

Regulations Governing Probation, Suspension and Cancellation/Refusal of Enrolments

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This policy was reviewed by a working party that included representatives from faculties, SSI Division, Academic Division, Executive and CP Students' Association. The Academic Procedures Committee coordinated the feedback and produced the drafts that were considered by Council and the Academic Board.

A line in the left hand margin indicates additions and changes made since the last version of this policy.

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Section 1: Policy Overview

1.1 Purpose

The purpose of this policy is to ensure that the processes of putting students on probation, suspending students, and cancelling or refusing enrolments are carried out in accordance with the principles of natural justice, procedural fairness and the provisions of s224 of the Education Act 1989.

1.2 Application

- a This policy applies to the probation or suspension of any student, the cancellation of any current enrolment, and the refusal of any future enrolment *except* for the probation and cancellation of enrolment of international/foreign students enrolled in the School of English Language. Refer alternative procedures, attached.
- b This policy relates primarily to ITPNZ Academic Quality Standards 5 (Student Information) & 6 (Student Guidance & Support).

1.3 Policy Statement

A student may, for good reason, be placed on probation by a Head of School or Faculty Dean. A student may be suspended for up to five teaching days by a Head of School, Faculty Dean, Council Secretary, Kaiarahi or other specified senior manager/s. A student may be suspended for up to twenty teaching days by the Chief Executive. The decision to cancel or refuse an enrolment may be made only by the Chief Executive or by his or her nominee under specific delegation. The individual concerned has the right to all the information related to decisions made under this policy. Cancellations and refusals of enrolment are subject to appeal to the Council. Unless clearly stated in writing, a suspension, cancellation, or refusal applies only to enrolment in a specified programme, one or more specified courses and/or specified service/facilities. A student may terminate a current enrolment for his or her own personal reasons at any time. This process is called *withdrawal* and is covered in the policy, *Regulations Governing Admission, Enrolment, and Withdrawal*.

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1.4 Delegations

- a S193(2)(a) of the Education Act 1989 (as amended in 1990) empowers the CPIT Council to provide courses of study and training and to admit students to them. S224 of the same Act deals with the enrolment of students at tertiary education institutions, and S224(13) with the refusal and cancellation of enrolments.
- b The (then) Christchurch Polytechnic Council delegated the above powers to the Chief Executive on 3 April 1991 [recorded as Course Related Delegation # 2]. The delegation also includes responsibility for the operation of the Academic Board, and further empowers the Chief Executive to sub-delegate to staff members/other bodies as he/she sees fit.
- c The terms of reference of the Academic Board includes responsibility for ‘overseeing the establishment and review of programme regulations, including policies and practices regarding suspension of students, withdrawal, appeals.....’
- d Specific responsibilities related to the scope of this policy are set out in Section 2 of this document.

1.5 Definitions

- a Appeal rights: The rights of students and others to appeal to a higher authority for a review of a decision made under this policy.
- b Breach of discipline: Any act or omission which contravenes CPIT guidelines, rules, or regulations or which breaches specific requirements of a programme or course or which breaches the terms and conditions of probation or of a formal warning.
- c Cancellation of enrolment: The formal process, initiated by the Institute often for disciplinary reasons, to cancel a current enrolment in one or more courses or an entire programme on any of the Education Act grounds.
- d Chief Executive: The Chief Executive of CPIT or any person to whom he or she has specifically delegated authority to be exercised under this policy.
- e Education Act grounds: S224(13) sets out the following grounds for cancelling or refusing enrolments:
 - (i) the person is not of good character;
 - (ii) the person has been guilty of misconduct or a breach of discipline;
 - (iii) the person is enrolled for full-time instruction at 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.
- f Enrolment Appeal Committee: An ad hoc committee made up of the Chair of Council, one other member of the Council who is not the Chief Executive or a staff or student member, and one member of the Academic Board other than the Chief Executive nominated by the Chief Executive. An Enrolment Appeal Committee is convened by the Chair of Council to hear and determine appeals against decisions by the Chief Executive to cancel or refuse an enrolment.
- g International Student: An international student is anyone who at the time of enrolment is not one of the following: a NZ Citizen or holder of a Residence Permit or who is exempt from the requirement to hold a permit or is a member of a category gazetted by the Minister to be treated as if they are not international students.
- h Jasper: (also known as Jade SMS system) The electronic student information system maintained by the Student Services & Information Division (SSI).
- i Misconduct: Any act or omission which violates New Zealand law or which constitutes unacceptable behaviour. Some forms of unacceptable behaviour are defined in the *Student Rights and Responsibilities* and/or *Code of Conduct for Computer Users* policies.

