

TE KURA TOI WHAKAARI
O AOTEAROA:
NEW ZEALAND DRAMA SCHOOL

DISCIPLINARY and GRIEVANCE RESOLUTION
POLICY AND PROCEDURES

2017

INTRODUCTION

Kia whai te aroaro ki a Hinetitama

*With care, consideration and respect I tread this pathway of
enlightenment*

The following excerpt from Te Kura Toi Whakaari o Aotearoa: New Zealand Drama School's strategic plan underpins a commitment to developing a community of learners.

Our Learning Environment

Best practice in our art form involves highly individuated creators and technicians collaborating in teams with independence, innovation and a shared direction. It involves students and staff working to become the best they can be in their chosen discipline so they can lead, contribute and collaborate appropriately.

To achieve this community goal the School is steadfast in its intention to maintain an environment that supports students and fosters both their physical and emotional well-being. As members of this community students and staff are in turn expected to conduct themselves safely, respectfully and with integrity.

PURPOSE

This policy provides a guide concerning allegations that the conduct of staff or students do not meet these expectations and it outlines a framework for addressing such allegations.

DEFINITIONS

Staff

Any person employed by the School.

Student

Any person enrolled in a course of study at the School, or a person studying at the School under an exchange agreement with another academic institution.

Misconduct

Either Academic or General Misconduct as defined below in the policy.

Academic Misconduct

1. Plagiarism and breach of Academic Integrity (*see Assessment and Moderation Policy*); or
2. Dishonest or misleading conduct in relation to any assessment activity or in relation to the preparation or presentation of any assessed item of work; or
3. Dishonest or misleading conduct in the course of research or conduct which breaches the ethics requirements of any research project; or
4. A serious breach of the Student Learning Contract

General Misconduct

The Board of Trustees define General Misconduct as constituting any of the following

1. Conduct of a student which is prejudicial to the good order, government or reputation of the School, or which impairs the reasonable freedom of other persons to pursue their courses of study or professional activities at the School or to participate in the life of the School; or
2. Any deliberate damage to property, equipment or the physical fabric of the School or Te Whaea; or
3. Failure to abide by the Rules and regulations as set out in this document or other Toi Whakaari Policies or Procedures; or

4. Conduct that is in breach or prohibited by any provision of New Zealand law.

Serious Misconduct

The following General or Academic offences constitute Serious Misconduct and may be sufficiently serious as to justify suspension or withdrawal of place to study at the School.

The Board of Trustees defines Serious Misconduct as

1. Prolonged or continuing misconduct; or
2. Unauthorised possession or removal of any property belonging to the School or its students, employees or business contacts; or
3. Falsification of attendance records, medical certificates, employment records and other School or student document or record; or
4. Any action which could result in a payment to which the student is not entitled; or
5. Gross negligence or behaviour causing injury or resulting in loss or damage to the School's property, reputation, or financial position, or that adversely affects safety or teaching standards; or
6. Assault, verbal or physical abuse, intimidation, discrimination or sexual harassment of another student, employee or any person dealing with the School; or
7. Unauthorised drug or alcohol consumption on Te Whaea premises, or attending class in such a condition that in the opinion of the staff, the effects of illegal drugs or alcohol render the student incapable of performing his/her duties properly and safely; or
8. In relation to the use of School technology and the computer system owned or administered by the School: any act or omission in breach of the Privacy Act 1993 or the Official Information Act 1982; intentionally introducing erroneous, falsifying, or deleting without authorisation information from, any School database or information collection; the unauthorised accessing, storing, viewing or distributing sexually explicit material or material that is defamatory or offensive or in any way constitutes harassment; or copying, downloading any software or other material in breach of copyright licence conditions.
9. Refusal to obey reasonable written or verbal instructions, except where there is real and immediate danger of injury to a student or others; or
10. Commission of any crime or offence or other act which would render a student unsuitable for continued study at the School.

GENERAL PRINCIPLES

Student conduct that fails to meet the expectations of the School community shall be addressed in a way that considers and protects as best possible the physical and emotional well-being of the School community including the student against whom the allegation has been made.

