



MASSEY UNIVERSITY
TE KUNENGA KI PŪREHUROA

STUDENT DISCIPLINARY REGULATIONS

PREAMBLE

Student behaviour issues will be addressed in the context of the teaching and learning environment of the University. For this reason, where there may be disciplinary proceedings these regulations ensure that natural justice, procedural fairness, and student rights are protected at all times.

1. INTRODUCTION

1.1 Title and Commencement

1.1.1 These regulations are the Student Disciplinary Regulations and come into force on the 3rd day of December 2020.

1.2 Purpose

1.2.1 The purpose of these regulations is to provide a fair, efficient and flexible process with which to resolve complaints of alleged misconduct or serious misconduct against enrolled student members of the University, brought by:

- (a) other students of the University; or
- (b) staff of the University; or
- (c) persons outside the University community affected by the actions of students;
- (d) and which, in each case, concerns alleged behaviour either:
 - (i) occurring upon University premises, grounds or residential accommodation; or
 - (ii) otherwise connected with the student's programme of studies; or
 - (iii) otherwise directly and demonstrably related to the student's status as a student of the University;
- (e) and which, in each case, may be classified as:
 - (i) alleged behaviour which falls under these regulations; or

(ii) alleged behaviour which is suitable for referral to non-disciplinary options.

1.2.2 If the alleged behaviour of the complaint is considered by the relevant staff member to be disciplinary in nature under clause 1.2.1 (e) (i) then the alleged behaviour of the complaint is to be classified as:

- (a) misconduct; or
- (b) serious misconduct;
- (c) and which, in each case will then be processed in accordance with these regulations;
- (d) For the purpose of classifying the alleged behaviour of the complaint guidance by the University Proctor will be available.

1.3 Principles

1.3.1 Massey University aims to encourage integrity in the teaching and learning process; courtesy, safety and respect amongst students; and between students and the University so all students are supported to realise their potential through a partnership founded in trust and mutual benefit.

1.3.2 The aim of these student disciplinary regulations is to ensure that alleged breaches of the obligations of good conduct are dealt with fairly and promptly in the context of the educational environment. Therefore, any allegation of misconduct (academic or non-academic) or serious misconduct (academic or non-academic) will be processed by the relevant staff member on the campus attended by or responsible for the Respondent. Any action taken should be reasonable in the particular circumstances and restorative outcomes should be considered wherever appropriate.

1.3.3 Students are bound by the Tā te Taurira Kirimana /Student Contract; they must adhere to the Kaupapa Here Aratohu/Code of Student Conduct and not engage in activities or behaviours that constitute student misconduct or serious misconduct.

1.3.4 The University views all complaints received seriously and is mindful of the interests of both the Complainant and the Respondent. Accordingly, where a complaint is made, the relevant staff member should endeavor to assess the risk to and protect the interests of both the

Complainant and the Respondent. The University will not tolerate any retribution or threat of retribution taken against a Complainant, including any victimization or undue pressure.

- 1.3.5 The University reserves the right to determine the most appropriate mechanism for responding to an allegation of student misconduct or serious misconduct provided it is consistent at all times with the principles of natural justice¹. These are:
- (a) ensuring that the standards of procedural fairness are met, and seen to be met, at all times, including the following basic requirements:
 - (i) the Respondent must be given details of the complaint and the process to be used;
 - (ii) the Respondent must be given the opportunity to respond to the complaint;
 - (iii) the Decision-maker(s) must act impartially, honestly and without bias at all times;
 - (iv) the Respondent must be advised of their right to representation, including legal representation;
 - (v) any application for appeal in accordance with clause 10 must be determined by a person or persons not involved in the original decision.

- 1.3.6 Massey University aspires to be a Te Tiriti o Waitangi-led institution. As such, from time to time it may be appropriate for students to seek culturally appropriate options for complaint resolution. Where appropriate and in accordance with clause 4.2, the spirit of Tikanga may be used to seek resolution to a complaint alleging misconduct or serious misconduct.

