
Student Conduct Statute

1. Purpose

Te Herenga Waka – Victoria University of Wellington (the University) comprises a partnership of students and staff who work together to engage in learning that contributes to the development of the individual and society. This partnership involves active membership of a scholarly community committed to enquiry and integrity. To support students in achieving this goal, the University is committed to providing an environment that fosters physical and emotional well-being.

As members of this community, students are expected to conduct themselves safely and in accordance with the University's core ethical values of respect, responsibility, fairness, integrity, and empathy.

With, and as, tangata whenua, the University values Te Tiriti o Waitangi, rangatiratanga (leadership), manaakitanga (the fostering of knowledge), kaitiakitanga (responsibility for and guardianship of knowledge), whai mātauranga (intellectual curiosity), whanaungatanga (collaboration and collectiveness) and akoranga (collective responsibility for learning).

The purpose of this Statute is to ensure that fair processes are followed in the event of suspected misconduct and that, wherever possible, the University's response to misconduct aims to educate students and address the harm caused in a way that meets the needs of all parties.

2. Application of Statute

This Statute applies to Students.

Statute Content

3. Principles

- 3.1 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.
- 3.2 Whenever the University receives a complaint, it will consider all relevant information and resolve that complaint:
 - (a) in accordance with this Statute and other relevant policy documents;
 - (b) in a fair and timely manner;
 - (c) wherever possible, using alternative resolution processes;
 - (d) if an alternative resolution process is not possible, by using the lowest level formal process appropriate;
 - (e) in accordance with the principles of natural justice. This means that the University will:
 - (i) ensure any decision-maker is impartial, free from bias, and has not made any predetermination;
 - (ii) ensure that any student suspected of misconduct is informed of the support available and is given a reasonable opportunity to respond before any finding of misconduct is made; and

- (f) by following all processes in a way that safeguards physical and emotional well-being and the safety and integrity of the University community.
- 3.3 The University is committed to acknowledging te Tiriti o Waitangi by working in partnership with Māori.
- 3.4 All processes that address issues related to student conduct will protect the confidentiality of all affected parties as far as possible.
- 3.5 Students have the right to translation services. Such translation services will, if necessary, be provided at the University's expense.
- 3.6 Students have the right to support and representation throughout any process conducted under this Statute.
- 3.7 To make a finding of misconduct or serious misconduct in a formal process, the decision-maker must be satisfied on the balance of probabilities that the misconduct or serious misconduct occurred.
- 3.8 Students have the right to appeal a finding of misconduct or serious misconduct and/or the outcome imposed. Any appeal must be determined by persons not involved in the decision under appeal.

4. Misconduct

- 4.1 This Statute applies to students who are suspected of misconduct within the University precincts, in the context of any University activity, or where the suspected misconduct is directly connected to a student's status as a student of the University.
- 4.2 There are three categories of misconduct: Academic Misconduct, General Misconduct, and Serious Misconduct.

Academic Misconduct

- 4.3 Academic Misconduct is a breach of the academic integrity expectations set out in clause 4.2 of the Academic Integrity Policy for Students, whether that breach is inadvertent or deliberate.

Note: Academic Misconduct does not include any allegations that have been addressed through the Academic Integrity: Educative Approach Procedure.

General Misconduct

- 4.4 General Misconduct is:
 - (a) conduct that is not in keeping with the University's core ethical values of respect, responsibility, fairness, integrity and empathy;
 - (b) conduct in breach of any University statute, policy, or Hall of Residence handbook, or in breach of a professional code of conduct that has been endorsed by the relevant School within the University;
 - (c) conduct that contravenes a lawful and reasonable direction by a member of the University staff;
 - (d) conduct that impedes or prejudices teaching, learning, research or study within the University community, or that infringes the ability of others to participate in the life of the University;

- (e) conduct that is detrimental to the safety or well-being of other people, the effective functioning of the University, or the reputation of the University;
- (f) conduct that impedes or disrupts an examination, test or other supervised assessment (but excluding dishonest or misleading conduct in connection with such assessment, which is to be treated as academic misconduct);
- (g) conduct that is dishonest or fraudulent (but excluding dishonest or misleading conduct in connection with an assessment, which is to be treated as academic misconduct);
- (h) conduct that expresses hostility against or is disrespectful to any other person on the grounds of age, race, ethnic or national origin, sex, sexual orientation, gender identity, disability, religious or ethical belief, marital or family status, political opinion or being affected by domestic violence;
- (i) conduct towards any person that is sexual harassment, bullying or harassment;
- (j) conduct that is designed to victimise or otherwise subject another person to detrimental action due to that person being involved in a process under this Statute.