Consistent with the School's orientation and commitment to a tikanga marae model, the spirit of tikanga is to seek resolutions to disputes and complaints in a manner that encourages a facilitated open exchange of perspectives with a view to pursuing consensus and acceptance from all parties.

Student conduct issues which could be considered minor, shall, wherever possible, be managed through an informal process at the lowest level appropriate.

Any student who is subject to an allegation of misconduct must be given reasonable opportunity to respond to the allegation before any decisions are made.

All parties involved in an allegation of misconduct have the right at their discretion to be supported by whānau or support persons of their choice at disciplinary related meetings.

A student can expect that any disciplinary proceedings will be conducted and decisions made and conveyed to the parties involved in a timely and reasonable manner.

Any student who is subject to a finding of misconduct may appeal that finding through the Disciplinary Action Review procedure.

DISCIPLINARY ACTION FOR ALLEGED MISCONDUCT

In situations where an allegation of misconduct on the part a student has been made the following disciplinary action will be implemented.

Procedure

- The specific instance(s) and the nature of the misconduct or breach of Rules and Regulations, and any previous warnings or action will be provided to the student in writing.
- Disciplinary action may include:
 - A student being placed on probation with agreed and clearly stated conditions to fulfil for a period not exceeding ONE Term, during which time the student's attendance record, behaviour, performance, application and attitude will remain under review by the Head of Department or Departmental representative; or
 - Other disciplinary action as deemed appropriate by the Head of Department, Departmental Representative or Director.
- An outline of the consequences, should the disciplinary conditions not be met, will be made clear.
- A review will be facilitated at the end of a probationary period or after the completion of other disciplinary actions to assess resolution and the current situation with regards to the student's position and ongoing conduct.
- Disciplinary actions, conditions and consequences of failure to meet conditions and resolution will be recorded and dated in writing and signed by both the student and a School representative.
- A copy of this document(s) will be given to the student and a copy kept on the student's file.

- The student will be advised of the Disciplinary Action Review procedure.

DISCIPLINARY ACTION FOR ALLEGED SERIOUS MISCONDUCT

In situations where an allegation of serious misconduct on the part a student has been made the following disciplinary action will be implemented.

Procedure

- In order to investigate alleged serious misconduct the Director may, after discussing the proposal of suspension with the student and taking into account the student's views, suspend a student while an investigation is carried out.
- Following an investigation and confirmation of serious misconduct, the Head of Department or Departmental representative and the Director will meet with the student and, at the student's discretion, a support person to outline the disciplinary action and implementation.
- Disciplinary action will consist of either:
 - The student will have his or her place of study at the School withdrawn; or
 - Other disciplinary action will be taken, as deemed appropriate by the Director of the School.
- In all cases where the Director takes disciplinary action, the student will be provided with a dated written confirmation which must include;
 - The nature of the serious misconduct
 - The disciplinary action intended and any conditions and consequences of failure to meet conditions
 - An outline of all/any previous disciplinary action or warnings
 - The student's explanation
 - Outline of the Disciplinary Action Review procedure
- A copy of this document will be kept on the student's file.
- The Director will inform the Academic Board at its next meeting, of any disciplinary action. In the case of withdrawal of place of study at the School, the Director will inform the Board of Trustees, at its next meeting.

- A student subject to this disciplinary action may seek a review of the Director's decision through the Disciplinary Review procedure (see hereafter).

DISCIPLINARY ACTION REVIEW

A student subject to disciplinary action following an investigation for alleged misconduct or serious misconduct may seek a review of the disciplinary action decision.

During this review process a dated record of all discussions and outcomes will be kept, with a copy held by each party, as well as on the student's file.

At any time a student involved in the review process has the right at their discretion to select and be supported by whānau or support person(s) of their choice at all review related meetings.

