

## The Disciplinary Statute 1998

### 1 Title and Commencement

This Statute may be cited as The Disciplinary Statute 1998 and comes into force on 1 March 1998.

### 2 Interpretation

‘Appeals Committee’ means the Committee constituted by the Council with delegated authority to exercise the powers conferred on it by Statute.

‘Authorized Person’ means the Vice Chancellor, the Registrar, any Staff Member, a Warden or a member of the staff of the Students’ Association.

‘Class’ means any lecture, tutorial, seminar, laboratory, or other assembly of Students at which tuition is being given and includes any lecture or address within the University at which Students are present.

‘Council’ means the Council of the University.

‘Discipline Committee’ means the committee constituted by the Council with delegated authority to exercise the powers conferred on it by Statute.

‘Enrolment’ means enrolment in a course of study or training at the University and ‘enrol’ has a corresponding meaning.

‘Facility’ means premises and equipment made available by the University for the recreation of Students and Staff Members as, for example:

- Common Rooms
- Physical Fitness Facilities
- Playing Fields
- Student Union
- The Maidment Theatre.

‘Field Trip’ means a trip beyond University Premises undertaken by Students and conducted by the University for the purposes of study or research.

‘Hall’ means any hostel or hall of residence or other student accommodation under the control of the University and intended for the occupation of students.

‘Registrar’ means the person for the time being holding office as the Registrar of the University.

‘Rule’ means any rule of conduct made by the Council, the Senate, or any Authorized Person of which notice has been given:

- (i) by publication in the University Calendar; or
- (ii) by other means; or
- (iii) to the person charged with misconduct before the alleged misconduct has occurred.

‘Senate’ means the Senate of the University.

‘Specified Statutes’ means the Examination Regulations, the Fees Regulations, the Computer System Regulations, the Library Regulations as published in the most recent University Calendar and includes any other Regulations or Statutes so published which prescribe offences for misconduct (whether or not penalties are also prescribed for those offences).

‘Staff Member’ means a member of the staff of the University.

‘Statute’ means a Statute made by the Council and includes this Statute, a Specified Statute and all Regulations of the University made before 1 January 1991 and not since revoked.

‘Student’ means a duly enrolled student of the University and includes, for the purposes of section 3 of this Statute, a person applying to enrol.

‘Students’ Association’ means the Auckland University Students’ Association Incorporated.

‘Student Union’ means University Premises that are for the time being administered by the Students’ Association.

‘University’ means The University of Auckland.

‘University Premises’ means land and buildings owned by the University or of which the University has possession or control; and includes any Hall and (for the avoidance of doubt) the Student Union.

‘Vice Chancellor’ means the person holding office for the time being as the Chief Executive of the University; and includes any person for the time being:

a acting in that capacity; or

b acting as a Deputy of the Chief Executive.

‘Warden’ means the person for the time being in charge of any Hall; and includes a deputy of that person.

Good Government and Discipline

### 3 Observance of Statutes and Rules

a Every Student shall observe and comply with the provisions of the Statutes and Rules of the University.

b Students who, on Enrolment or in the course of their attendance at the University, are subject to conditions imposed on their attendance to prevent disturbance or to maintain good order and discipline shall comply with those conditions.

### 4 Prohibitions and Directions

a No Student or Staff Member shall:

(i) Wilfully act (on University Premises or elsewhere) in a manner contrary to the good government of the University or so as to bring the University into disrepute.

(ii) Wilfully damage, deface or destroy University Premises, any property on University Premises or any property of a Student, a Staff Member, or the Students’ Association.

(iii) Wilfully impede the activities of the University, whether in teaching, research or otherwise.

(iv) Wilfully obstruct any Authorized Person in the due performance of the functions or duties of that Authorized Person.

(v) Wilfully create any nuisance in or on University Premises.

(vi) Wilfully interfere with the pursuit of work or study by any Student or Staff Member or his or her proper enjoyment of the amenities of the University.

(vii) Be in University Premises when the Student knows or ought to know that he or she is not entitled to be there at that time.

(viii) Smoke in any place where smoking is prohibited in terms of the Smoke Free policy of the University for the time being.

(ix) Cause any unnecessary disturbance or annoyance to persons living in residential quarters on University Premises or to residents in the immediate neighbourhood of University Premises.

(x) Ride, drive or park a cycle or motor vehicle in the University grounds except in compliance with the directions notified from time to time regulating the entry, exit and speed of cycles and vehicles and the places where they may be parked.

(xi) Be accompanied by a dog (other than a guide dog) or any other pet on University Premises.

(xii) Refuse any reasonable request to identify himself or herself by an Authorized Person who has reason to suspect that the Student is involved in a breach of any Statute or Rule.

(xiii) Post notices elsewhere than on the permanent notice boards provided for the purpose and except in compliance with the conditions prescribed by the Executive of the Students' Association in that regard.

(xiv) Bring or consume alcoholic liquor on University Premises other than:

(a) on licensed premises; or

(b) any other premises where permission has been given to consume alcohol and then only in accordance with any conditions imposed.

(xv) Use the Personal Identification Card of another Student (so as to impersonate that other Student) or permit his or her Personal Identification Card to be used by another Student.

b All Students shall comply with:

(i) Such directions as may reasonably be given by an Authorized Person to maintain good order and discipline.

(ii) (While in a Class); any requirements as to behaviour or attire made for the orderly conduct of the Class or the safety of persons or property.

(iii) (While using any Facility); the Rules applicable to its use and any directions by the person in charge to preserve the safety of the persons using the Facility.

(iv) (While resident or present in a Hall); the Rules governing the maintenance of good order and discipline in the Hall and any directions given by the Warden of the Hall for that purpose;

(v) (While on a Field Trip); any Rules by the person in charge of the Field Trip to preserve the safety of the persons engaged on the Field Trip or to prevent misconduct during the Field Trip.