1.4 Application

- 1.4.1 These regulations apply to all students enrolled at Massey University and every student shall, by virtue of their enrolment, be deemed to have accepted the disciplinary jurisdiction provided for in these regulations as covered by the Tā te Taurira Kirimana/Student Contract.
- 1.4.2 These regulations will continue to apply to complaints of alleged misconduct or serious misconduct against former students, notwithstanding that the Respondent may no longer be enrolled.
- 1.4.3 These regulations are to be read in conjunction with the Tā te Taurira Kirimana/Student Contract; the Kaupapa Here Aratohu/Code of Student Conduct; the Student Academic

¹ "Natural justice is but fairness writ large and juridically. It has been described as 'fair play in action'" (Lord Morris in *Furnell v Whangarei High School's Board*) (1973) 2 NZLR 705, 718 (PC).

Integrity Policy and the Procedure for Managing Breaches of Academic Integrity; the Code of Responsible Research Conduct; and all other relevant University policies, codes, regulations and procedures.

1.4.4 Except for the Tā te Taura Kirimana/Student Contract, in the event of any inconsistency arising between these regulations and any other University policy, code, regulation or procedure, these regulations will prevail.

1.4.5 These regulations do not apply to minor breaches.

2. DEFINITIONS

2.1 **Appellant** means a Respondent who has brought an appeal in accordance with clause 10.

2.2 **Clause** means a clause provided in these regulations.

2.3 **Code of Student Conduct/Kaupapa Here Aratohu** means the Massey University Code of Student Conduct/Kaupapa Here Aratohu.

2.4 **Complainant** means the person who has made a written complaint alleging misconduct or serious misconduct against a student and who has referred that complaint to the University.

2.5 **Complaint** means any written allegation of misconduct or serious misconduct made against a student at Massey University or former student of Massey University and which is referred to the University.

2.6 **Minor Breach** means conduct which does not reach the threshold of misconduct or serious misconduct under these regulations and will be dealt with as part of the normal teaching and learning environment and primarily treated in an educative manner and managed by the staff member responsible.

2.7 **Misconduct** means any conduct which:

- (a) is in breach of the Kaupapa Here Aratohu /Code of Student Conduct; and/or the Student Academic Integrity Policy; and/or the Code of Responsible Research

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 Respondent's programme of studies; or
- (e) is otherwise directly and demonstrably related to that Respondent's status as a student of 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.

2.8 **Regulations** means these Student Disciplinary Regulations unless otherwise specified.

2.9 **Relevant appeal person** means any of the following:

the Pro Vice-Chancellor of the relevant College (or their delegate); the Dean Research; the Provost; and the Deputy Vice-Chancellor Students and Global Engagement.

2.10 **Relevant staff member** means any of the following persons on the campus attended by or responsible for the Respondent:

- (a) a staff member who is a Director of Teaching and Learning (or equivalent);
- (b) a staff member who is designated to conduct an investigation under the Code of Responsible Research Conduct;
- (c) the nominee of the Executive Director Student Experience;
- (d) the Pro Vice-Chancellor of the relevant College (or their delegate); and
- (e) the University Proctor.

2.11 **Respondent** means the student whose alleged conduct is the subject of a complaint.

2.12 **Serious Misconduct** means any conduct which:

- (a) is in breach of the Kaupapa Here Aratohu /Code of Student Conduct; and/or the Student Academic Integrity Policy; and/or the Code of Responsible Research 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 Respondent's programme of studies; or
- (e) is otherwise directly and demonstrably related to that Respondent's status as a student of the University and which in any case may be subject to disciplinary consequences;

and which

- (f) in the opinion of the relevant staff member following consultation with the University Proctor is sufficiently serious to warrant penalty in excess of that applicable in the case of misconduct and/or requiring referral to the police; and
- (g) is referred to the University Proctor for investigation and then to the Pro Vice-Chancellor of the relevant College (or their delegate); or to the Executive Director Student Experience for resolution.

2.13 **Student** means a person enrolled in a programme of study at Massey University, or a person who is participating in a short-course or micro-credential at Massey University, or a person who is currently studying or has previously studied at the University under a Study Abroad or Student Exchange Agreement with another Institution.

2.14 **Student Contract/Tā te Tauira Kirimana** means the contract entered into by every student who is enrolled as a student at Massey University.

2.15 **University** means Massey University (and shall include all its constituent components e.g. Colleges, Institutes, Schools, etc.).

2.16 **University Proctor** means that person who is authorised by the University to act under these regulations.