Procedure

A student wishing to request a review of the disciplinary action must:

- Apply to have the disciplinary decision reviewed by completing the form headed "*Student Disciplinary Action Review Application Form*" which is available from the Student Registrar (see Appendix One)
- Application must be made within ten (10) days of the written notification of the disciplinary action. The ten days being calculated from the date on the School's written notification to the student. The Director may extend this period if they are satisfied that there is good reason why the appeal was not submitted within the specified timeframe.
- Detail the grounds on which the application is made as fully as possible. It is not sufficient to merely restate previously known facts and details from the previous disciplinary investigation.
- Once submitted, an application for review may not be expanded to cover matters not originally included in the application.
- New supporting evidence, if any, may be attached to the application form.
- The application form should be lodged with the Director who will immediately advise the Chair of the Academic Board

- An administration fee of \$50.00, payable in advance, will be charged to cover the administration costs of the review process. This fee may be waived by the Director at his or her discretion.
- The Chair of the Academic Board shall appoint a Disciplinary Committee to consider the application for review within ten (10) days of the receipt of the application.

The Disciplinary Committee will comprise

- A member of the Curriculum Committee
- A member of the Academic Board
- An outside mediator, nominated by the Director and approved by the Chair of the Academic Board
- A student representative from the relevant course

No member of the Disciplinary Committee will be a person who was involved in the decision under review.

The Committee will appoint its own Convenor who will Chair the hearing.

The Committee shall establish and follow a procedure that is appropriate to the subject matter of the review and that protects the rights of the student and other affected parties.

The Disciplinary Committee should not allow a review to proceed unless it is satisfied that the original decision;

- was unsound because of material defect in the procedures followed by the original decision maker; or
- was incorrect on the basis of the information considered by the original decision maker; or
- has been shown to be incorrect in the light of additional information that was not available to the original decision maker

On constitution of the Disciplinary Committee, the following procedure will apply:

- The student shall be given no less than seven (7) days notice of the time, date and place of the review hearing before the Committee and the names of the members of the Committee.
- In all cases, the review hearing will take place within twenty one (21) days of the Committee being constituted.
- The Committee shall determine the outcome of the review after consideration of the student's record, the material provided in or accompanying the Application Form and any other matters it considers pertinent.
- The Committee may within the bounds of the Privacy Act, seek further information from other sources, including the School representatives who dealt with the original disciplinary decision.
- The Disciplinary Committee may request to meet with the student who is seeking review and where relevant, other parties. Any meeting with the parties will be held separately.
- All information will be made available to the student and other parties considered relevant by the Convenor, prior to the review hearing.
- The student requesting the review should indicate in their application for review whether they wish to appear in person before the Disciplinary Committee.
- Should the student choose to appear before the Committee, the student is entitled to be supported by no more than three (3) of their whānau/family, support person(s) including a legal representative if so desired.
- If the student chooses a legal representative the Committee will be advised of this prior to the review hearing.
- The Convenor may adjourn a hearing after two hours if, in their judgement, all relevant points have been addressed. The Convenor may adjourn the hearing at any time in the event of inappropriate behaviour by any party.

The Committee shall report its decision in writing to the Academic Board within seven (7) working days of the hearing.

The Convenor of the hearing shall notify the student in writing of the determination of the Committee within seven (7) working days of the review hearing, outlining its decision and the reasons for its decision.

The decision of the Disciplinary Committee is final and binding.

GRIEVANCE AND COMPLAINT RESOLUTION

Note there are separate policies which should be referred to that deal with

- Assessment Review
- and
- Disciplinary Action Review

There is also outlined below an *Additional Complaints Procedure for International Students*.

Purpose

This section of the policy aims to provide a coherent process for a student or group of students to follow if they wish to notify the School of a grievance or complaint requiring resolution.

A general grievance or complaint relates to personal treatment, health and safety concerns and other issues not covered in the Disciplinary Action Review and the Assessment Review Policies.

General Principles

As a general principle all complaints or grievances should initially be raised and discussed with the staff member or student concerned. Only if the student(s) are unable to satisfactorily resolve the issues should the grievance be escalated to a formal grievance resolution process as outlined hereafter.

All grievance resolution processes should be addressed in a way that considers and protects as best possible the physical and emotional well-being of the School community including the parties bringing the complaint and against whom the complaint has been made.

Consistent with the School's orientation and commitment to a tikanga marae model, the spirit of tikanga is to seek resolutions to disputes and complaints in a manner that encourages a facilitated open exchange of perspectives with a view to pursuing consensus and acceptance from all parties.

Any party who is subject to a complaint must be given reasonable opportunity to respond to the complaint before any decisions are made.

