

STUDENT DISCIPLINARY REGULATIONS

Section	Student Administration and Support
Contact	Provost and DVC Students and Global Engagement
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Purpose

Massey University expects students to act, responsibly, and respectfully towards one another, and to the University and all staff and guests of the University. The University also expects that students will uphold the reputation, integrity, and values of the University, and that all students must comply with the University's statutes, regulations, policies, procedures, and directives.

The University aims to primarily address student disciplinary issues within an educative context (including teaching, learning and research), but recognises that a disciplinary response may be required in some instances.

The purpose of these *Regulations* is therefore to provide a fair, efficient and flexible process for resolving allegations of student misconduct.

Scope

The *Student Disciplinary Regulations* apply to all students at Massey University and will continue to apply to former students who may no longer be enrolled at the University in respect of alleged misconduct which may have occurred while the student was still enrolled at the University.

These *Regulations* do not apply to Poor Academic Practice or a Minor Breach of academic integrity, or any other allegations which do not reach the threshold to be considered as possible misconduct.

Except for the Ta te Tauira Kirimana/Student Contract, in the event of any inconsistency between these *Regulations* and any other University regulations, policy, code, procedures, guidelines, or other University regulatory document, these *Regulations* will prevail unless specifically directed otherwise in any of those documents.

Principles

The University recognises that the majority of students maintain high standards of conduct and that students make an important contribution to the positive culture of its community. The University also recognises its responsibility to act where those expected standards of conduct might be compromised by unacceptable behaviour.

Students are expected to comply with University statutes, regulations, rules, policies, codes, procedures, other regulatory documents, and any lawful instructions and directions. Students are also expected not to engage in activities or behaviours that may constitute Academic Misconduct or Non-academic Misconduct.

Whenever the University receives an allegation of misconduct, irrespective of whether it relates to Academic Misconduct or Non-academic Misconduct, it will consider all relevant information and seek to resolve the allegation:

- (a) in accordance with these *Regulations* and other relevant policy documents.
- (b) in a fair and timely manner.
- (c) wherever possible, through consultative processes aimed at educative and respectful resolution.
- (d) by following all processes in a way that seeks to safeguard physical, emotional, and cultural well-being and the safety and integrity of the University's staff and students, and any other affected party.
- (e) in accordance with the principles of procedural fairness (also referred to as natural justice) as described below in these *Regulations*.

No allegation of Academic Misconduct or Non-academic Misconduct will be upheld without due process having been followed.

A student against whom an allegation of Academic Misconduct or Non-academic Misconduct has been made, shall be presumed innocent until they have either admitted to the allegation or the allegation is found to have been substantiated.

The standard of proof required to substantiate Academic Misconduct and Non-academic Misconduct is on the Balance of Probabilities. This means that the decision-maker must be satisfied, on the evidence, that the alleged behaviour or event was more likely than not to have occurred.

The University views all allegations it receives seriously and is mindful of the interests of all parties who may be affected by an allegation, including the University, its staff, and its students. Accordingly, where an allegation is made, the relevant staff members should endeavour to assess the risk to and protect the interests of all affected parties. The University will not tolerate any threats, retribution, victimisation, or undue pressure against a person who makes an allegation in good faith.

The University is committed to being a Te Tiriti o Waitangi-led institution. As such, it may be suitable in some cases to seek culturally appropriate options for resolution of Academic Misconduct or Non-academic Misconduct allegations, and to consider the relevant cultural beliefs, values, and customs where relevant.

Definitions

Academic Integrity Officer (AIO): Staff who are appointed by their respective Pro Vice-Chancellor or the Dean: Research, with delegated authority to manage suspected breaches of academic integrity, to support staff with advice and assistance in all matters pertaining to academic integrity, and to ensure that rules pertaining to academic integrity are applied consistently and fairly.

Academic Misconduct: a breach of academic integrity when:

- any one or more of the criteria used to categorise the breach, namely the experience of the student, the nature of the breach or the extent of the breach, is higher than in the case of a Minor Breach; or
- none of the criteria used to categorise the breach is higher than in the case of a Minor Breach, but the cumulative impact of a combination of any of those three criteria are considered to be higher than a Minor Breach.

