good faith.

(15) If misconduct is substantiated, the Residents' Discipline Committee makes a recommendation to the Head of Student and Academic Services, who, having taken account of the advice of the Committee, may take one or more of the actions listed in subsection (9).

(16) The Head of Student and Academic Services must exercise his or her jurisdiction in the matter as expeditiously as possible.

(17) The outcome must be communicated to the complainant and the student as expeditiously as possible.

21. Authority of the Head of Student and Academic Services for discipline in the Rec Centre

The Head of Student and Academic Services may, having taken account of the advice of the Manager of the Rec Centre, suspend from membership or use of the Rec Centre for up to one year, any student whom the Manager considers has committed misconduct in the Centre.

22. Authority of the Vice-Chancellor

(1) The Vice-Chancellor may exclude a student from the University, or limit access to any designated part, system or facility of the University, if the student has been convicted of a criminal offence and if, in the Vice-Chancellor's judgement, the nature of the offence impinges detrimentally on the University or its staff or students.

(2) Whether or not there has been a formal complaint of misconduct, the Vice-Chancellor may, on suspicion of possible misconduct, initiate an investigation of the conduct of a student. Any investigation under this section and any procedure related to that investigation must be consistent with these regulations.
If, having regard to the security of University property or the best interests of students and staff, the Vice-Chancellor is satisfied that the nature of a complaint is sufficiently serious, the Vice-Chancellor may suspend the student to whom the complaint relates from attendance at any class or programme, or from the campus, until the complaint has been investigated and settled.

23. **Authority of Council to withdraw or refuse to grant an academic award**

   (1) Council may withdraw or refuse to grant an academic award if it is satisfied that the candidate was guilty of misconduct in relation to the award while enrolled, or otherwise dishonest in relation to the award.

   (2) Council must consult with the Academic Board before taking a decision under this section; the advice of the Academic Board must be based on a recommendation from the Student Discipline Committee.

   (3) The principles and processes followed by the Student Discipline Committee in formulating its recommendation to the Academic Board must be consistent with the principles and procedures outlined in these regulations for the investigation and hearing of allegations of misconduct.

   (4) The Academic Board must make all reasonable effort to ensure that the candidate concerned receives prior notification of the advice that it intends to give to Council and is given an opportunity to make a written submission directly to Council.

   (5) Council may determine its own procedures for considering a matter under this section provided they conform with the principles of natural justice.

   (6) A decision by Council under this section is final.

24. **Annotation of academic records and grades**

   (1) Where the assessment of a paper has been affected as a consequence of a finding of misconduct, the student's academic record will be annotated accordingly, either permanently or for a designated period of time, unless the relevant deciding authority decides that the seriousness of the misconduct does not warrant this.

   (2) Where a student fails a paper as a direct consequence of a finding of misconduct, an NC (No Credit) grade will be awarded for that paper.

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**Part 4
Provisions for Appeal**

25. **Provision for appeal to the Chairperson of the Student Discipline Committee**

   (1) A student may appeal to the Chairperson of the Student Discipline Committee against any decision taken by

      (a) a chief examiner under section 15

      (b) a staff member under section 17

      (c) the Dean of Science and Engineering under section 18

      (d) the University Librarian under section 19.

   (2) An appeal must be addressed and submitted in writing to the Chairperson of the Student Discipline Committee (Student and Academic Services Division), together with the prescribed fee; it must include a postal address and must be signed.

   (3) An appeal must be received by the Chairperson of the Student Discipline Committee not more than 14 days after the date on which the relevant decision was formally notified, and must include details of the grounds for the appeal.

   (4) An appeal may be made only on one or more of the following grounds:
(a) that the process used for addressing the alleged misconduct was unfair
(b) that the decision reached was manifestly at odds with the evidence
(c) that the remedy imposed was manifestly at odds with the misconduct
(d) that significant new evidence has become available that could not reasonably have been obtained and presented during the initial process and that could have a material effect on the outcome.

(5) The student and the authority that made the original discipline decision
   (a) must be given the opportunity to appear and give evidence at the appeal hearing
   (b) may be accompanied by another person to act as an adviser or support person, subject to any conditions that the Chairperson of the Student Discipline Committee may impose.

(6) The Chairperson of the Student Discipline Committee may
   (a) dismiss the appeal and uphold the original decision
   (b) vary the decision
   (c) require any appropriate and available remedy to settle the appeal.

(7) The Chairperson of the Student Discipline Committee must hear the appeal as expeditiously as possible.

(8) The outcome must be communicated to the student and the authority that made the original discipline decision as expeditiously as possible.