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- j Probation: (1) The terms and conditions set by the Academic Board for a special admission. (2) The formal process by which a student is warned by a Head of School or Faculty Dean of unacceptable behaviour or insufficient academic progress and advised of what changes or progress are required, any assistance available, the time available for changes or progress to be achieved, and the method or criteria by which change or progress will be measured. Failure to make the required changes or progress may lead to suspension and/or cancellation of current enrolment(s) and/or refusal of enrolment(s) in future.
- k Refusal of enrolment: The formal process by which the Chief Executive refuses to accept an application for enrolment from any person on any of the Education Act grounds.
- l Satisfactory progress - The requirements for satisfactory progress are defined in individual programme documents. The exception is International students in the School of English Language who are not undertaking a programme of study which is formally documented and whose assessments are, therefore, not recorded through our central administration process. For these students satisfactory progress is defined as 80% attendance. Mainstream International students are required to make satisfactory progress in their courses of study as determined by the requirements of their programme. Mainstream students **may not have** to meet minimum attendance requirements, as long as they continue to meet all other course requirements.
- m Student: As defined in the ‘companion’ policy ‘Regulations Governing Admission, Enrolment and Withdrawal’. See in particular definition of domestic and international students.
- n Student Rights and Responsibilities: Defined in policy and published in *The Student Handbook*.
- o Suspension: The formal process by which a student is temporarily prohibited from attending classes in one or more courses and/or removal of access to one or more services/facilities provided by the Institute. In serious circumstances it may include a Trespass Notice.
- p Teaching Day: A teaching day is any day on which a student would expect to receive tuition as part of their particular programme of study.
- q Trespass Notice: A formal written notice issued to a named individual under s4(4) of the Trespass Act 1980 which makes it an offence for that person to enter or be on specified premises for a period of two years.
- r Withdrawal: The formal process, initiated by a student for his or her own personal reasons, to terminate a current enrolment in one or more courses or an entire programme.

1.6 Attachments

- Probation and Cancellation of Enrolment: Alternative Procedures – CPIT School of English Language
- Procedure - International Student Advisers Role

1.7 Related Policies

- Regulations Governing Admission, Enrolment, and Withdrawal
- Student Rights and Responsibilities
- Code of Conduct for Computer Users
- Complaints Procedures
- Plagiarism, Cheating, or Other Dishonest Practice
- Legislative Compliance

1.8 Further Notes

The 2001 version of this policy was endorsed by Management Team on 9 March 2001, the Academic Board on 5 April 2001 and CPIT Council on 18 April 2001. The 1993 version was adopted by Council on 11 October 1993, and the 2004 version on 17/11/04. Other revisions have been minor, and have therefore been reported to Council rather than submitted for re-approval.

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Section 2: Associated Procedures

2.1 Natural Justice / Procedural Fairness

- a Every person affected by this policy has the right to a copy of the policy and to such further information as is needed to clarify any point or process.
- b 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 counselling and other services and the Student Advocate. It also includes the right to be accompanied by one or more appropriate people of her/his choice at any meetings. If more than three people are to accompany the student, their attendance is subject to the agreement of the Institute.
- c Every person has the right to know what is alleged of him or her and the consequences of any allegation being proved.
- d 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.
- e Every person has the right to access all personal information held about him or her unless good reason exists under the Privacy Act 1993 for not disclosing such information.

2.2 General Provisions

- a Unless otherwise clearly stated in writing at the time, a suspension or cancellation of enrolment applies only to enrolment in a specified programme, one or more specified courses and/or one or more specified services/facilities. Likewise, unless otherwise stated clearly in writing at the time, a refusal of enrolment applies only to a specified programme or one or more specified courses. That is, unless otherwise clearly stated, a suspension, cancellation, or refusal does not apply generally to other programmes or courses and does not prevent a person from seeking enrolment in another programme or course.
- b When a suspension, cancellation, or refusal will prevent a person from progressing to a further stage of a subject or from completing a qualification, those consequences must be clearly acknowledged.
- c 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).
- d Every outcome of a process under this policy must be notified to the person concerned in writing. Notification must include information about appeal rights and other rights.
- e Once a decision has been finalised, the fact that a student is under suspension or has had an enrolment cancelled or refused will be recorded on Jasper in a form determined by the Registrar.
- f Once a process under this policy is completed, the person principally involved in applying and administering the policy in the particular case completes and distributes, if relevant, a summary of what has been learned from the experience including what outcomes were reached and the reasons for those outcomes.
- g Every enrolled student is a member of the Christchurch Polytechnic Students Association (CPSA) unless she or he is expressly exempted by the CPSA. The CPSA provides support, advice, and advocacy to any member who seeks it. The CPSA is recognised by the Council and the Executive as having a legitimate role in providing advocacy for individual members. Students directly affected by this policy are encouraged to consult the CPSA's Student Advocate.