Note: General Misconduct does not include any allegation that fits within the definition of Academic Misconduct.

Serious Misconduct

- 4.5 Serious Misconduct is suspected General Misconduct or Academic Misconduct that satisfies at least one of the following criteria:

- (a) the suspected misconduct forms part of a pattern of behaviour; or
- (b) the student suspected of misconduct has had a previous finding of misconduct as set out in section 4.2 of this Statute; or
- (c) the suspected misconduct is a single incident that has the potential to undermine the health and safety of another member of the University community or the reputation of the University as a community of scholars; or
- (d) the suspected misconduct is Academic Misconduct related to a thesis that could not be corrected through minor revisions, or
- (e) the suspected misconduct is or could be sufficiently serious that, if established, could justify the outcomes set out in paragraphs 7.3 or 8.4 of this Statute.

5. Making a complaint

- 5.1 Any member of the University community can make a complaint alleging misconduct in accordance with this Statute and any relevant Procedures.
- 5.2 Any person who is not a member of the University community can provide information regarding suspected misconduct by a student to any staff member. That staff member will refer the information to Legal Services for consideration as to whether a complaint alleging misconduct should be made in accordance with this Statute and any relevant Procedures.

6. Responding to a complaint

- 6.1 The University will respond to all complaints alleging misconduct by a student in accordance with this Statute and any relevant Procedures.

7. Academic Misconduct Outcomes

- 7.1 When Academic Misconduct is established, wherever possible, the outcome imposed should:
- (a) seek to educate the student about academic integrity; and
 - (b) ensure the student does not gain an advantage by not meeting the expected standards of academic integrity; and

- (c) promote accountability.

7.2 Academic Misconduct outcomes may include:

- (a) a public or private apology from the student;
- (b) an undertaking as to future behaviour (which may also include suspending or waiving outcomes or additional consequences if the student complies with the terms of the undertaking);
- (c) a programme of education or supervision;
- (d) resubmission of a piece or pieces of work with or without penalty;
- (e) an oral or written warning;
- (f) requirement for a student to make changes to a specified document or revisions to a thesis;
- (g) cancellation in full or in part of the mark for the item of assessment in respect of which the misconduct occurred and/or the award of a fail or reduced grade for the course; and
- (h) other action which may address the misconduct and improves the student's understanding of academic integrity.

7.3 In addition to those set out in paragraph 7.2, the following outcomes are also available for Serious Misconduct:

- (a) disenrolment and exclusion from enrolment in some or all classes or courses for a period not exceeding two years;
- (b) in the case of a thesis student, termination of enrolment;
- (c) withdrawal of a grade after it is awarded and/or rescindment of a qualification already awarded; and
- (d) withdrawal or suspension of access to all or any part of the University precincts, facilities or services (including library or information technology services) for a period not exceeding two years.

8. General Misconduct Outcomes

8.1 When General Misconduct is established, wherever possible, the outcome imposed should:

- (a) seek to address harms; and
- (b) promote accountability and repair; and
- (c) address the needs of all parties (while ensuring that the well-being of the student facing outcomes under this Statute is considered).

