

## **STUDENT BEHAVIOUR AND PERSONAL CONDUCT POLICY AND PROCEDURES**

*For those undertaking a University of Notre Dame Australia (UNDA) degree or paper, UNDA policies also apply. Where there is a conflict between this policy and the UNDA policies, the UNDA policies should be followed.*

### **Purpose**

This policy is written to:

1. Outline particular behaviours which students at Te Kupenga – Catholic Theological College (CTC) are expected to adhere to.
2. Provide a framework and procedurally fair practices for dealing with possible cases of misconduct and/or inappropriate behaviour by students.
3. Outline the penalties and appeals procedures for students in the case of confirmed misconduct or inappropriate behaviour.

### **Scope**

This policy relates primarily to the conduct of students at the Catholic Theological College (CTC), an agency belonging to the Te Kupenga – Catholic Leadership Institute.

For complaints related to academic matters, refer to the Academic Integrity Policy.

For concerns about the conduct of personnel at Te Kupenga, refer to the Staff Code of Conduct and the Disputes, Complaints and Legal Protections Policy and Procedures.

Where the issue regards a minor (under 18) or a vulnerable adult, whether current or historic, refer to the Safeguarding Policy.

### **Principles**

All actions taken under this policy will be based on the values and mission of Te Kupenga and be underpinned by mutual respect and fairness. In light of this:

1. Students are expected to respect themselves and other members of Te Kupenga's community, keeping in mind the values of the Catholic Church, and the rights of freedom, justice and charity.
2. Students are encouraged to engage in healthy debate along with free and healthy discussion on any matter, keeping in mind that they are not to inhibit or oppress or restrict the rights of others or adversely affect the learning of others.
3. Students are expected to respect the cultures, traditions and customs of other students and members of Te Kupenga's community.

### **Rules, Procedures and Appeals**

Students are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard for the Catholic tradition within which CTC is established and the welfare of other students and personnel.

## **Breaches of Student Behaviour and Personal Conduct Expectations**

The following behaviours are considered to breach Te Kupenga's expectations of student conduct and appropriate behaviour:

1. Failure to comply with Te Kupenga policies and procedures
2. Failure to carry out lawful and reasonable requests from a member of Te Kupenga staff
3. Failure to comply with Te Kupenga's smoke-free status. Te Kupenga is a smoke-free organisation and smoking is prohibited inside a Te Kupenga building or in any other temporary site, or in any of Te Kupenga's remote sites. There are designated smoking areas
4. Failure to respect the privacy of other students and college staff, including divulging confidential information regarding any student or college staff member unless there is a lawful reason or request for this information
5. Incurring liability on the part of the Te Kupenga without proper authorisation
6. Deliberately or recklessly acting, or failing to act, in a manner resulting in damage to Te Kupenga property
7. Desecration of sacred places or objects
8. Using, or allowing the use of, Te Kupenga property, resources, or funds for other than authorised purposes
9. Having unauthorised possession of, or removing property belonging to Te Kupenga, another student, a staff member or visitor
10. Using derogatory language or exhibiting behaviour construed as bullying, harassment or gross misbehaviour, especially regarding gender, race, faith traditions, disabilities, and age
  - If you would like advice or assistance with an intervention on harassment, Te Kupenga has designated contact people to assist you with the process. These are currently Dr Rocio Figueroa (Lecturer in Theology), Rev Dr Mervyn Duffy SM (Lecturer in Theology), and Dr John Kleinsman (Director of the Nathaniel Centre)
  - The guidelines of the NZ Human Rights Commission should be taken into consideration.
11. Behaving in a manner causing safety risks to students or staff
12. Abuse of alcohol and illegal substances on campus, or being on Te Kupenga premises when under the influence of alcohol or illegal substances
13. Threatening or intimidating verbal and/or physical behaviour as well as any actions that will compromise the health and safety of students, staff and visitors.
14. Assaulting or threatening to assault a member of the Te Kupenga community, or anyone on Te Kupenga premises
15. Bringing objects or weapons to the classroom that may endanger themselves or others, or using any objects in a manner that may endanger themselves or others

The above rules and regulations apply to all students studying with CTC. Anyone may raise a complaint against a student, providing that the issue is connected to the student's engagement with Te Kupenga.

Te Kupenga reserves the right to inform public authorities, in compliance with the laws of the country.

## **PROCEDURES**

Formal disciplinary action is not taken lightly. CTC's experience has been that students conduct themselves very well and overcome minor problems without the need for formal discipline.

Where CTC has cause to believe that there has been a breach of this policy, formal disciplinary procedures are likely to be invoked.