Allegation: refers to a stated concern that a student has possibly committed Academic Misconduct or Non-academic Misconduct.

Balance of Probabilities refers to the standard of proof used to determine whether misconduct has occurred. It means that the decision-maker must be satisfied, on the evidence, that the alleged behaviour or event was more likely than not to have occurred.

Investigation: means the process of identification, collection, and analysis of relevant evidence to assess whether Academic Misconduct or Non-academic Misconduct may have occurred, and to inform appropriate next steps.

Misconduct Appeals Committee: a Committee constituted by Council, with delegated authority to hear and adjudicate appeals against Academic Misconduct and Non-academic Misconduct decisions.

Minor Breach: a breach of academic integrity when any of the criteria used to categorise the breach, namely the experience of the student, the nature of the breach or the extent of the breach, is higher than in the case of Poor Academic Practice but none reach the threshold of Academic Misconduct; or non-academic student behaviour which does not reach the threshold to be considered Non-academic Misconduct.

Misconduct Register: a centrally held, confidential register of all cases where students have been found to have committed a Minor Breach, Academic Misconduct, or Non-academic Misconduct. Access to the Misconduct Register is restricted to authorised staff only, who will provide specific information to an AIO or the University Proctor, upon request, regarding any record in respect of a particular student who has been found to have committed a Minor Breach, Academic Misconduct, or Non-academic Misconduct, in order for the AIO or University Proctor to take that record into account when determining an appropriate outcome in the subsequent case.

Non-academic Misconduct means any conduct other than Academic Misconduct which:

- a) is in breach of the Kaupapa Here Aratohu / Code of Student Conduct; and/or any other relevant University policy, code, regulation, or procedure; or
- b) could otherwise reasonably be held to be prejudicial to the functioning or interests of the University and/or its students (provided that nothing in this paragraph shall prevent persons reasonably exercising their rights to freedom of expression and peaceful assembly).

and which

- c) occurs upon University premises, grounds, or residential accommodation; or
- d) is otherwise connected with the student's programme of studies; or
- e) is otherwise related to that student's status as a student at the University and which in any case may be subject to disciplinary consequences; and which can be dealt with by the relevant staff member as provided in these *Regulations*.

Student in this policy refers to:

- a) a person who is enrolled in a course, a subject, or a group of subjects (including micro-credentials and short courses) at the University.
- b) a person who was a student at the time of any alleged misconduct.
- c) a person who is seeking admission or enrolment at the University.
- d) a person who became a student after having allegedly done so by misleading or false means.
- e) a person who has consented in writing to be subject to the statutes, regulations, and policies of the University as a student.
- f) a person who is on suspension or leave of absence from or who has deferred enrolment in a course, subject or group of subjects, at the University.

University Proctor: the person who is designated by the University to provide advice and support to staff in relation to Academic Misconduct and Non-academic Misconduct, and to investigate cases of possible Academic Misconduct or Non-academic Misconduct when such an Investigation is referred to the University Proctor.

Reporting Academic Misconduct

Where a report of an alleged breach of academic integrity is made to an AIO under the *Academic Integrity: Procedures for Managing Student Breaches*, and the AIO determines that the alleged breach of academic integrity may meet the criteria for Academic Misconduct, the AIO may contact the University Proctor for support and guidance. The AIO may either manage the case themselves in accordance with these *Regulations*, or may refer the case to the University Proctor for Investigation and management where:

- a) the case may involve procedural or substantive complexities.
- b) the commission of a crime is alleged; or
- c) the allegation is made against a doctoral candidate.

The report to the AIO must be made in writing and must as far as reasonably possible be accompanied by evidence supporting the suspicion or allegation of a breach of academic integrity. Where a report is made anonymously or by

a person who wishes for their identity not to be disclosed, the student's inability to challenge the person making the anonymous allegation and the implications for ensuring a fair process must be considered carefully before a decision is made to investigate the allegation or put it to the student.

Where an allegation is made later than one year after the occurrence of the alleged Academic Misconduct, the allegation may only be considered with the consent of the applicable Pro Vice-Chancellor.

Reporting Non-academic Misconduct

Non-academic Misconduct generally relates to inappropriate behaviour or actions. Although this is not an exhaustive list, this includes inappropriate comments, rudeness, bullying, harassment, discrimination, threats, physical violence, committing a crime, damaging property, or financial irregularities.