8.2 General Misconduct outcomes may include:

- (a) a public or private apology from the student;
- (b) an undertaking as to future behaviour (which may also include suspending or waiving outcomes or additional consequences if the student complies with the terms of the undertaking);
- (c) a programme of education or supervision;
- (d) an oral or written warning;

- (e) an order to pay compensation for any loss or damage caused by or arising from the Misconduct;
- (f) an order to make reparation for any harm caused by or arising from the Misconduct;
- (g) suspension from some or all classes or courses for a period not exceeding 2 weeks;
- (h) withdrawal of or suspension of access to all or any part of the University precincts, facilities or services (including library or information technology services) for a period not exceeding the balance of the current trimester;
- (i) with the agreement of the student concerned, a referral to a specialist service for assessment;
- (j) with the agreement of the student concerned, a community service project within the University through the Wellington Plus Programme, the Wellington International Leadership Programme, or within the Hall of Residence, which bears some relevance to the Misconduct. (Note: The student must provide evidence to the decision-maker of their participation in the project within the timeframe specified by the decision-maker); and
- (k) any other action which may relieve the distress caused to the complainant, repair any damage caused by the student, or address the student's conduct.

8.3 Penalties for General Misconduct in Halls of Residence are:

- (a) exclusion from any particular area of, or activity associated with, a Hall of Residence for a period not exceeding two weeks; and
- (b) a ban on guests and/or alcohol for a period not exceeding the balance of the current trimester.

8.4 In addition to the outcomes set out in sections 8.2 and 8.3, the following outcomes are also available for Serious Misconduct:

- (a) transfer of a student from a Hall of Residence to a different Hall of Residence for up to one year;
- (b) permanent exclusion or eviction from a Hall of Residence;
- (c) disenrolment and exclusion from enrolment in some or all classes, or courses, for a period not exceeding two years;
- (d) withdrawal or suspension of access to all or any part of the University precincts, facilities or services (including library or information technology services) for a period not exceeding two years;
- (e) removal of the right to graduate in person.

9. Appeals

9.1 A student may appeal to the Disciplinary Appeals Committee any finding of misconduct and/or any penalty imposed on the basis that:

- (a) the finding of misconduct was unfair because of some material defect in the procedure followed;
- (b) the finding of misconduct was incorrect on the basis of:
 - (i) the information available to the decision-maker; or
 - (ii) additional information not available to the decision-maker; or
 - (iii) additional information available to the decision-maker but not considered, or
- (c) the penalty imposed was manifestly excessive.

- 9.2 If the Disciplinary Appeals Committee allows an appeal, it must:
- (a) set the decision aside and refer it back to the decision-maker (if the appeal is allowed under section 9.1(a);
 - (b) set the decision aside and substitute a new decision (if the appeal is allowed under section 9.1(b); or
 - (c) set aside the penalty and substitute another penalty (if the appeal is allowed under section 9.1(c).
- 9.3 The decision of the Disciplinary Appeals Committee cannot be further appealed within the University.

10. Confidentiality and record-keeping

- 10.1 Every member of the University community who is aware of or involved in a misconduct process under this Statute (including the complainant, the person suspected of misconduct and any witnesses):
- (a) must keep confidential the process and any information relating to the process (including the details of any suspected misconduct and the identities of those involved) confidential;
 - (b) may disclose information regarding the complaint or the misconduct process in order to obtain support or advice from their support people and relevant agencies, or otherwise with the consent of the decision-maker.

Note: Nothing in this section prevents any person from making further complaints to other relevant authorities, including the New Zealand Police or professional bodies.

- 10.2 The University will:
- (a) keep appropriate records of all misconduct processes in a secure location;
 - (b) upon request, provide students with access to information about themselves (subject to any relevant withholding grounds in the Privacy Act 2020);
 - (c) collect, store and use de-identified information about misconduct processes in accordance with the University's Privacy Notice (including identifying trends and developing targeted responses to behavioural concerns in the University community).
- 10.3 Access to information relating to misconduct will be restricted to members of the University community who have a need to access and use the information to give effect to this Statute or any relevant Procedures.

