

## Exclusion

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Authorisation:	Academic Board
Officer Responsible:	Director, Academic

Major changes/additions since the last version was approved are indicated by a vertical line in the left hand margin.

## 1 Introduction

### 1.1 Purpose

The purpose of this policy is to ensure that the processes of excluding students (that is, suspension and/or cancellation of current enrolment(s) and/or refusal of future enrolment(s)) are carried out in accordance with the values and vision set out in the Ara Institute of Canterbury<sup>1</sup> Strategic Plan, the provisions of s224 of the Education Act 1989, and the principles of natural justice and procedural fairness.

### 1.2 Scope and Application

- a This policy applies to all students and potential students.
- b This policy does not relate to non-engagement. For details and process for a non-engagement cancellation see *APP504 Regulations Governing Admission, Enrolment, and Withdrawals*.

### 1.3 Formal Delegations

- a The Ara Council delegates the Academic Board to:
  - i Approve new and existing programmes and courses which are in accordance with the Ara Strategic Plan and Investment Plan.
  - ii Admit students to approved programmes and courses.
  - iii Grant awards.
  - iv Develop, monitor, review and maintain policies on academic matters, including research.
- b The Council delegates to the CE (or his or her nominee) under specific delegation) – decision to cancel (other than non-engagement or cancellation) or refuse enrolment.

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<sup>1</sup> From herein referred to as Ara

c Academic Board to Heads of Department:

A student who is believed on good evidence to be guilty of misconduct or a breach of discipline may be suspended for up to five teaching days by:

- i a Director
- ii a Head of Department
- iii a Manager of a student service or
- iv Complaint Coordinator.

In all cases, the relevant Head of Department will be advised.

<p><b>Related Ara Procedures and Forms</b></p> <ul style="list-style-type: none"> <li>• APP301b Flowchart</li> <li>• CPP120d Academic Delegations Register</li> </ul>	<p><b>Related Ara Policies</b></p> <ul style="list-style-type: none"> <li>• APP203 Academic Board Membership and Terms of Reference</li> <li>• APP301 Student Rights and Responsibilities</li> <li>• APP304 Academic Misconduct</li> <li>• APP504 Regulations Governing Admission, Enrolment, and Withdrawal</li> <li>• APP505d Academic Appeals Committee Terms of Reference</li> <li>• APP506 Probation</li> <li>• APP511 Academic Support and Progression</li> <li>• CPP105a Code of Conduct for ICT Users</li> <li>• CPP110 Legislative Compliance</li> </ul>
<p><b>Related Legislation or Other Documentation</b></p> <ul style="list-style-type: none"> <li>• Education Act 1989</li> <li>• Trespass Act 1980</li> <li>• Privacy Act 1993</li> </ul>	<p><b>Good Practice Guidelines</b></p>
<p><b>References</b></p> <ul style="list-style-type: none"> <li>• Programme Handbook</li> <li>• Admission and Enrolment Guide</li> </ul>	
<p><b>Notes</b></p> <p>2014 - The policy <i>APP506 Regulations Governing Probation, Suspension, and Cancellation/refusal of Enrolments</i> was divided into three new policies to better reflect the three main components of the policy. The new policies are <i>APP511 Academic Progression, APP506 Probation and APP512 Exclusion</i>.</p> <p>2016 - new branding</p> <p>2017 - additional item 3.2f</p> <p>2017 - additional statement that Formal Appeals are reported publically every six months</p>	

## 2 Principles

- 2.1 Every person has the right to know what is alleged of him or her and the consequences of any allegation being proved.
- 2.2 Every person has the right to respond to any allegation about him or her before any final decision is reached under any of the processes in this policy.
- 2.3 Any matter of concern that might lead to actions under this policy will be raised with the student as early as possible, with the intention that the concerns will be resolved as directly and informally as possible.
- 2.4 Every person has the right to representation, advice, advocacy, and support at all stages of any of the processes under this policy. This includes information on the availability of the services of the Student Advocate. It also includes the right to be accompanied by one or more

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appropriate people of her/his choice at any meetings. If more than three people are to accompany the student, prior notice must be given to the convenor of the meeting and their attendance is subject to the agreement of Ara.

- 2.5 In the case of exclusion for unacceptable behaviour (especially where danger to health or safety are an issue), it may be necessary to act summarily and it may not, therefore, be possible to accord the student all the rights listed in these principles.