At any time a student involved in a grievance resolution process has the right at their discretion to select and be supported by whānau or support person(s) of their choice at all related meetings.

During a resolution process a dated record of all discussions and outcomes should be kept, with a copy held by each party, as well as on the student(s) files where appropriate.

Procedure

A formal complaint should be made in writing and submitted to the relevant Head of Department, Departmental Representative or Director as appropriate.

Once a formal complaint has been received the following procedure will be followed:

- The Head of Department, Departmental Representative or Director will convene a meeting(s) with the student and all parties involved with the intention of resolving the grievance;
- If unable to obtain satisfaction the Director may employ an external mediator to assist with the resolution of the complaint. The cost of the mediation will be met by the School.
- Where issues cannot be resolved through meetings of student(s) and staff, the student(s) may address their complaint, in writing, to the Academic Board through their student representative(s) on the Board.
- If the Academic Board's review and recommendations do not resolve the complaint the parties shall refer the complaint to a single mediator, external to the School. The cost of the mediation will be met by the School.

- If the student is not satisfied with the School's resolution of the grievance, they have the right to contact the New Zealand Qualifications Authority as a party of last resort. NZQA Complaints and Feedback, PO Box 160, Wellington 6140, 0800 697 296, +64 4 463 3000. complaints@nzqa.govt.nz

ADDITIONAL COMPLAINTS PROCEDURE – INTERNATIONAL STUDENTS ONLY

If an International student is not satisfied with the School's resolution of a grievance they have the right to contact the International Education Appeal Authority (IEAA) to have their grievance addressed. The School will follow the procedures set down by this authority and aid the student in accessing the IEAA.

At the School's cost a student advocate, wherever possible conversant in the student's first language, will be available to assist the student in resolving the issue.

Students will be given information as to how to access the IEAA in writing if breaches of the Code of Pastoral Care cannot be resolved through internal processes. This information will be available to the student as part of their orientation process.

The International Education Appeal Authority is an independent body that deals with complaints from international students about the care, advice or services they receive from their education provider or the provider's agent.

The Authority investigates complaints and determines if there has been a breach of the Code of Practice for the Pastoral Care of International Students. It has the power to impose sanctions on education providers that have committed a breach that is not serious.

International Education Appeal Authority, Tribunals Unit, Private Bag 32001, Featherston Street, Wellington 6011, +64 4 462 6660, ieaa@justice.govt.nz

The IEAA may refer complaints to relevant authorities. Financial complaints should go to the School's auditors, academic or course related complaints to NZQA, misleading or deceptive conduct complaints to the Commerce Commission and immigration complains to the New Zealand Immigration Service.

The School will provide all relevant material and abide by the decisions of the IEAA, instigating the recommendations to remedy the problem within the timeframe specified by the IEAA.

The School reserves the right to appeal against the decision of the IEAA.

This DISCIPLINARY and GRIEVANCE RESOLUTION POLICY AND PROCEDURES policy was approved by the Toi Whakaari Academic Board on 28 April 2017.

Policy due for review before April 2020.

TOI WHAKAARI: NZ DRAMA SCHOOL
STUDENT DISCIPLINARY ACTION REVIEW
APPLICATION FORM

Student Name:

Address:

Contact Phone:

Email address:

Date of Disciplinary Action Written Notification from School:

The Grounds on which this Application for review is made:

Detail the grounds on which the application is made as fully as possible. It is not sufficient to merely restate previously known facts and details from the previous disciplinary investigation.

Please provide full details on attached A4 along with any other relevant supporting documentation.

Do you wish to appear before the Disciplinary Review Committee?

If so, do you wish to be supported by whānau/family, student representatives, or legal representation? State which:

If so, please nominate up to three (3) whānau/family or students including a legal representative (if so desired) who support this application and are willing to appear with you before the Disciplinary Review Committee:

I hereby apply for a review of the previous disciplinary decision under the Student Discipline Policy. I understand and will abide by the procedure laid out in the Student Disciplinary Action Review policy and agree to accept the decision of the Disciplinary Review Committee.

Student Signature:..... Date.....

Witness:.....

Received by:
HOD/Director Signature..... Date.....