Any person may make an allegation of Non-academic Misconduct against a student in good faith. This includes:

- a) other students at the University; or
- b) staff of the University; or
- c) persons outside the University who may have been affected by the actions of a student that relate directly to their enrolment with the University.

Allegations of Non-academic Misconduct must be made in writing and must as far as reasonably possible be accompanied by evidence supporting the allegation. Where an allegation is made anonymously, the student's inability to challenge the person making the anonymous allegation and the implications for ensuring a fair process must be considered carefully before a decision is made to investigate the allegation or put it to the student.

Allegations of Non-academic Misconduct must be made to the University as soon as reasonably possible. Where an allegation is made later than one year after the occurrence of the alleged Non-academic Misconduct, the allegation may only be considered with the consent of the Executive Director: Student Experience.

The Reporting Process

The reporting of an allegation may be made via the University's online portal for making complaints, or may be made in writing to one of the following staff members:

- a) the Pro Vice-Chancellor of the relevant College; or
- b) the Executive Director: Student Experience; or
- c) the University Proctor.

Any other staff member receiving the initial report of alleged misconduct will triage the allegation and will then refer the allegation and evidence to the following staff member to deal with the allegation under these *Regulations*:

- a) Alleged Academic Misconduct: to the AIO of the applicable College or Unit; or
- b) Alleged Non-academic Misconduct: to the Executive Director: Student Experience.

The interests of all parties reasonably affected by an allegation must be considered and protected appropriately. Affected persons may include:

- a) the person making the allegation.
- b) the person against whom the allegation is made.
- c) staff members of the University.
- d) (other) students at the University.
- e) persons who are not staff or students at the University.
- f) the University.

Where the allegation involves behaviour which might reasonably be considered to warrant the imposition of interim measures to protect the interests of any affected party or the fairness of an Investigation, the Executive Director:

Student Experience in consultation with the Pro Vice-Chancellor(s) of the College(s) within which the student's studies takes place, will consider what, if any, appropriate interim measures should be imposed, taking into account:

- a) the health, safety, wellbeing, and reputation of any students, staff, or visitors of the University.
- b) the orderly conduct of teaching and learning at the University.
- c) the protection of property, facilities, and resources of the University.
- d) the potential impact of a suspension or restriction on the student and their studies.
- e) any other matters considered appropriate in the circumstances.

The Executive Director: Student Experience will recommend any interim measures to the Vice-Chancellor, who will impose such interim measures as may be reasonable and will inform the student accordingly. The interim measures may include suspending the right of the student to attend any University premises, grounds, or residential facilities; or attend events organised by or for the University; or use any resources of the University. The student will as far as practicable be given a reasonable opportunity to comment on any proposed interim measures before the measures are implemented or at any time thereafter, and those comments will be duly considered.

Procedural fairness

The principles of procedural fairness (also referred to as natural justice) apply to managing and investigating cases of alleged Academic Misconduct and Non-academic Misconduct. These principles encapsulate the hearing rule (providing an opportunity to be heard), the rule against bias (decision-makers are impartial, unbiased, and have not made any predetermination) and the evidence rule (decisions are based on evidence). It is expected that staff must consider, investigate, and deal with allegations of Academic Misconduct and Non-academic Misconduct in a timely, accessible, culturally safe, and competent manner, and in a way that is:

- *Proportional*: Investigations and subsequent actions, including the outcome imposed, need to be proportional to the alleged breach. In determining that Academic Misconduct or Non-academic Misconduct occurred, the finding must be based on the evidence considered, and on a Balance of Probabilities.
- *Fair*: Investigations need to afford procedural fairness to students and, where appropriate, staff and others who may be adversely affected by any Investigation. Students must be advised of their right to be represented and supported by a person or persons of their choice during the process.
- *Impartial*: Investigators and decision-makers must be impartial and must therefore not have any prior knowledge or any interests that do, may, or may be perceived, to jeopardise their impartiality. They must also act in a way that upholds specific individual and cultural needs or circumstances of the parties.
- *Timely*: Investigations into allegations of Academic Misconduct and Non-academic Misconduct should be conducted in a timely manner to avoid undue delays, and to mitigate the impact on those involved.
- *Transparent*: Information about the complaint(s), evidence and process must be provided to students, staff, and any other persons impacted by an allegation, and they must be afforded a reasonable opportunity to respond to the allegation(s). Accurate records are to be maintained for all parts of the process, in accordance with the University's record keeping system (as defined in the *Information Records Management Policy*).
- *Confidential*: Information will be treated as confidential and will only be disclosed:
 - when required by law, regulation, or legal process; or
 - to university staff who may have a legitimate need to know such information for the purpose of fulfilling their duties; or
 - when the student consents to disclosure.