(9) The decision of the Chairperson of the Student Discipline Committee on an appeal is final.

(10) At the discretion of the Chairperson of the Student Discipline Committee, the fee for an appeal may be refunded, either in full or in part, if the appeal is decided in the student's favour.

26. **Provision for appeal to Council**

(1) Any party to a complaint of student misconduct (the complainant or the student who was the subject of the complaint) may appeal to Council against any decision under these regulations
   (a) by the Head of Student and Academic Services
   (b) unless it is an appeal decision under section 25, by the Chairperson of the Student Discipline Committee
   (c) by the Student Discipline Committee
   (d) by the Vice-Chancellor.

(2) An appeal must be addressed and submitted in writing to the Secretary to Council (Office of the Assistant Vice-Chancellor (Executive)), together with the prescribed fee; it must include a postal address and must be signed.

(3) An appeal must be received by the Secretary to Council not more than 14 days after the date on which the relevant decision was formally notified, and must include details of the grounds for the appeal.

(4) An appeal may be made only on one or more of the following grounds:
   (a) that the process used for addressing the alleged misconduct was unfair
   (b) that the decision reached was manifestly at odds with the evidence
   (c) that the remedy imposed was manifestly at odds with the misconduct
   (d) that significant new evidence has become available that could not have been reasonably obtained and presented during the initial process and that could have a material effect on the decision made.
The Council delegates authority to hear and decide appeals on its behalf to the Student Discipline Appeals Committee, which comprise:

(a) two members appointed by and from Council, and
(b) one other member, who is either a member of Council, or a staff member, Emeritus Professor or Honorary Fellow of the University, appointed by Council on the basis of his or her knowledge of legal processes, who is Chairperson.

The Chairperson of the Student Discipline Appeals Committee may appoint an adviser to assist at a hearing in relation to aspects of a case; the Chairperson may also co-opt that adviser as a member of the Student Discipline Appeals Committee for that hearing.

The Student Discipline Appeals Committee may determine its own procedures for hearing and deciding appeals, provided that they conform with the principles of natural justice, and may issue procedural directions.

At an appeal hearing

(a) the appellant must be given the opportunity to appear and give evidence and may be accompanied by an adviser and/or support person, subject to any conditions that the Student Discipline Appeals Committee may impose.

(b) the other parties to the complaint, including the authority that made the original discipline decision, must also be given the opportunity to appear and give evidence.

Having heard an appeal, the Student Discipline Appeals Committee may

(a) dismiss the appeal
(b) allow the appeal and vary the decision with respect to the original complaint
(c) refer the complaint back to the authority that made the decision appealed against, for rehearing.

The Student Discipline Appeals Committee may not impose a penalty that could not otherwise be imposed under these regulations by the authority that made the decision appealed against.

The Student Discipline Appeals Committee must hear appeals as expeditiously as possible.

The outcome of the appeal must be communicated to the appellant and the other parties to the complaint, including the authority that made the original discipline decision, as expeditiously as possible.

The decision of the Student Discipline Appeals Committee on an appeal is final.

At the discretion of the Chairperson of the Student Discipline Appeals Committee, the fee for an appeal may be refunded, either in full or in part, if the appeal is decided in the appellant's favour.

Part 5
Provisions to Delegate Authority

27. Delegation of authority by the Chairperson of the Student Discipline Committee
   Subject to the agreement of the Vice-Chancellor, the Chairperson of the Student Discipline Committee may delegate his or her authority under these regulations.

28. Delegation of authority by the Vice-Chancellor
   The Vice-Chancellor may delegate his or her authority under these regulations.
Part 6
Monitoring and Reporting

29. **Reports to the Academic Board**

The Chairperson of the Student Discipline Committee must submit an annual report to the Education Committee, including

(a) an overview of summary jurisdiction decisions taken during the relevant year by the Chairperson of the Student Discipline Committee, chief examiners and any others who have exercised authority delegated by the Chairperson of the Student Discipline Committee

(b) an outline of decisions by the Student Discipline Committee

(c) an overview of decisions through tikanga processes

(d) an outline of appeals heard by the Chairperson of the Student Discipline Committee or his or her delegate

(e) an overview of student discipline matters, including any patterns or trends

(f) a statement about the appropriateness and effectiveness of current regulations, policies and processes concerning student discipline, and

(g) any recommendations with respect to current regulations, policies and processes concerning student discipline.

30. **Reports to Council**

The outcome of any appeal heard by the Student Discipline Appeals Committee must be reported to Council.

31. **Confidentiality**

Subject to section 24, all processes and decisions under these regulations are confidential to the parties and staff directly involved.