### 3 Associated procedures for Ara Academic Policy: Exclusion

<b>Contents:</b>	3.1	General Provisions
	3.2	Suspension
	3.3	Cancellation of Enrolment
	3.4	Refusal of Enrolment
	3.5	Appeal Rights and Other Rights

#### 3.1 General Provisions

- a The formal processes set out in these procedures will normally only be initiated after attempts have been made to address the issues of concern through less formal approaches. These may include, but are not limited to, discussions with teaching staff, referral to support staff, and discussions with programme leaders.
- b An exclusion may apply to one or more specified courses, a whole programme, or all enrolment at Ara. An exclusion may also apply to one or more specified services or facilities. The scope of the exclusion must be stated at the time.  
  
An exclusion does not apply generally to other courses or programmes and does not prevent a person from seeking enrolment in another programme or course.
- c When an exclusion will prevent a person from progressing to a further stage of a programme or from completing a qualification, those consequences must be clearly acknowledged.
- d Every process under this policy must be documented (including notes of any discussions recording the date on which they took place, who was present, what was discussed, and what decisions if any were reached).
- e Every outcome of a process under this policy must be notified to the person concerned in writing. Notification must include information about appeal rights.
- f Once a decision has been finalised, the fact that a student has been excluded will be recorded on the Student Management System.

#### 3.2 Suspension

- a Suspension is a short-term exclusion and is the formal process by which a student is temporarily prohibited from attending classes in one or more courses and/or is refused access to one or more services/facilities provided by Ara.
- b A student who is believed on good evidence to have breached terms and conditions of a Formal Academic Contract and/or Probation may be suspended for up to five teaching days by the Head of Department.
- c A student who is believed on good evidence to be guilty of misconduct or a breach of discipline may be suspended for up to five teaching days by a Director, a Head of Department, a Manager of a Student Service or Complaint Coordinator. In all cases, the relevant Head of Department will be advised.

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- d Every person specified as having authority to suspend a student may do so only within the parameters of their position; for example, the ICT Manager has jurisdiction only over use of/access to computing services and facilities and cannot, therefore, suspend a student from attending classes.
- e Notice of suspension, together with a brief statement of the circumstances and any recommendation for extension, must be forwarded to the Complaints Co-ordinator within three working days of the student being suspended.
- f A student may be suspended from a programme or course where there is concern there may be risks to the safety of themselves or others. The suspension would be imposed by the Head of Department for a period of up to 5 working days or until safety concerns have been addressed.
- g The person authorising a suspension under Section 3.3b or 3.3c may recommend to the Chief Executive that the suspension be extended. The recommendation must include the reasons for extension and the period of time recommended.
- h The Chief Executive will consider the recommendation for extension, seek any further information she or he requires, invite a response from the student and having considered the student's response, if any, determine whether the suspension should be extended and for what specified time.
- i A student may for just cause be suspended by the Chief Executive for a specified time not exceeding twenty teaching days in addition to any suspension imposed under Section 3.3b or 3.3c.
- j The effect of suspension on the student's chances of satisfactorily completing the programme or course, progressing to a further stage, or completing the qualification must be considered.
- k In every case of suspension, the student must be notified verbally at the time if possible and then in writing (which includes communication via electronic means) within three working days, setting out the facts of, the reasons for, and the length of the suspension, as well as any appeal rights.
- l Every student who is suspended may apply to the Chief Executive for a review of the suspension as set out in Section 3.5 below.
- m Depending on the reasons for suspending a student, suspension may be followed by other actions such as placing the student on a Formal Academic Contract and/or Probation Contract, the signing of a good behaviour agreement, the imposing of other conditions, requirements, or expectations, or the cancellation/refusal of enrolment.

### 3.3 Cancellation of Enrolment

[See *APP504 Regulations Governing Admission, Enrolment, and Withdrawals* for details and process for a non-engagement cancellation.]

- a Cancellation of enrolment (initiated by Ara and applying to a single student) must not be confused with voluntary withdrawal (initiated by the student) or with cancellation of a whole course or course occurrence (initiated by Ara).
- b Ara may cancel a student's enrolment on any of the Education Act 1989 grounds.  
The Education Act 1989 grounds are that:
  - i The person is not of good character
  - ii The person has been guilty of misconduct or a breach of discipline