Procedures

Wherever possible, an AIO (in the case of Academic Misconduct) or the Executive Director: Student Experience (in the case of Non-academic Misconduct), or their nominees, should in the first instance connect with the student against whom an allegation of Academic Misconduct or Non-academic Misconduct has been made, aimed at achieving appropriate and consensual educative and/or disciplinary resolution. This may include, where the parties agree, mediation. Where either of the parties involved do not agree to engage in this consultative process, or that process does not result in resolution the process as outlined below shall be followed.

Where any report or allegation is under investigation at the time of approval of these *Student Disciplinary Regulations*, and in the absence of an agreement between the parties to follow the procedures set out in these *Student Disciplinary Regulations*, the procedures as set out in the previously approved version of the Student Disciplinary Regulations in effect at the time when the report or allegation was made, will be followed.

Where an allegation of Academic Misconduct or Non-academic Misconduct is resolved through the consultative process referred to above, including mediation, the outcome is not appealable. Students must be informed of this in writing before finalising the resolution.

Where appropriate, or where specifically requested by a student against whom an allegation of Academic Misconduct or Non-academic Misconduct has been made, a process may be followed which is more culturally appropriate. Where such a process is considered or requested, the Deputy Vice-Chancellor Māori must be approached beforehand, for the Deputy Vice-Chancellor Māori or nominee to determine an appropriate process to be followed in that case. Where either of the parties involved do not agree to the alternative process determined by the Deputy Vice-Chancellor Māori or nominee, the process as outlined below shall be followed. This does not limit the student's right to be supported by a support person or persons, including appropriate cultural support.

When an AIO (in the case of Academic Misconduct) or the Executive Director: Student Experience (in the case of Non-academic Misconduct) considers that an allegation may constitute a criminal offence, they may at any stage refer the matter and any evidence collected to the appropriate law enforcement agency, and inform the student accordingly. Such a referral shall not however prevent the matter from being investigated and processed further in terms of these *Regulations*, including the imposition of an outcome and/or such interim measures as may reasonably be required.

Academic Misconduct

1. Where an AIO is of the opinion that an alleged breach of academic integrity may meet the criteria for Academic Misconduct, set out in the *Academic Integrity: Procedures for Managing Student Breaches*, the AIO may contact the University Proctor for support and guidance. The AIO may either manage the case themselves, or may refer the case to the University Proctor for Investigation and management where:
 - a) the case may involve procedural or substantive complexities.
 - b) the commission of a crime is alleged; or
 - c) the allegation is made against a doctoral candidate.
2. The AIO or University Proctor, as the case may be, must complete an Investigation.
3. The Investigation must be conducted in accordance with the principles of procedural fairness described above.
4. Where the AIO or University Proctor is of the opinion, after completion of the Investigation, that the evidence collected **does not** substantiate the allegation, the matter must be closed without any further action being taken against the student concerned. Although records of all relevant documentation collected must be kept in accordance with the University's *Information Records Management Policy*, no record will be entered in the Misconduct Register.