3. RECEIPT OF COMPLAINTS (see Appendix 1)

- 3.1 Every complaint alleging misconduct or serious misconduct in respect of which the outcome may be the imposition of a penalty which takes into account the limits prescribed in these regulations (**see Appendix 2**), shall be referred to the relevant staff member for classification. For the purpose of these regulations those persons are any of the following persons on the campus attended by or responsible for the Respondent:
- (a) Directors of Teaching and Learning (or equivalent);
 - (b) staff designated to conduct an investigation under the Code of Responsible Research Conduct;
 - (c) the nominee of the Executive Director Student Experience;
 - (d) the Pro Vice-Chancellor of the relevant College (or their delegate), and
 - (e) the University Proctor.
- 3.2 The above-mentioned persons may consult with the University Proctor who may also receive complaints directly and refer those complaints to the relevant staff member.
- 3.3 If the alleged behaviour of the complaint is not of a disciplinary nature, it should be referred to the appropriate alternative services (**see Appendix 1**).
- 3.4 If the alleged behaviour of the complaint is of a disciplinary nature, the relevant staff member or University Proctor will:
- (a) dismiss the complaint if it appears either trivial, vexatious, or beyond the scope of these regulations; or
 - (b) seek to resolve the complaint via informal processes, in accordance with clause 4.0; or
 - (c) decide the complaint shall be processed as either alleged misconduct or alleged serious misconduct and in doing so shall have regard to the definitions of those terms in clause 2 and to the prospective penalties prescribed in these regulations (**see Appendix 2**).
- 3.5 When a complaint is received which alleges behaviour which may constitute serious misconduct, the Pro Vice-Chancellor of the relevant College (or their delegate), or the Executive Director Student Experience will, without delay, consider whether interim measures should be taken under clause 7 and, if any of those measures are considered appropriate, shall advise the Vice-Chancellor accordingly.

4. INFORMAL RESOLUTION

- 4.1 With the consent of the parties, all relevant staff members under these regulations are permitted to seek informal resolution of a complaint where appropriate in the circumstances of the misconduct or serious misconduct alleged, provided that the principles of natural justice are observed should any decision-making process be then undertaken.
- 4.2 Students will have the opportunity to apply to the Deputy Vice-Chancellor Māori or the nominee of the Deputy Vice-Chancellor Māori seeking a culturally appropriate process for resolution. Approval for such a process will be at the sole discretion of the Deputy Vice-Chancellor Māori or the nominee of the Deputy Vice-Chancellor Māori and where such approval is granted both the Complainant(s) and Respondent(s) must agree to the arrangements determined by the Deputy Vice-Chancellor Māori or the nominee of the Deputy Vice-Chancellor Māori.
- 4.3 Where a complaint is resolved by informal resolution, including mediation, the outcome is non-appealable.
- 4.4 Where a complaint is not resolved by informal resolution, the matter will then be processed under clause 3.4(c) and the relevant staff member who was involved in the informal process will not be involved in any subsequent determinative process relating to the complaint.

5. COMPLAINTS

- 5.1 Every Complainant shall be notified of the receipt of their complaint and advised how the complaint will be processed.
- 5.2 A decision under clause 3.4(c) that the complaint be processed as alleged misconduct does not preclude a subsequent redetermination that it should be processed instead as alleged serious misconduct or referred to appropriate alternative services.
- 5.3 A decision under clause 3.4(c) that the complaint be processed as alleged serious misconduct does not preclude a subsequent redetermination that it should be processed instead as alleged misconduct or be referred to appropriate alternative services.

6. COMMON PROCEDURAL REQUIREMENTS

- 6.1 No complaint alleging misconduct or serious misconduct shall be upheld without the due process having been followed as provided for in these regulations.
- 6.2 A Respondent shall be presumed innocent unless responsibility for the alleged misconduct or serious misconduct is admitted by them or until they are duly found otherwise in accordance with these regulations.
- 6.3 A determination of misconduct or serious misconduct shall only be made if the decision-maker is satisfied on the balance of probabilities that the allegation(s) made against the Respondent is/are substantiated.
- 6.4 All persons having responsibility under these regulations shall, when carrying out their functions, take due care to ensure that they take into account the cultural beliefs and values of the parties involved.