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- iii The person is enrolled for full-time instruction in another institution or in a school
  - iv The person has made insufficient progress in the person's study or training after a reasonable trial at the institution or at another institution.
- c The decision to cancel (other than a non-engagement cancellation) or refuse an enrolment may be made only by the Chief Executive or by his or her nominee under specific delegation.
- d Under Immigration New Zealand requirements, international students must have an appropriate permit to study at a New Zealand tertiary institution. A condition of the permit is that the student makes satisfactory progress in his/her course of study, as determined by the institution.
- e The Education Act 1989 and Ara Strategic Plan commit Ara to preserving and enhancing academic freedom and developing intellectual independence including questioning and testing received wisdom, putting forward new ideas, and stating controversial or unpopular opinions. Such activities must not be seen in themselves as constituting bad character, misconduct, or lack of progress.
- f Failure to meet the terms and conditions of Academic Contract and/or probation may lead to exclusion.
- g When a cancellation is being considered, the Head of Department must invite the student to an interview. The student has the right to representation, advice, advocacy, and support. This includes information on the availability of counselling, Student Advocate and other services. It also includes the right to be accompanied by one or more appropriate people of her/his choice at any meetings.
- If the student does not accept the invitation to an interview, the Head of Department may proceed to the next step.
- h The Head of Department must forward a recommendation to the Chief Executive that the student's enrolment(s) be cancelled. The recommendation must include:
- Any request for suspension to be extended;
  - Details of any terms and conditions;
  - The Education Act 1989 grounds is the basis of the recommendation;
  - Evidence supporting the recommendation.
- i The Chief Executive will consider the recommendation, seek any further information she or he requires, and invite the student to respond. The response from the student may be in written form (including communication by electronic means) or made at a personal interview.
- Note that any or all of the steps set out in Section 3.3f – 3.3i may be carried out at a facilitated meeting of the student, the Head of Department, and the Chief Executive.
- j After hearing from the student, the Chief Executive will determine whether the student's enrolment(s) are to be cancelled. If the student does not respond, the Chief Executive may proceed with the cancellation.
- k If the decision is to cancel the enrolment(s), the Chief Executive will write to the student setting out the fact of cancellation, the reasons for it, and the student's appeal rights.
- The student must be reminded of her/his obligation to return all Ara property including ID card, library books, text books, equipment and keys.

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The student must be advised that no refund of fees and charges is normally made when an enrolment is cancelled. The normal refund policy applies; that is, there is no automatic right to a refund when an enrolment is cancelled.

- l Once the appeal period has elapsed or any appeal has been heard and decided, notice of cancellation will be sent to the Department concerned, and the Corporate Services Division.
- m The fact that a student has had an enrolment cancelled will be notified to the Complaints Co-ordinator and will be recorded in the SMS.
- n If the student is an international student, the Director International or her/his delegate will advise Immigration New Zealand at this point that the student is no longer enrolled at Ara.

### 3.4 Refusal of Enrolment

- a Any person may, for good reason and on good evidence, be refused enrolment at Ara generally or in a particular programme or course only by the Chief Executive or by his or her nominee under specific delegation.
- b Enrolment may be refused on any of the Education Act 1989 grounds.
- c Failure to meet the terms and conditions of probation may lead to exclusion.
- d The Head of Department must forward a recommendation to the Chief Executive that the person's application(s) to enrol be refused.  
  
The recommendation must state which of the Education Act 1989 grounds is the basis of the recommendation and must include the supporting evidence.
- e The Chief Executive will consider the recommendation, seek any further information she or he requires, and invite the person to respond. The response from the person may be in written form (including communication by electronic means) or made at a personal interview.
- f After hearing from the person, the Chief Executive will determine whether the person's application(s) to enrol be refused. If the person does not respond, the Chief Executive may proceed with the refusal of enrolment.
- g If the decision is to refuse the enrolment(s), the Chief Executive will write to the person setting out the fact of refusal, what programmes, courses, or course occurrences it applies to, the reasons for it, the person's appeal rights and any other rights.
- h If the refusal applies to a person who is already enrolled as a student, notice of refusal will be sent to the Department, and the Corporate Services Division once the appeal period has elapsed or any appeal has been heard and decided.
- i The fact that a person has been refused enrolment will be notified to the Complaints Coordinator and will be recorded in the SMS.

### 3.5 Appeal Rights and Other Rights

- a Every student who is placed on **probation** by a Head of Department or his/her delegate may, within **ten** working days of the date of the notice of the decision, apply to the Chief Executive for a review of the fact of or the terms and conditions of probation.

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- b Every student who is **suspended** by an authorised person may within **ten** working days of the date of the decision, apply to the Chief Executive for a review of the suspension.
- c Every student whose **enrolment is cancelled** by the Chief Executive may, within **ten** working days of date of the notice of the decision, appeal to the Chair of Council for a review of the decision.
- d Every person whose **enrolment is refused** by the Chief Executive may, within **ten** working days of the date of the notice of the decision, appeal to the Chair of Council for a review of the decision.
- e The Chair of Council will, within **ten** working days of receiving a notice of appeal, establish an Enrolment Appeal Committee.
- f The Chair of Council may after consultation with the Chief Executive direct that the student be allowed to continue to attend or the person be allowed to enrol provisionally and commence study pending the outcome of the appeal.
- g The Enrolment Appeal Committee thus established will, in accordance with the Committee's terms of reference determine its own procedures for hearing the appeal (subject to the requirements of natural justice and procedural fairness) including the time, date, and venue for the hearing.
- h The Enrolment Appeal Committee will determine the matter and communicate its decision to all the parties.  
  