11. Procedures

- 11.1 Procedures relating to the matters governed by this Statute may be made in accordance with the University's Policy Framework. Such procedures may not be inconsistent with this Statute and may include:
- (a) provisions for resolving suspected misconduct using alternative resolution processes;
 - (b) provisions for resolving suspected misconduct using formal resolution processes;
 - (c) provisions enabling members of the University community in charge of a class, activity, facility or Hall of Residence to temporarily remove a student from that class, activity, facility, or Hall of Residence on a temporary basis if that student presents an unacceptable risk to the safety or well-being of other members;

- (d) provisions enabling Staff Members to temporarily exclude, suspend, or transfer to another Hall of Residence (or other suitable accommodation) a student who is suspected of misconduct and whose presence at the University or in a Hall of Residence while the suspected misconduct is resolved presents an unacceptable risk to the safety or well-being of other members, an unacceptable risk to property, or an unreasonable disruption to the work or studies of other members;
- (e) provisions relating to the determination of appeals; and
- (f) any other matter relating to matters of student conduct.

12. Decision-makers

12.1 Appendix 1 of this Statute contains a list of decision-makers for:

- (a) Academic Misconduct; and
- (b) General Misconduct; and
- (c) Serious Misconduct; and
- (d) appeal processes.

13. Composition of Committees

13.1 Appendix 2 of this Statute contains the composition of all decision-making committees for the processes under the Student Conduct Statute.

14. Compliance

14.1 The University will act in accordance with Te Tiriti o Waitangi. The University is also required to manage its policy documentation within a legislative framework. The key legislation directing this Statute is the Education and Training Act 2020, New Zealand Bill of Rights Act 1990, and the Human Rights Act 1993.

15. Definitions

In this Statute, unless the context otherwise requires:

Academic Misconduct	has the meaning given in section 4.3 of this Statute
Alternative Resolution Process	means an informal process and: <ul style="list-style-type: none"> (a) in the context of Academic Misconduct means an educative approach (b) in the context of General Misconduct means an adaptable resolution process in accordance with restorative principles or a Tikanga Māori process
Bullying	means repeated and unreasonable behaviour directed towards another person that is likely to lead to physical or mental harm
Complaint	means any report of possible Misconduct
Decision-maker	means a decision-maker identified in Appendix 1 of this Statute
Disciplinary Appeal Committee	means a Disciplinary Appeals Committee convened in accordance with Appendix 2 of this Statute

Disciplinary Committee	means a Disciplinary Committee convened in accordance with Appendix 2 of this Statute
Formal Process	means a formal disciplinary process to determine if Misconduct or Serious Misconduct has occurred
General Misconduct	has the meaning given in section 4.4 of this Statute
Hall of Residence	means a hall of residence that is managed by or on behalf of the University or that has agreed for its residents to be covered by this Statute
Harassment	means intimidating, threatening, or degrading behaviour directed towards another member of the community that is likely to have a harmful effect on the recipient and includes repeated behaviour, but may be a single incident
Members of the University Community	means all staff members and students of the University, independent contractors to the University, adjunct and visiting staff, visiting scholars and interns, emeriti professors and any other person providing services to the University
Misconduct	has the meaning given in section 4 of this Statute
Misconduct Procedures	means procedures approved in accordance with the Policy Framework under section 11 of this Statute
Revisions	when related to a thesis, revisions refer to changes to the thesis that usually involve only minor amendments to the text. This does not include cases where the student would be required to do additional research or analysis, nor does it include cases where major structural changes would be required to the text
Staff Member	means an employee of the University
Serious Misconduct	has the meaning given in section 4.5 of this Statute
Sexual Harassment	has the meaning given in the Sexual Harassment Policy
Student	means any person enrolled in a personal course of study at the University or a person who is studying at the University under an exchange agreement with another institution and includes a resident in a Hall of Residence
University Precincts	includes all premises, grounds and buildings owned by, in possession of, or administered by the University (including Halls of Residence)

Related Documents and Information**16. Related Documents**[Te Tiriti o Waitangi](#)[Education and Training Act 2020](#)[Human Rights Act 1993](#)[New Zealand Bill of Rights Act 1990](#)[Victoria University of Wellington Act 1961](#)[Academic Integrity Policy for Students](#)[Academic Misconduct Procedure](#)[General Misconduct Procedures](#)[Sexual Harassment Response Policy](#)**17. Document Management and Control**