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2.3 Probation

- a Any person who does not for any reason meet the entry requirements for a programme may be allowed to enrol as a special admission (see *Regulations Governing Admission, Enrolment, and Withdrawal* policy). The Academic Board or delegated body may determine that special terms and conditions apply, in which case the student may be considered 'enrolled on probation'. The applicant must be advised of the terms and conditions of probation in writing by the Faculty Dean (refer 2.3c, below).
- b Any student whose progress in a current course is considered by her/his tutors to be insufficient must be advised of this in writing by the Head of School or Faculty Dean. Any student whose behaviour is unacceptable and of concern to staff or other students must be advised of this in writing by the Head of School or Faculty Dean. In both cases, this written warning is known as *probation*.
- c The written advice must briefly record the deficiencies or concerns, the progress or standards of behaviour which must be met, any assistance available, the time within which progress or change must be demonstrated, and the method and criteria by which such progress or change will be measured.
- The progress or change required should be reasonable and the criteria for assessing whether the progress or change has been achieved should be easily understood and capable of being clearly demonstrated.
- The written advice must include the warning that failure to make progress or achieve change may lead to suspension and/or cancellation of current enrolment(s) and/or refusal of future enrolment(s).
- These requirements are known as the *terms and conditions of probation*.
- d Every student who is placed on probation by a Head of School or Faculty Dean may apply to the Chief Executive for a review of the fact or terms and conditions of probation as set out in Section 2.7 below.
- e If at any time during probation the Head of School or Faculty Dean is of the opinion on good evidence that the terms and conditions of probation are not being met or have not been met, the Head of School or Faculty Dean may suspend the student for up to five teaching days and may recommend to the Chief Executive that the suspension be extended and/or that the student's current enrolment(s) be cancelled and/or that future enrolment(s) be refused.

2.4 Suspension

Note that in all references to 'suspension', the definition set out in Section 1.5 (n) applies, ie a student may be suspended from one or more courses and/or from access to one or more services/facilities, depending on the reason for the suspension. Each person specified as having authority to suspend a student may do so only within the parameters of their position, eg the Director IT has jurisdiction only over use of/access to computing services and facilities and cannot, therefore, suspend a student from attending classes.

- a A student who is believed on good evidence to have breached terms and conditions of probation may be suspended for **up to five teaching days** by the Head of School or Faculty Dean.
- b 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 the Council Secretary, Registrar, Kaiarahi, Head of School, Faculty Dean or (if related to misuse of computing facilities) the Director, IT Division. In all case, the relevant Head of School or Dean of Faculty will be consulted before the suspension is finalised.
- c 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 2.4a or 2.4b, above.

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- d The person authorising a suspension under 2.4a or 2.4b 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.
- e Notice of suspension, together with a brief statement of the circumstances and any recommendation for extension, must be forwarded to the Chief Executive within three working days of the student being suspended.
- f The Chief Executive will consider the recommendation for extension, seek any further information she or he requires, call for a response from the student, and having considered the student's response, determine whether the suspension should be extended and for what specified time.
- g 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.
- h 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.
- i Every student who is suspended may apply to the Chief Executive for a review of the suspension as set out in Section 2.7 below.
- j The fact that a student is under suspension will be notified to the Registrar and will be recorded on Jasper in a form determined by the Registrar.
- k Depending on the reasons for suspending a student, suspension may be followed by other actions such as placing the student on probation, the signing of a good behaviour agreement, the imposition of other conditions, requirements, or expectations, or the cancellation/refusal of enrolment.

2.5 Cancellation of Enrolment

- a Cancellation of enrolment (instituted by CPIT and applying to a single student) should not be confused with withdrawal (initiated by the student) or with cancellation of a course (initiated by CPIT).
- b CPIT may cancel a student's enrolment on any of the Education Act grounds (see below for provisions regarding international/foreign students).
- c Under NZ Immigration Service (NZIS) requirements, international/foreign students must have an appropriate permit to study at a NZ tertiary institution. Under NZ Immigration Service (NZIS) 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. Alternative procedures therefore apply to the probation and cancellation of enrolment of an international student enrolled in the School of English Language courses (see attachment).
- d The Education Act and the CPIT Charter commit CPIT 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.
- e Failure to meet the terms and conditions of probation may lead to cancellation or refusal of enrolment.
- f The decision to cancel or refuse an enrolment may be made only by the Chief Executive or by his or her nominee under specific delegation.

