

## STUDENT MISCONDUCT PROCEDURES

### Audience and scope

All staff involved in identifying and responding to student misconduct.

**N.B.** This document uses the terms Delegated Authority and Designated Contact. In each instance staff should refer to the current version of the *MIT&Unitec Delegations Register* available on the intranet for the role assigned to the matter.

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### Purpose

These procedures outline how misconduct by MIT&Unitec students is identified, investigated, and resolved. They apply to all types of misconduct: including but not limited to academic, behavioural, and assessment-related misconduct.

The procedures should be read in conjunction with the *Student Regulations*, particularly section 15 Students Misconduct, section 16 MIT&Unitec Investigation Procedure, section 17 Appeals and the Glossary. See also the appendix to this document for a flowchart.

### Principles

MIT&Unitec is committed to ensuring that:

- Schools set clear expectations of behaviour and communicate all rules about assessment.
- Schools work to ensure that students understand misconduct preventative strategies.

- Students are treated with empathy and respect at all times.
- Investigations are fair, impartial, and timely, and follow the principles of natural justice.
- Misconduct is addressed consistently and transparently.
- Students have access to support and the right to respond.
- Penalties are proportionate to the severity of the misconduct incident.

## Procedures

### 1. Education and prevention

- 1.1. MIT&Unitec will ensure that staff are made aware of relevant sections of the *Student Regulations* and understand their responsibilities in respect of coaching students on preventing misconduct.
- 1.2. Schools are responsible for actively working to educate students and prevent misconduct. Teachers are responsible, in each course they deliver to:
  - a. inform students of behavioural and academic expectations (via handbooks, online portals, course guides, etc.);
  - b. educate students about plagiarism and referencing; and
  - c. promote access to academic support and wellbeing services.

### 2. Identification of misconduct

- 2.1. If misconduct is suspected, the teacher or supervisor must complete an *Incident Report* within five (5) working days of the incident or its discovery.
  - a. Full supporting evidence must be attached to the *Incident Report*;
  - b. A separate report must be completed for each student involved in a misconduct event; and
  - c. The report must be submitted to the *[Delegated Authority]* and copied to the *[designated contact]*.

### 3. Urgent immediate action

- 3.1. If misconduct is suspected and it is considered necessary to maintain order, safety, or an effective learning environment:
  - a. the teacher in charge of a class may dismiss students from attending class (including online) for up to two (2) working days;
  - b. Campus Security may remove students from campus for up to two (2) working days;
  - c. the *[delegated authority]* may remove students from campus for up to two (2) working days or, in exceptional circumstances, up to five (5) working days.

Notice of dismissal may be provided verbally but must be followed up in writing with the students.

- 3.2. If serious misconduct is suspected and it is considered necessary to maintain order, safety, or an effective learning environment, the *[delegated authority]* may suspend students from attending classes and/or the campus, or any defined area to allow a misconduct investigation to take place and a decision to be made. A suspension must be advised in writing to the student.
- 3.3. Where deemed appropriate to the circumstances, the *[delegated authority]* may issue a formal written trespass notice to students for a period of up to two years. The formal written trespass notice must be delivered to the students by Campus Security.

#### 4. Investigation process

##### 4.1. Investigators

- a. Investigations must be conducted by someone independent of the incident.

Normally, the *[Delegated Authority]* oversees the process. They may appoint an appropriately skilled staff to undertake an investigation on their behalf but retain overall responsibility for the process and the decision, including managing the timeframe to response.

For avoidance of doubt, the onus is on the *[Delegated Authority]* to ensure that the matter is concluded within thirty (30) working days from receipt of the *Incident Report*. If this timeframe cannot be met students will be advised by the appointed investigator.

- b. If the *[Delegated Authority]* has a conflict of interest or other concern, the appointment of an investigator is escalated to the *[delegated authority]*.

##### 4.2. Decision to investigate

Within five (5) working days of receiving the *Incident Report*, the *[Delegated Authority]* or delegate will determine whether an investigation is warranted. This decision must take into account:

- a. the context of the incident;
- b. severity (noting that where urgent immediate action is required under section 3, then the incident must be referred for a full investigation);
- c. impact;
- d. available evidence;
- e. whether further evidence is required; and
- f. the timeframe within which an investigation must be completed.

##### 4.3. Notification

After the *[Delegated Authority]* or delegate has determined that an investigation is warranted, they will provide to students:

- a. a written summary of the allegation;
- b. a request to attend a meeting with date, time, and location (ordinarily being usual campus or school location);
- c. information about the process including the timeframe;

- d. information about available support services;
- e. a copy of the *Incident Report* with evidence and relevant policies;
- f. advice about who will be present at the meeting and their roles in the investigation meeting, and
- g. advice on the right to representation and support.

When notifying students, the *[Delegated Authority]* must also inform [student support or international] of the alleged incident and proposed meeting date. [Student support / international] are to contact students to ensure students understand the misconduct policy and investigation process, and offer support, including offering to attend the meeting.

#### 4.4. Investigation meeting

*Investigation meetings will be conducted within five (5) working days of the notification to students and in line with the Student Regulations section 16 MIT&Unitec Investigation procedure.*

No fewer than two staff are to be present at an investigation meeting: the investigator and staff responsible for keeping a written record of matters discussed and evidence provided at the meeting. At the investigation meeting:

- a. staff will outline the known facts of the allegation, including any evidence;
- b. a member of staff will be assigned to make notes about what was discussed in the meeting;
- c. students will be given a fair opportunity to explain their perspective and present any supporting evidence;

If students are unable to attend the investigation meeting, they may make a written submission. If students do not attend the meeting, the investigation will proceed on the basis of available evidence.