7. INTERIM/URGENT MEASURES

- 7.1 Pending the resolution of a complaint alleging behaviour which may constitute serious misconduct, on the advice of the Pro Vice-Chancellor of the relevant College (or their delegate), or the Executive Director Student Experience, the Vice-Chancellor may (when and to the extent the Vice-Chancellor considers it is necessary to do so) suspend the right of the Respondent to:
- (a) attend any University premises, grounds or residential accommodation; and/or
 - (b) attend events organised by or for the University; and/or
 - (c) otherwise use the resources of the University.
- 7.2 Before any suspension is implemented under clause 7.1, the Respondent shall (insofar as practicable) be given a reasonable opportunity to comment on the proposed suspension.

- 7.3 In any case where suspension is implemented before the Respondent has had a reasonable opportunity to comment, that opportunity shall remain open to the Respondent throughout the duration of the suspension.
- 7.4 When considering whether to suspend the Respondent under clause 7.1, the Vice-Chancellor must take into account the following (where relevant):
- (a) the health, safety and reputation of members of, and visitors to, the University;
 - (b) the orderly conduct of teaching and research at the University;
 - (c) the protection of property or resources of the University;
 - (d) the potential effects of suspension on the Respondent's programme of study, and any other matters raised by the Respondent; or
 - (e) any other matters considered appropriate in the circumstances.

8. PROCESS

- 8.1 Any complaint that is to be processed as alleged **misconduct** may be investigated by the relevant staff member under these regulations. For the avoidance of doubt, in cases of alleged misconduct the relevant staff member will be a staff member who is a Director of Teaching and Learning (or equivalent); or a staff member who is designated to conduct an investigation under the Code of Responsible Research Conduct; or the nominee of the Executive Director Student Experience, in consultation with the University Proctor if required. At the conclusion of the investigation the finding(s) of the relevant staff member will then be referred to the appropriate decision-maker (**see Appendix 1**).
- 8.2 Any complaint that is to be processed as alleged **serious misconduct** must be investigated by the University Proctor who may consult with other University staff. At the conclusion of the investigation the finding(s) of the University Proctor will then be referred to the appropriate decision-maker (**see Appendix 1**).
- 8.3 The person undertaking the investigation must ensure, in all cases, that the investigative process is conducted fairly and without prejudice, bias or any conflict of interest.
- 8.4 The person undertaking the investigation must take the following preliminary steps:
- (a) notify the Respondent of the complaint as soon as reasonably practicable, including:

- (i) the identity of the Complainant; and
- (ii) a statement of the alleged misconduct or serious misconduct including the reasonable particulars of where, when, and in what circumstances the alleged misconduct or serious misconduct took place, and a reference to the particular provision(s) of the relevant University policy, code, regulation or procedure that has(have) allegedly been breached; and
- (iii) the procedure to be followed in investigating the complaint, and the possible penalties should the complaint be upheld (**see Appendix 2**); and
- (iv) the Respondent's right not to answer any questions at any point in the investigation; and
- (v) the Respondent's right to representation, including legal representation, and the existence of appropriate formal or informal support, such as the Student Advocacy Service, the Student Counselling Service and whānau support; and
- (vi) that during the process disclosure will be made to the Respondent of any documents or evidence in relation to the alleged misconduct or serious misconduct including copies of any statements from witnesses and any relevant written material referred to or relied on relating to the alleged misconduct or serious misconduct; and
- (vii) the Respondent's right to respond to the complaint within a reasonable and specified time, and the consequences of not responding within the specified time; and
- (viii) the Respondent's right to be heard and to make representations.

8.5 Following the preliminary steps in clause 8.4;

- (a) if the Respondent accepts responsibility for the alleged misconduct or serious misconduct, the relevant staff member undertaking the investigation may resolve it informally as provided by clause 4, or as in clause 9.1(a) below; or
- (b) if the Respondent denies responsibility for the alleged misconduct or serious misconduct or fails to respond within the specified time, the relevant staff member undertaking the investigation may continue with the investigation and once the process is complete and a finding(s) reached that the complaint is substantiated or otherwise, then the relevant staff member must;
 - (i) advise the Respondent of that fact; and

- (ii) offer the Respondent an opportunity to submit any further response before the complaint is resolved in accordance with clause 9.1.