5. Where the AIO or University Proctor is of the opinion that the evidence collected **supports** the allegation, the AIO or University Proctor must inform the student of the allegation, and must provide the student with:
 - a) sufficient details of the allegation to allow the student to reasonably respond to it.
 - b) copies of all evidence collected during the Investigation.
 - c) details of the process which will be followed.
 - d) references to relevant University policies, procedures, regulations, and codes.
 - e) references to support and advocacy services available to the student.
 and the AIO or University Proctor must advise the student of:
 - f) their right to be represented and/or supported throughout the process.
 - g) their right to be heard, respond to the allegation and evidence, to make representations, and not to answer questions or make representations.
 - h) the possible consequences of not responding to the allegation or evidence.
 - i) the possible outcomes should the allegation be substantiated.
6. If the student accepts responsibility for the alleged Academic Misconduct, or does not respond or make representations to the allegation or evidence, the AIO or University Proctor, as the case may be, must determine an outcome on the available evidence, in accordance with the options listed in Appendix 1, and must inform the student of the outcome.
7. If the student does not accept responsibility for the alleged Academic Misconduct, and responds to or makes representations regarding the allegation or evidence, the AIO or University Proctor, as the case may be, must consider the available evidence including any responses and representations the student makes, and any evidence the student presents, and any further investigation required, before determining an outcome, in accordance with the options listed in Appendix 1. The AIO or University Proctor must inform the student of the outcome in writing.
8. After finding that the evidence substantiates Academic Misconduct, and before determining the outcome, the AIO or University Proctor must consult the Misconduct Register to confirm whether the student has committed Academic Misconduct before, and this information may be taken into account when determining an appropriate outcome in that case.
9. Where Academic Misconduct was substantiated, details of the allegation and outcome will be recorded in the Misconduct Register, and the outcome will be actioned by the University promptly. This applies to any outcome reached, irrespective of whether it has been reached by means of a decision by the AIO or University Proctor, through mediation or other culturally appropriate process, or agreed upon.
10. The student must be informed in writing of their right to appeal and be referred to the applicable appeal process and grounds for appeal as set out below.

Non-academic Misconduct

1. Allegations of Non-academic Misconduct will be investigated and managed by the Executive Director: Student Experience (or their nominee), or by the University Proctor. The University Proctor will only investigate and manage the allegation where:
 - a) the case may involve procedural or substantive complexities; or
 - b) the commission of a crime is alleged; or
 - c) the allegation is made against a doctoral candidate.
2. Where an allegation is investigated by the Executive Director: Student Experience (or their nominee), they may contact the University Proctor for support and guidance.
3. The Executive Director: Student Experience (or their nominee) or the University Proctor, as the case may be, must complete an Investigation.

4. The Investigation must be conducted in accordance with the principles of procedural fairness described above.
5. Where the Executive Director: Student Experience (or their nominee) or the University Proctor is of the opinion, after completion of the Investigation, that the evidence collected **does not** support the allegation, the matter must be closed without any further action being taken against the student concerned. Although records of all relevant documentation collected must be kept in accordance with the University's *Information Records Management Policy*, no record will be entered in the Misconduct Register.
6. Where the Executive Director: Student Experience (or their nominee) or University Proctor is of the opinion, after completion of the Investigation, that the evidence collected **supports** the allegation, the Executive Director: Student Experience (or their nominee) or University Proctor must inform the student of the allegation, and must provide the student with:
 - a) sufficient details of the allegation to allow the student to reasonably respond to it.
 - b) copies of all evidence collected during the Investigation.
 - c) details of the process which will be followed.
 - d) references to relevant University policies, procedures, regulations, and codes.
 - e) references to support and advocacy services available to the student.
 and the Executive Director: Student Experience or University Proctor must advise the student of:
 - f) their right to be represented and/or supported throughout the process.
 - g) their right to be heard, respond to the allegation and evidence, to make representations, and not to answer questions or make representations.
 - h) the possible consequences of not responding to the allegation or evidence.
 - i) the possible outcomes should the allegation be substantiated.
7. If the student accepts responsibility for the alleged Non-academic Misconduct, or does not respond or make representations to the allegation or evidence, the Executive Director: Student Experience (or their nominee) or University Proctor, as the case may be, must determine an outcome on the available evidence, in accordance with the options listed in Appendix 2, and must inform the student of the outcome.
8. If the student does not accept responsibility for the alleged Non-academic Misconduct, and responds to or makes representations regarding the allegation or evidence, the Executive Director: Student Experience (or their nominee) or University Proctor, as the case may be, must consider the available evidence including any responses and representations the student makes, and any evidence the student presents, before determining an outcome, in accordance with the options listed in Appendix 2. The Executive Director: Student Experience (or their nominee) or University Proctor must inform the student of the outcome.
9. After finding that the student has committed Non-academic Misconduct, and before determining the outcome, the Executive Director: Student Experience (or their nominee) or University Proctor must consult the Misconduct Register to confirm whether the student has committed Non-academic Misconduct before, and this information may be taken into account when determining an appropriate outcome in that case.
10. Where Non-academic Misconduct was substantiated, details of the allegation and outcome will be recorded in the Misconduct Register, and the outcome will be actioned by the University promptly. This applies to any outcome reached, irrespective of whether it has been reached by means of a decision by the Executive Director: Student Experience (or their nominee) or University Proctor, through mediation or other culturally appropriate process, or agreed upon.
11. The student must be informed- in writing of their right to appeal and referred to the applicable appeal process and grounds for appeal as set out below.