Advice to the appellant must include information about any other relevant rights.
- i A report on the decision together with a brief statement of the circumstances must be presented to the Ara Council at its next ordinary meeting with the public excluded.
- j Appeal decisions are reported publically every six months. Please note no identifying information is published.

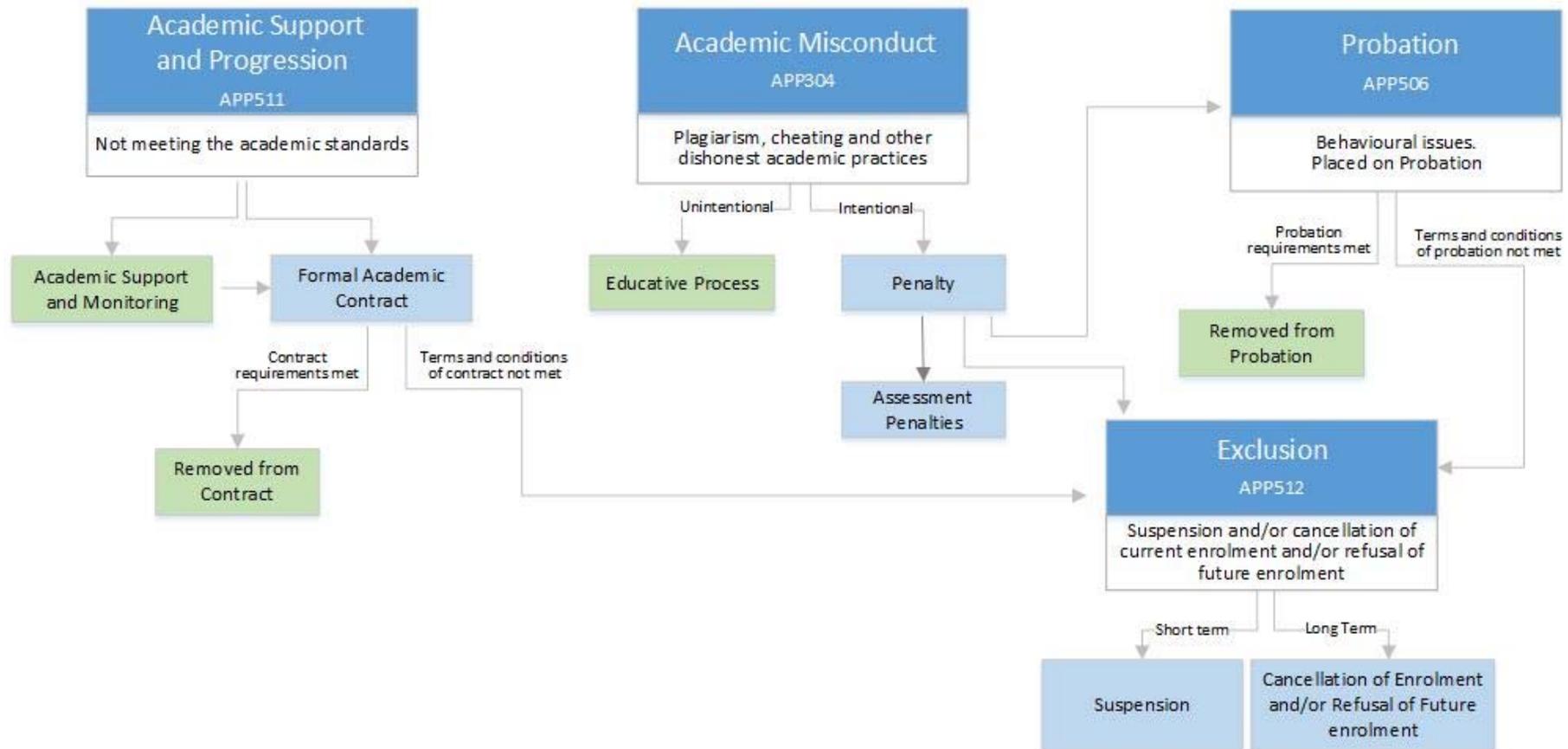
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# Flowchart for Student Rights and Responsibilities, Academic Support and Progression, Academic Misconduct, Probation and Exclusion Policies



**Student Rights and Responsibilities**  
APP301

All students enrolled at or attending/using services of Ara are expected to accept certain responsibilities, respect the rights of others and behave in an acceptable manner



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