9. RESOLUTION

9.1 The complaint may be resolved by:

- (a) referring the complaint to mediation.
- (b) If the complaint is not referred to mediation under clause 9.1(a) or if having been referred to mediation under clause 9.1(a) either the Complainant or the Respondent decline to mediate, or the mediation is unsuccessful, then the matter will be referred to the appropriate decision-maker for resolution, who after having offered the Respondent a further opportunity to make any further representations, may;
- (c) dismiss the complaint as not proved, trivial or vexatious; or
- (d) uphold the complaint, and either:
 - (i) impose no penalty; or
 - (ii) impose an appropriate penalty taking into account the limits prescribed in these regulations (**see Appendix 2**); or
- (e) resolve the complaint in some other manner agreed between the decision-maker and the Respondent, which may involve referral to the appropriate alternative services.

9.2 If following consideration of any final representations made by the Respondent, a complaint of misconduct or serious misconduct is upheld, the decision-maker must provide a decision in writing which:

- (a) summarises the reason or reasons why it was held that the complaint was upheld; and
- (b) if a penalty is imposed, gives a reason or reasons why that particular penalty is imposed; and
- (c) notifies the Respondent of their right to appeal and the grounds on which an appeal may be brought under these regulations.

10. APPEAL

10.1 Right of Appeal

10.1.1 A Respondent against whom a complaint of alleged misconduct or serious misconduct is upheld may appeal against that decision in accordance with clause 10.

10.2 Timing of Appeal

10.2.1 Notice of an appeal must be given by the Respondent within 28 days of the date of the decision being appealed against. The relevant appeal person may at their discretion permit an appeal to be brought outside this time limit.

10.3 Manner of Bringing Appeal

10.3.1 Notice or letter seeking an appeal must be submitted by the Respondent in writing to the relevant appeal person and must include the ground or grounds for the appeal, being grounds specified in clause 10.4.

10.4 Grounds of Appeal

10.4.1 An appeal may be made on one or more of the following grounds:

- (a) that the process used for investigating the alleged misconduct or serious misconduct was procedurally unfair; or
- (b) that the finding(s) reached as to the alleged misconduct or serious misconduct could not reasonably be sustained on the evidence; or
- (c) that the penalty imposed was disproportionate to the allegation(s) sustained;
or
- (d) that significant new evidence has become available since the conclusion of the investigation which could have a material effect on the decision made or the penalty imposed, and which was not reasonably obtainable prior.

10.5 Outcomes which are Non-Appealable

10.5.1 Outcomes which are agreed between the decision-maker and the Respondent, may not be appealed.

10.5.2 Outcomes which are agreed to at mediation or by other means of informal resolution, may not be appealed.

10.6 Nature of Appeal

10.6.1 On an appeal, the Respondent bringing the appeal becomes known as the "Appellant".

10.7 Appeal Process

10.7.1 Any appeal shall be referred to the relevant appeal person who must not have been involved in the original decision under appeal.

10.7.2 For complaints classified as misconduct, an appeal shall be referred:

- (a) to the Pro Vice-Chancellor of the relevant College (or their delegate) where the misconduct relates to course work, examinations or other academic matters (except doctoral research); or
- (b) to the Dean Research where the misconduct relates to doctoral research; or
- (c) to the Deputy Vice-Chancellor Students & Global Engagement in all other cases of misconduct;
- (d) who shall in each case consider the decision of the decision-maker and any further submissions from the Appellant who must be given the opportunity to present their submissions in person.

10.7.3 For complaints classified as serious misconduct, an appeal shall be referred:

- (a) to the Provost where the serious misconduct relates to course work, examinations, research or other academic matters; or
- (b) to the Deputy Vice-Chancellor Students & Global Engagement in all other cases of serious misconduct;
- (c) who shall in each case consider the decision of the decision-maker and any further submissions from the Appellant who must be given the opportunity to present their submissions in person.

10.8 Resolution of Appeals

10.8.1 The relevant appeal person may:

- (a) allow the appeal and set aside/rescind the decision; or
- (b) dismiss the appeal and uphold the decision; or

- (c) vary the decision; or
- (d) vary a penalty imposed either by decreasing that penalty or increasing it to a level which does not exceed that specified in these regulations (**see Appendix 2**).