Appeals

A student against whom an allegation of Academic Misconduct or Non-academic Misconduct has been upheld may appeal against that decision or outcome. The appeal must be made within ten (10) working days of the date of that decision and must be made in writing to the Misconduct Appeals Committee.

The Misconduct Appeals Committee may consider applications for appeals to be made later than the 10-day period in exceptional cases. When seeking to make an appeal later than the 10-day period, the student making the appeal must provide a reasonable explanation why the appeal could not have been made within the 10-day period.

The principles of procedural fairness outlined above apply to all appeals made under these *Regulations*, including that members of the Misconduct Appeals Committee may not be involved with matters in which they have, or may be perceived to have, an interest or prior knowledge.

An appeal may only be made on one or more of the following grounds, and is not intended to allow a mere reconsideration of the case by a different decision-making entity:

- a) That the process for investigating and/or determining the outcome was procedurally unfair.
- b) That the finding could not reasonably be sustained on the evidence, on a balance of probabilities.
- c) That the outcome imposed is disproportionate to the Academic Misconduct or Non-academic Misconduct.
- d) That significant new evidence, which was not reasonably available before, has become available since the decision that is being appealed against, and which could reasonably be expected to have a material effect on the finding or outcome.

Outcomes which have been reached by agreement with the student, whether through consultation, mediation, cultural process, or other agreed manner, may not be appealed against.

The Misconduct Appeals Committee is delegated with the authority to consider and adjudicate all appeals in relation to Academic Misconduct and Non-academic Misconduct. Where applicable, the standard of proof required for an appeal to succeed is on the Balance of Probabilities.

Decisions on appeals will be based exclusively on the consideration of written submissions and supporting evidence provided to the Misconduct Appeals Committee by or on behalf of the student making the appeal, and the University. Oral submissions will not be permitted unless in exceptional cases. To initiate an appeal, a student must submit a written appeal which includes an explanation of the grounds for appeal, along with any supporting evidence.

The Misconduct Appeals Committee is comprised of three members, being:

- a) one staff member with appropriate experience appointed as Chairperson for a designated term by the Vice-Chancellor.
- b) one staff member appointed by the Chairperson of the Misconduct Appeals Committee, from a pool of seven staff members nominated as below to serve on the Misconduct Appeals Committee for terms of up to three years each:
 - i. One nominee by the Pro Vice-Chancellor of the College of Creative Arts.
 - ii. One nominee by the Pro Vice-Chancellor of the College of Health.
 - iii. One nominee by the Pro Vice-Chancellor of the College of Humanities and Social Sciences.
 - iv. One nominee by the Pro Vice-Chancellor of the College of Sciences.
 - v. One nominee by the Pro Vice-Chancellor of the Massey Business School.
 - vi. One nominee by the Deputy Vice-Chancellor Students and Global Engagement.
 - vii. One nominee by the College Director of the Massey University College.
- c) one staff member appointed by the Chairperson of the Misconduct Appeals Committee, from a pool of four staff members nominated to serve on the Misconduct Appeals Committee by the Deputy Vice-Chancellor Māori.

The Chairperson of the Misconduct Appeals Committee may appoint an adviser or advisers to assist at a hearing in relation to particular aspects of an appeal, including procedure and any culturally appropriate processes agreed to. Such advisor or advisors will not have any voting powers on the outcome of the appeal.