If established, misconduct may lead to a reprimand and warning.

Serious misconduct involves serious and/or repeated contravention of the above obligations. Serious misconduct, if established through the formal disciplinary procedures of the College, will usually lead to exclusion.

#### *Serious/Immediate Incidents:*

Where a student breaches the rules and regulations, and the situation is serious or where a staff member believes that others' personal safety is in jeopardy:

1. A Te Kupenga staff member may ask the student to leave the premises, especially in those instances where others' personal safety is in jeopardy.
2. If this happens, the staff member will inform the Dean within one week of the incident/s, which will start the process below.

#### *General Incidents/Complaints*

1. Te Kupenga staff or community members may raise minor concerns with students directly, as a reminder of CTC expectations.
2. It is encouraged that a complaint be submitted in writing, or written by a staff member and checked with the complainant for accuracy.
3. The Assistant Dean will inform the student and Dean of the notification of the incident within one week of the incident/s being reported and provide a copy of this policy.
4. The Dean will conduct investigations into the incident/s, or will appoint someone to do so
  - a. there must be a real opportunity for the student to explain or refute the allegation
  - b. there must be proper and unbiased consideration of the explanation, which will include the opportunity for an account from all parties including any testimony from witnesses (if any).
  - c. where the Dean is conflicted, the Chief Executive shall appoint a staff representative in their place.
5. The Dean or nominee will formally notify the student of the outcome within two weeks of the decision being reached.

#### *Possible Outcomes*

Possible outcomes include, but are not limited to:

1. Dismissal of the complaint
2. A written warning, to be placed on the student's personnel file. Any formal warning will include:
  - a. a statement of the specific problem
  - b. a statement of the Te Kupenga standard or policy that is alleged to have been breached
  - c. the corrective action required (if any)
  - d. the period within which the corrective action must be taken (if any)
  - e. reference to the meeting(s) with the student and any explanation given by the student
  - f. the consequences of failure to take the required corrective action or any further breach
  - g. reference to any prior warnings
3. Corrective actions, such as payment for damaged property, return of stolen goods, a letter of apology or attendance at a training course
4. Asking the student to withdraw from the paper, or from all papers at Te Kupenga. In such an instance, the *Withdrawal and Refunds Policy and Procedures* will apply.

#### *Appeals*

1. The student has the right to appeal the decision made by writing to the Chief Executive of Te Kupenga within two weeks of notification of the decision.

2. Once the Chief Executive is informed of the appeal, they will review the complaint and investigation within two weeks. They may consult with the Academic Advisory Board if necessary.
3. The Chief Executive may then make a decision to:
  1. Uphold the original decision;
  2. Change the original decision; or
  3. If they feel a new investigation is required, they can appoint an independent investigator (internal or external) to do a fresh investigation. The investigator would then present their findings to the Chief Executive for their decision.

#### *Other complaint avenues*

1. Nothing in this policy prevents someone using another complaint avenue available to them, including the Human Rights Commission, the New Zealand Qualifications Authority complaints process, and the Professional Standards Committee, Diocese of Auckland (Confidential Phone Line: 09 361 1359).

#### **Protocols**

At any time when an incident is reported, and the procedures listed above are followed the following protocols will be enacted:

1. In the first instance counselling and/or individual help that are within the resources of CTC will be made available to the student/s.
2. Where there is a legitimate concern of ongoing behaviour that is detrimental to the personal or emotional safety of the students and Te Kupenga's community, the Dean or his designate may ask a student to withdraw from one or all papers at Te Kupenga while an investigation is underway.
3. Information about a complaint will only be given to people directly involved in the complaint. Everyone will be advised about the need for confidentiality. Information regarding the complaint will only be kept on the file of the student in receipt of the complaint if they are disciplined.
4. Any party to the complaint has the right to access and correct their personal information, in accordance with the Privacy Act.
5. Information relating to complaints will be kept for the purposes of monitoring the quality of service being provided, but where there has been no disciplinary action, this will be deleted after review, or anonymised if required for ongoing institutional learning.
6. Where Te Kupenga conducts interviews with a student as part of an alleged breach of this policy, the student is entitled to bring a friend, a legal representative or other person to any such meeting.
7. Once the process is done, short feedback about the process will be helpful from all those involved.

#### **Approval & Review**

The Student Behaviour and Personal Conduct Policy and Procedures are subject to the normal three-yearly review. Review is the responsibility of the Academic Advisory Board, with approval by the Te Kupenga Governance Board

Issued: [29 October 2021]

Next review: [28 October 2024]