#### 4.5. Process outcomes

- a. Following the meeting, the investigator will provide a written summary of the meeting to students. Students will have two (2) working days to respond in writing to the summary. Students' responses will stand alongside the summary, as the official record of the meeting.
- b. Once the summary and any student responses have been compiled, the official record of the meeting is to be provided to the *[delegated authority]* (or delegate) along with proposed outcome (proven or unproven) and penalty.

### 5. Determining outcomes and penalties

- 5.1. On receipt of the official record of the meeting, the *[delegated authority]* considers the matter and reaches a determination, either 1) no misconduct has been found, or 2) misconduct has been found.

#### 5.2. No misconduct found

- a. Where there is no misconduct found, the *[delegated authority]* notifies students that the case is unproven and that no record will be kept on the student's file.

- b. This same information is provided to *[designated contact]* office and the case recorded in the misconduct database as 'unproven' with no identifying information retained.

### 5.3. Misconduct found

- a. The *[delegated authority]* ensures that the Incident Report is sent to the *[designated contact]* to record in the misconduct database, and to check for previous incidents of misconduct.
- b. The *[designated contact]* will confirm any prior incidents of misconduct within two (2) working days.
- c. Prior misconduct must be considered when determining penalties.
- d. The *[delegated authority]* may:
  - Impose a penalty (*Student Regulations* section 15.4 Penalties for student misconduct); and
  - Assign a teacher to coach students to prevent future misconduct; or
  - Refer serious or repeat cases to a Senior Delegated Authority for a higher penalty.

## 6. Penalty imposition

- 6.1. The *[delegated authority]* will notify students in writing (copied to relevant staff and *[designated contact]*) of the outcome of the investigation within thirty (30) working days of receipt of the *Incident Report*.
  - e. Notification includes:
    - Outcome and penalty;
    - Support measures;
    - Warning that further misconduct may result in suspension/exclusion;
    - The right to appeal and further complaint avenues.
- 6.2. If, in the opinion of the *[Delegated Authority]* the matter warrants consideration of a serious penalty (e.g., suspension from campus or exclusion), the matter may be referred to a Senior Delegated Authority, the *[delegated authority]*. Referral must include all information pertaining to the incident, investigation, previous misconduct history and proposed penalty.
- 6.3. Where the matter has been referred to the Senior Delegated Authority the *[Delegated Authority]* notifies students within thirty (30) working days of receipt of the *Incident Report*, that the matter has been referred. Notification includes, advising students of the possibility of a serious penalty (e.g., suspension or exclusion) and that the outcome will be confirmed within ten (10) working days.
- 6.4. The Senior Delegated Authority may delegate the decision to the *[Delegated Authority]* at their discretion.

## 7. Appeals

Students may appeal in accordance with Section 17 of the *Student Regulations*. See also the *Student Concerns, Complaints and Appeals Procedure*.

- 7.1. If the outcome of the Appeal results in change to the penalty applied to students, the *[designated contact]* will update the misconduct database.
- 7.2. If, as a result of an Appeal, a misconduct case is overturned, the *[designated contact]* will ensure that the record is removed from the misconduct database, that the case is marked as unproven with no identifying information retained, and no record will be kept on student's file.

## 8. Documentation

- 8.1. The *[designated contact]* maintains the misconduct database of all proven and unproven incidents.
- 8.2. Records of all investigations, findings, and penalties are retained for ten (10) years.

## 9. Reporting and review

- 9.1. The *[designated contact]* office will submit an annual report to the Academic Board (AB) including:
  - a. Statistics on proven and unproven misconduct;
  - b. Trends by programme level, site, and demographic (no individual identifiers);
  - c. Recommendations for improving education and misconduct prevention strategies.

## 10. Delegations

*The delegations set out below must be exercised in accordance with and subject to the Schools of the Education and Training Act 2020, other relevant legislation, MIT&Unitec statutes, regulations and applicable policies.*

- 10.1. Please refer to the *MIT&Unitec Delegations Register* for the delegations for this set of procedures.

Insert flowchart tbc once procedures are approved

## Definitions

See the *Glossary of MIT&Unitec Academic Policies, Procedures and Associated Documents*

## Related documents

- Student Regulations
- Concerns, Complaints and Appeals Procedures
- MIT&Unitec Delegations Register
- MIT&Unitec Assessment Policy (XX)

- MIT&Unitec Moderation Policy (XX)
- Glossary for MIT&Unitec Academic Policies, Procedures and Associated Documents.
- Incident Report
- Standard Letter of suspension
- Trespass Notice template
- Standard Letter of Investigation Process
- Standard Letter of Notification of Outcome of Investigation (from *Delegated Authority*)
- Standard Letter of Notification of Outcome of Investigation referred to Senior Delegated Authority for penalty (from *Delegated Authority*)
- MIT&Unitec Protocols for the Use of Turnitin
- ProctorU Guide for Lecturers
- ProctorU Guide for Students (student)

## Document management and control

<b>Associated policy:</b>	Student Regulations
<b>Approver:</b>	TTG
<b>Latest approval date:</b>	2025-11-27
<b>Effective date:</b>	2026-01-01
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<b>Policy sponsor:</b>	DCE Academic and DCE Learner Experience & Success
<b>Policy owner:</b>	DCE Academic and DCE Learner Experience & Success

## Amendment history

Document Version	Effective Date	Approver	Amendment details
V1.0	2026-01-01	TTG	New procedures MIT&Unitec