The Misconduct Appeals Committee may, by a majority decision:

- a) determine that the grounds for appeal are not met, and dismiss the appeal, or
- b) determine that the grounds for appeal are met, and:
 - i. uphold the appeal and set aside the decision appealed against; or
 - ii. dismiss the appeal and uphold the decision appealed against; or
 - iii. vary the decision appealed against; or
 - iv. vary the outcome appealed against to any of the possible outcomes listed in Appendix 1 (in the case of Academic Misconduct) or Appendix 2 (in the case of Non-academic Misconduct), irrespective whether the new outcome is regarded as more or less severe than what was originally imposed.

Decisions of the Misconduct Appeals Committee shall be by simple majority of the members adjudicating an appeal. Decisions of the Misconduct Appeals Committee shall be the final decision and must be notified to the student who makes the appeal in writing as soon as is reasonably possible.

Recordkeeping

Records of all documents relating to cases managed as Academic Misconduct and Non-academic Misconduct must be kept securely and confidentially in accordance with the requirements set out in the University's *Information Records Management Policy*. This includes:

- a) copies of the notice of any allegation(s) and meetings with the student.
- b) all relevant evidence collected and correspondence.
- c) any documents provided by the student in response to allegations and evidence.
- d) the letter(s) informing the student of the finding and outcome.
- e) all documents relating to an appeal.

Those records will be disposed of in accordance with the *General Disposal Authority for New Zealand Universities*.

The University will record information relating to all cases where students have been found to have committed Academic Misconduct and Non-academic Misconduct, in the Misconduct Register. The Misconduct Register will be centrally managed, and access to it will be restricted to authorised staff only.

Details of every case where either Academic Misconduct or Non-academic Misconduct has been substantiated must be provided to the staff member authorised to manage the Misconduct Register, at the time when the student is notified of the outcome and must be recorded in the Misconduct Register.

All processes and decisions under these *Regulations* must be treated as confidential to the parties involved and to relevant University staff, including for purposes of an appeal, and shall not be disclosed unless lawfully required or agreed to. The University shall be allowed to notify any external agency lawfully interested in the student's record, of any records appearing in the Misconduct Register in relation to the student.

Audience:

All staff and students.

Relevant legislation:

Employment Relations Act 2000
Health and Safety at Work Act 2015
Human Rights Act 1993
Official Information Act 1982
Privacy Act 2020
Public Records Act 2005

Related policies and procedures:

Academic Freedom Policy
Academic Integrity Policy
Code of Ethical Conduct for Research, Teaching and Evaluations Involving Human Participants
Code of Ethical Conduct for the Use of Animals for Research, Testing and Teaching
Code of Responsible Research Conduct
Code of Student Conduct/ Kaupapa Here Aratohu
Harassment and Discrimination at Work Policy
Harmful Sexual Behaviour Policy
Health, Safety and Wellbeing Policy
Information Records Management Policy
Intellectual Property Policy
Paerangi: Massey University Learning and Teaching Plan
Academic Integrity: Procedures for Managing Student Breaches
Student Complaints and Grievance Procedures
Student Contract/ Tā te Taura Kirimana

Appendix 1: Determining the Outcome for Academic Misconduct

Exclusion from the University	Academic Misconduct: <i>Academic Integrity Officer or University Proctor</i>
Period of suspension from the University	
Fail the course in which the breach occurred	
Zero for the whole assessment in which the breach occurred	
Reduced mark (up to zero) for the assessment component in which the breach occurred, or for a whole assessment where the assessment makes out less than 5% of the course mark	
Repeat the assessment (in whole or in part), with or without a reduced maximum mark	
Recommendation to undertake an appropriate learning support activity	
Remedial/educative advice	
Warning	
Dismiss the allegation as not proved, or for being trivial or vexatious	

Appendix 2: Determining the Outcome for Non-academic Misconduct

Exclusion from the University	Non-academic Misconduct: <i>Executive Director: Student Experience (or nominee) or University Proctor</i>
Period of suspension from the University	
A financial penalty or order for restitution which shall not exceed \$5,000	
Recommendation to undertake an appropriate restorative or support activity	
Remedial/educative advice	
Warning	
Dismiss the allegation as not proved, or for being trivial or vexatious	