(vi) (While present in the Student Union); requests made by an Authorized Person to prevent unruly behaviour or to cause it to cease.

5 Members of the Security Intelligence Service

a No member of the Security Intelligence Service enrolled as a Student at the University shall carry out any inquiries into security matters within the University Premises.

b The proposed attendance of a member of the Security Intelligence Service at the University shall be discussed between the Security Intelligence Service and the Registrar before his or her enrolment.

c After those discussions have been held, the Senate shall determine each year what special conditions (if any) as to attendance at Classes shall apply to students who are members of the Security Intelligence Service in order to maintain discipline among the students of the University by preventing any possible disturbance to the carrying out of normal teaching activities.

d In this Section 5 'Member of the Security Intelligence Service' means an officer or employee engaged in the Security Intelligence Service established under the New Zealand Security Intelligence Service Act 1969.

#### Imposition of Penalties on Students

#### 6 Misbehaviour in Classes or Facilities

a Where a Student commits a breach of any Statute or Rule:

(i) In any Class: the person in charge of the Class; or

(ii) In any Facility: the person in charge of the Facility; may

(a) Exclude the Student from the Class (and up to 3 subsequent sessions of the Class) or the Facility (for such period as the person in charge may determine); and

(b) Refer the breach to the Discipline Committee.

#### 7 Misbehaviour in Halls

a Where a Student commits a breach of any Statute or Rule in any Hall, the Warden of that Hall may:

(i) Impose a fine not exceeding \$1,000 on the Student; and/or

(ii) Suspend or terminate the Student's right to reside in the Hall; and/or

(iii) Refer the breach to the Discipline Committee.

#### 8 Misbehaviour in the Student Union Building or its Precincts

a Where a Student commits a breach of any Statute or Rule in the Student Union the Executive of the Students' Association may:

(i) Impose a fine not exceeding \$500; and/or

(ii) Refer the breach to the Discipline Committee.

#### 9 Other Penalties

a The Discipline Committee may of its own motion or on reference to it pursuant to:

(i) This Statute; or

(ii) Any other Statute or Rule;

impose on a Student who commits a breach of any Statute or Rule, any one or more of the penalties prescribed in clauses 9b, 9c or 9d or require any such Student to pay an amount by way of restitution pursuant to clause 9e.

b For a breach of Examination Regulations the Discipline Committee may:

(i) As provided in those Regulations:

(a) Suspend for such time as it may prescribe the release to the candidate of the results of any examination;

(b) Decline to credit to the candidate's course any subject or subjects;

(c) Cancel any pass with which that candidate may have been credited in the subject or examination in respect of which the breach occurred;

(d) Disqualify the candidate from sitting any examination for such period as it may prescribe;

(e) Impose any one or more of those penalties; and/or

(ii) Impose any of the penalties prescribed in clause 9d.

c For breach of any other Specified Statute the Discipline Committee may impose:

(i) The penalties prescribed in that Specified Statute; and/or

(ii) The penalties prescribed in section 9d.

d For a breach of any Statute (not being a Specified Statute) or any Rule, the Discipline Committee may impose:

- (i) A fine not exceeding \$1,000.
- (ii) A limitation or prohibition on attendance at any Class or Classes or the use and enjoyment of any of the Facilities.
- (iii) A suspension from attendance at the University or any Class or Classes for such period as it thinks fit.
- (iv) Cancellation of Enrolment of a Student at the University or in a course of study or training at the University.
- (v) A penalty in the form of requiring the offender to remove any defacement to University Premises or property or to render services to the benefit of the University or its students.
- (vi) Any one or more of those penalties.

e In determining any allegation of a breach of paragraph (ii) of clause 4a of this Statute (damage to property) the Discipline Committee may, with or without imposing a penalty, require an offending Student to pay such amount by way of restitution as the Discipline Committee thinks fit.

f On default of payment, within the time prescribed, of:

- (i) A fine; or
- (ii) Any amount to be paid by way of restitution pursuant to clause 9e of this Statute;

the Discipline Committee may suspend the Student in default from attendance at the University or any Class or Classes until that fine or that amount is paid.

## 10 Reprimands

a Where the Discipline Committee has investigated a complaint that a Student has committed an offence under any Specified Statute it may:

- (i) Through its Chairperson or any Authorized Person it has nominated for the purpose; and
- (ii) Whether or not it has imposed any penalty for the offence; issue a reprimand orally or in writing to the Student charged with the offence in terms that it considers appropriate in all the circumstances.

## 11 Review of Penalties

a Any Student:

- (i) Upon whom a penalty is imposed under any Statute or any Rule; or
- (ii) Who is required to pay any amount by way of restitution; may by giving written notice to the Registrar within 14 days of the penalty having been imposed apply to the Appeals Committee of the Council to review:
  - (i) The amount of that penalty; or
  - (ii) The imposition of that penalty; or
  - (iii) Both those matters; or
  - (iv) Any amount required to be paid by way of restitution.

b The decision of the Appeal Committee on any such review is final.

## 12 Saving

a Nothing in this or any other Statute prejudices the rights and remedies of the University at law in respect of the misconduct or negligence of any Student or Staff Member.

13 Transitional Provisions

a Notwithstanding the revocation of the Disciplinary Regulations 1972:  
(i) Proceedings may be commenced in respect of any offence under those Regulations alleged to have been committed before their revocation; and

(ii) Proceedings previously commenced under those Regulations may be continued;

as if those Regulations remained in force.

b Where any proceedings that are commenced or continued pursuant to clause 13a relate to an offence under the Examination Regulations, those Regulations will be deemed not to have been amended for the purpose of those proceedings.