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- g When a cancellation is being considered, the Faculty Dean must interview the student and the provisions of Sections 2.1 and 2.2 above must be honoured. The student has the right to representation, advice, advocacy, and support. This includes information on the availability of counseling, 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.
- h The Faculty Dean must forward a recommendation to the Chief Executive that the student's enrolment(s) be cancelled. The recommendation must state which of the Education Act grounds is the basis of the recommendation and must include the evidence.
- i The Chief Executive will consider the recommendation, seek any further information she or he requires, and call for a response from the student. The response may be in written form (including communication by electronic means) or made at a personal interview.
- j After hearing from the student, the Chief Executive will determine whether the student's enrolment(s) are to be cancelled.
- k Note that any or all of the steps set out in 2.5(g) through (j) may be carried out at a facilitated meeting of the student, the Faculty Dean, and the Chief Executive.
- l 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, the student's appeal rights and any other rights. The student must be reminded of her/his obligation to return all CPIT property including ID Card, library books, text books, equipment and keys.

The student must be advised that no refund of fees and charges is normally made when an enrolment is cancelled. In special circumstances a refund may be made at the Chief Executive's discretion.
- m Every student whose enrolment is cancelled by the Chief Executive may, within ten working days of receiving notice of the decision, appeal to the Chair of Council for a review of the decision as set out in Section 2.7 below.
- n Once the appeal period has elapsed or any appeal has been heard and decided, notice of cancellation will be sent to the Faculty, Student Services & Information Division, and CPSA.
- o The fact that a student has had an enrolment cancelled will be notified to the Registrar and will be recorded on Jasper in a form determined by the Registrar.

2.6 Refusal of Enrolment

- a Any person may, for good reason and on good evidence, be refused enrolment at CPIT 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 grounds.
- c Failure to meet the terms and conditions of probation may lead to cancellation or refusal of enrolment.
- d The Faculty Dean 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 grounds is the basis of the recommendation and must include the evidence.
- e The Chief Executive will consider the recommendation, seek any further information she or he requires, and call for a response from the person. The response may be in written form (including 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.

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- 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 Every person whose enrolment is refused by the Chief Executive may, within ten working days of receiving notice of the decision, appeal to the Chair of Council for a review of the decision as set out in Section 2.7 below.
- i If the refusal applies to a person who is already enrolled as a student, notice of refusal will be sent to the Faculty, SSI Division and CPSA once the appeal period has elapsed or any appeal has been heard and decided.
- j The fact that a person has been refused enrolment will be notified to the Registrar and will be recorded on Jasper in a form determined by the Registrar.

2.7 Appeal Rights and Other Rights

- a Every person affected by this policy has the right to the benefits of natural justice/procedural fairness as set out in Sections 2.1 and 2.2 above. This includes the right to representation, advice, advocacy, and support at all stages of any of the processes under this policy, including information on the availability of counseling, 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.
- b Every student who is placed on **probation** by a Head of School or Faculty Dean may, within five working days of receiving notice of the decision, apply to the Chief Executive for a review of the fact or terms and conditions of probation.
- c Every student who is **suspended** by a Head of School, Faculty Dean, the Registrar, Council Secretary, Director IT Division or Kaiarahi may, within five working days of receiving notice of the decision, apply to the Chief Executive for a review of the suspension.
- d Every student whose **enrolment is cancelled** by the Chief Executive may, within ten working days of receiving notice of the decision, appeal to the Chair of Council for a review of the decision.
- e Every person whose **enrolment is refused** by the Chief Executive may, within ten working days of receiving notice of the decision, appeal to the Chair of Council for a review of the decision.
- f The Chair of Council will, within ten working days of receiving a notice of appeal, convene an Enrolment Appeal Committee.
- g The Chair of Council may 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.
- h The Enrolment Appeal Committee thus established will 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.
- i 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.
- j A report on the decision together with a brief statement of the circumstances must be presented to the CPIT Council at its next ordinary meeting with the public excluded.

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k Anyone who is subject to a decision made under this policy has a number of other rights which include but are not limited to rights under

- IPP 6 and 7 of the Privacy Act 1993
- Ss 66 and 67 of the Privacy Act 1993
- Ss 12, 22, and 23 of the Official Information Act 1982
- S13 of the Ombudsmen Act 1975

In some circumstances, a person subject to a decision made under this policy may have a right to a judicial review.