10.8.2 The decision of the relevant appeal person shall be issued in writing to the Appellant.

10.8.3 The decision of the relevant appeal person on an appeal shall be the final decision.

11. INVOLVEMENT OF EXTERNAL AGENCIES

11.1 Referrals to Law Enforcement Agencies

11.1.1 Where the relevant staff member under these regulations considers that a complaint of misconduct or serious misconduct alleges behaviour which may also constitute a criminal offence, the relevant staff member may at any stage also refer that complaint to the appropriate law enforcement agency.

11.1.2 Subject to clause 11.2, such a referral shall not prevent the complaint being processed and investigated under these regulations.

11.2 Criminal Charges

11.2.1 Where a law enforcement agency has charged the Respondent with a criminal offence prior to the complaint being resolved under these regulations:

- (a) no final decision shall be made on that complaint until the charge has been determined by the appropriate law enforcement agency. However, interim/urgent measures as provided in clause 7 may still be directed; and
- (b) evidence of any conviction shall be admissible as proof of misconduct or serious misconduct.

11.3 Notification

11.3.1 The University shall notify any external agency lawfully interested in the Respondent's status as a student, of any changes in that status as a result of penalties imposed under these regulations.

11.3.2 When an external agency is notified under clause 11.3.1, the University shall inform the Respondent of that fact.

12. ENFORCEMENT OF PENALTIES

12.1 Where a penalty has been imposed on, or an undertaking agreed to by a Respondent and no appeal is pending, the Vice-Chancellor may suspend the right of that Respondent to attend any University premises or grounds, or any events organised by or for the University, unless or until the required terms of that penalty or undertaking are met.

13. RECORDS

13.1 Record of Misconduct or Serious Misconduct

13.1.1 Details of proven cases of misconduct or serious misconduct under these regulations are to be retained and kept separately from the official student record. That data shall be kept for a period of six years, at which time it shall be removed and destroyed. However, data shall be kept indefinitely where a proven case of serious misconduct has resulted in permanent exclusion.

13.2 Retaining Information

13.2.1 Where an appeal is made by an Appellant against a finding(s) of serious misconduct, the relevant appeal person must retain all information relating to the appeal for a period of six years from the date the complaint was upheld, at which time it will be removed and destroyed.

14. PRIVACY AND CONFIDENTIALITY

14.1 Every complaint processed under these regulations shall be treated confidentially, and the Respondent and Complainant shall be entitled to the protection provided by the Privacy Act 2020.

14.2 Nothing in clause 14.1 shall prevent disclosure:

- (a) to any person for the purposes of considering or investigating a complaint or hearing an appeal under these regulations; or

(b) to any external agency under clause 11.

15. DELEGATIONS

15.1 The powers of the Pro Vice-Chancellor of the relevant College under clause 3.1 and/or clause 3.5 and/or clause 7.1 and/or clause 9 and/or clause 10. 7.2(a) may be delegated by them to another person appointed by them for that purpose.

15.2 The powers of the Deputy Vice-Chancellor Māori under clause 4.2 may be delegated to the nominee of the Deputy Vice-Chancellor Māori for that purpose.

16. TRANSITIONAL PROVISIONS

16.1 These regulations replace and repeal the Student Disciplinary Regulations 2010 but preserve all process, proceedings, resolutions and rights of appeal already commenced under the Student Disciplinary Regulations 2010 until they have been disposed of under those regulations.