Approver	Council
Approval Date	25 July 2022
Effective Date	14 November 2022
Last Modified	13 February 2023
Review Date	25 July 2025
Sponsor	Provost
Policy Owner	General Counsel
Policy Contact	Principal Adviser, Student Conduct

Appendix 1: Decision-makers

Category	Decision Maker	Limits
Academic Misconduct	Head of School	for suspected misconduct occurring within a course
	Dean Faculty of Graduate Research	for suspected misconduct in a thesis prior to the examination that is not considered minor; or if the suspected Misconduct is established and could not be dealt with by means of minor revisions.
General Misconduct	Head of School Director of a CSU	
	Head of Hall or Associate Director – Student Living – Halls	for suspected misconduct occurring in a Hall of Residence
Serious Misconduct	Disciplinary Committee	for suspected misconduct that meets the criteria in section 4.5.
Appeals	Disciplinary Appeals Committee	

1. Appointment of nominee

- 1.1 Any decision-maker (other than the Disciplinary Committee or Disciplinary Appeals Committee) can nominate a suitable replacement to act as decision-maker on their behalf. A nomination will be made prior to the process commencing and may be on specified terms and for a specified period or on a case by case basis. This does not apply to any person appointed to a Disciplinary Committee or to a Disciplinary Appeal Committee as a panel member in Appendix 2 of this Statute.

Appendix 2: Composition of Committees

1. Disciplinary Committee

Membership of the Disciplinary Committee differs depending on the subject matter of the suspected Serious Misconduct.

Subject matter	Composition
Serious Misconduct (General)	<ol style="list-style-type: none"> 1. Convenor appointed by the Provost. (The Convenor will normally be a senior member of the academic staff). 2. A person (who may be a Staff Member or a person external to the University) appointed by the Provost. 3. A student member of the Academic Board, or a student member of a Committee of the Academic Board, appointed by the Convenor; and 4. Where the suspected Misconduct occurred in a Hall of Residence, the Director, Student and Campus Living (or nominee).
Serious Misconduct (Academic Coursework)	<ol style="list-style-type: none"> 1. Convenor appointed by the Provost. (The Convenor will be a senior member of the academic staff); 2. A senior academic appointed by the Provost; and 3. A student member of the Academic Board, or a student member of a Committee of the Academic Board, appointed by the Convenor.
Serious Misconduct (Academic Thesis) In a Master's degree by thesis (either prior to or after thesis submission); or by a doctoral candidate (prior to thesis submission).	<ol style="list-style-type: none"> 1. The Convenor appointed by the Provost; and 2. A senior academic staff member appointed by the Provost; and 3. A student member of the Postgraduate Students Association Executive, appointed by the Convenor.

2. Disciplinary Appeal Committee

Membership of the Disciplinary Appeal Committee differs depending on the category of misconduct being appealed.

Subject matter	Composition
General Misconduct	<ol style="list-style-type: none"> 1. Provost (as Convenor); and 2. A student member of the Academic Board or student member of a committee of the Academic Board appointed by the Convenor.

Academic Misconduct	<ol style="list-style-type: none">1. The relevant Pro Vice-Chancellor (as Convenor); and2. A student member of the Academic Board, or student member of a committee of the Academic Board appointed by the Convenor; or
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	<ol style="list-style-type: none">3. In the case of suspected misconduct in a thesis, a student member of the Postgraduate Students Association Executive.
Serious Misconduct	<ol style="list-style-type: none">1. The Provost (as Convenor); and2. A student member of the Academic Board, or a student member of a committee of the Academic Board appointed by the Convenor, or3. In the case of suspected misconduct in a thesis, a student member of the Postgraduate Students Association Executive appointed by the Convenor; and4. A senior member of the University community appointed by the Convenor; and5. either:<ol style="list-style-type: none">a. the Chancellor; orb. another member of Council appointed by the Chancellor; orc. a senior member of the University community appointed by the Chancellor); ord. a person independent of the University appointed by the Chancellor.