Document Management Control

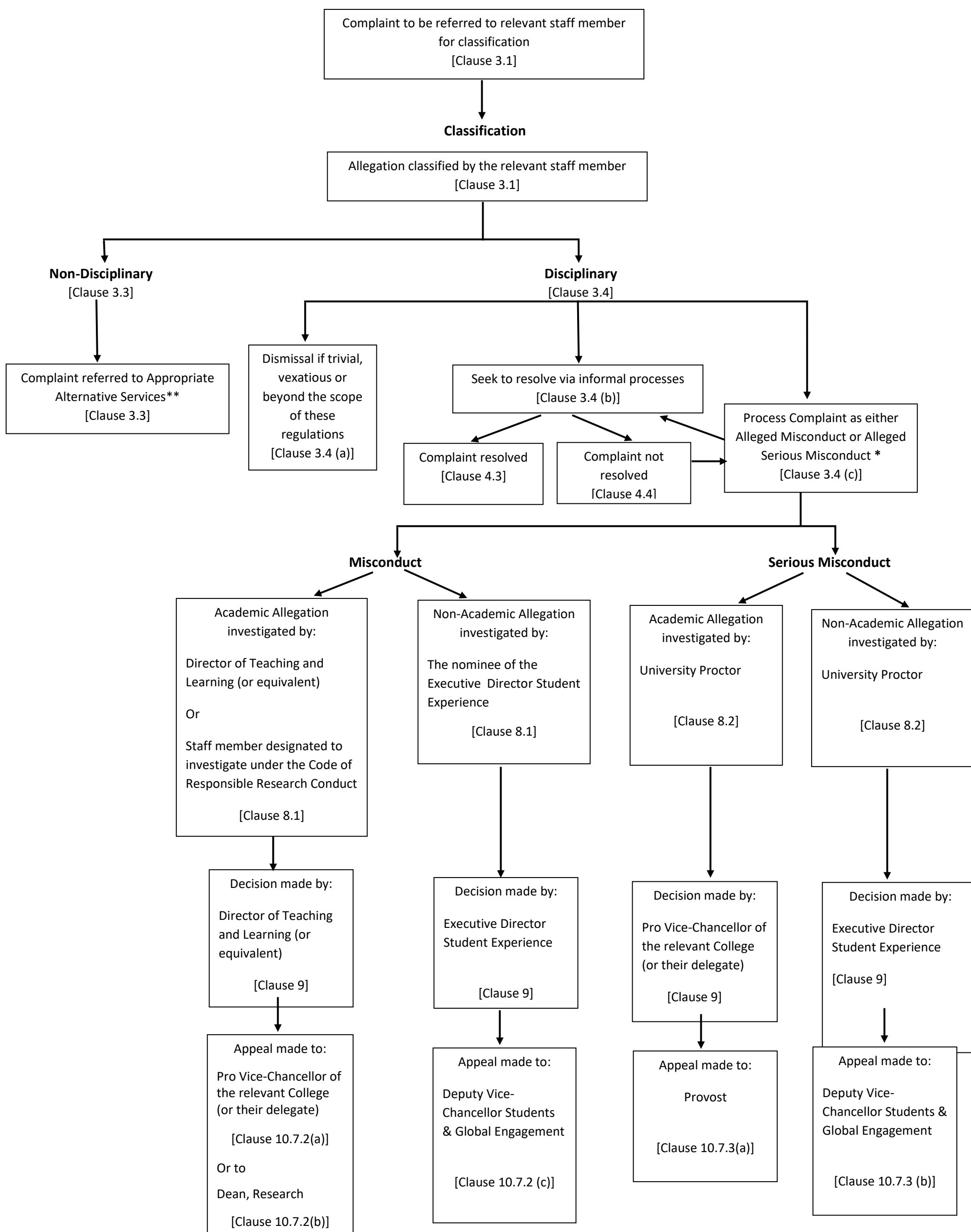
Prepared by: Provost's Office

Authorised by: Provost and Deputy Vice-Chancellor Students and Global Engagement

Approved by: Council

Last Review: December 2020

Receipt of Complaint



* A decision under Clause 3.4 (c) that the complaint be processed as alleged misconduct does not preclude a subsequent redetermination that it should be processed instead as alleged serious misconduct or referred to appropriate alternative services. [Clause 5.2]. A decision under Clause 3.4 (c) that the complaint be processed as alleged serious misconduct does not preclude a subsequent redetermination that it should be processed instead as alleged misconduct or referred to appropriate alternative services. [Clause 5.3]

** Appropriate Services are the following: TBC

Schedule of Penalties

CLASSIFICATION	PENALTY
Misconduct [Academic or Non-Academic]	a. such academic penalty as is considered appropriate; and/or b. a financial penalty or order for restitution which shall not exceed \$500; and/or c. an order suspending the Respondent from attending the University for any period.
Serious Misconduct [Academic or Non-Academic]	Penalties may include: a. such academic penalty as is considered appropriate; and/or b. a financial penalty or order for restitution which shall not exceed \$5,000; and/or c. an order suspending the Respondent from attending the University for any period; and/or d. a permanent order excluding the Respondent from attending the University.