

VICTORIA HOUSE POLICY ON STUDENT CONDUCT

CONTENTS

	Page
1. Purpose:.....	1
2. Organisational Scope.....	1
3. Definitions:.....	1
4. Policy Content and Guidelines:.....	2
4.1 Scope:.....	2
4.2 Definition of Prohibited Conduct:.....	3
4.3 Resolving Complaints Informally:.....	5
4.4 Resolving Complaints Formally.	5
4.5 Urgent Action:.....	6
4.6 Disciplinary Action:	6
4.7 Appeals:	7
4.8 Records of Complaints:	8

1. PURPOSE:

Residents are expected to act in ways that are consistent with the role and guiding values of Victoria House and to regulate their own conduct so as not to impede or prejudice the work of other members of the community. They are entitled to work, learn, study and participate in the social aspects of Victoria House and the University, in an environment of safety and respect. It is expected that residents will act with integrity and demonstrate respect for others.

This policy sets out the procedures that apply in the event that a resident is alleged to have breached acceptable standards of conduct as described herein.

2. ORGANISATIONAL SCOPE:

This is a Victoria House Policy which is consistent with the Victoria University of Wellington's Statute of Student Conduct. It applies to all residents at Victoria House.

3. DEFINITIONS:

For purposes of this policy, unless otherwise stated, the following definitions shall apply:

Clinician: A VUW Counsellor or registered health professional.

<i>Complainant:</i>	Any resident or staff member of Victoria House who alleges a breach of this policy by a Victoria House resident.
<i>Deciding Manager:</i>	Victoria House Manager, Senior RA or nominated Deputy.
<i>Resident:</i>	Any person currently residing in Victoria House.
<i>Member of the University Community:</i>	Includes all students, all staff of the University, the VUW Foundation and Victoria Link Limited, Council Members, persons on contract to the University, visiting scholars, professors, Emeriti, Hall residents, and persons providing services to the University.
<i>Respondent:</i>	A Victoria House resident against whom an allegation of a breach of this policy is brought.
<i>Victoria House Property:</i>	All premises, grounds, buildings and chattels owned by Victoria House Incorporated.

4. POLICY CONTENT AND GUIDELINES:

4.1 Scope:

- (a) The policy shall cover student conduct:
 - (i) Within Victoria House property; or
 - (ii) In the context of any official Victoria House activity; or
 - (iii) Where the behaviour in question is directly and demonstrably related to his or her status as a resident of Victoria House.
- (b) A resident of Victoria House is in breach of this policy if he or she engages in any conduct within the jurisdiction of Victoria House that is prohibited by clause 4.2 of this policy.
- (c) A complaint may be made against:
 - (i) Any current resident of Victoria House.

4.2 Definition of Prohibited Conduct:

Conduct prohibited by this policy is:

- (a) Conduct in breach of any rule of conduct within the Victoria House Rules and Regulations (The Blue Book).
- (b) Conduct in breach of any provision of any New Zealand statute or regulation.
- (c) Discrimination as defined in the Human Rights Act 1993.
- (d) Sexual Harassment as defined in Section 62 of the Human Rights Act 1993.
- (e) Racial Harassment as defined in Section 63 of the Human Rights Act 1993.
- (f) Causing Racial disharmony as defined in Section 61 of the Human Rights Act 1993.
- (g) Misuse of information which includes:
 - (i) Perusing personal information files or any other information, whether on a Victoria House database or other information collection, to which the person has no authorised access;
 - (ii) Intentionally introducing erroneous or misleading material into, falsifying, or deleting without authorisation information from, any Victoria House database or information collection; and
 - (iii) Any act or omission in breach of the Privacy Act 1993 or the Official Information Act 1982.
- (h) Misuse of Victoria House computer systems, which includes:
 - (i) Accessing, storing, viewing, publishing or distributing pornographic material;
 - (ii) Publishing or distributing any material that is defamatory or offensive, or in any way constitutes harassment or excessive mail to other users (for example, hoax letters); and
 - (iii) Copying, loading or downloading any software or other material (including games, movies and music) in breach of copyright licence conditions.
- (i) Non-payment of any monies owed to Victoria House including but not limited to:
 - (i) Boarding fees;
 - (ii) Fines;
 - (iii) Damages;

- (iv) Any other payments owing to Victoria House.
- (j) Other inappropriate conduct which includes but is not limited to:
 - (i) Being in any part of Victoria House, knowing that he is/she is not entitled to be there at the time;
 - (ii) Knowingly failing to comply with any reasonable direction given to him or her by the person in charge of a group of residents going to, engaged in, or returning from any activity conducted or sponsored by Victoria House, beyond Victoria House property;
 - (iii) Knowingly failing to comply with any reasonable direction given to him or her by a staff member of Victoria House or any person acting under the authority of the Victoria House Manager;
 - (iv) Wilfully or recklessly damaging or defacing, or wilfully moving without authority any property of Victoria House;
 - (v) Wilfully creating any nuisance;
 - (vi) Being under the influence of illegal drugs;
 - (vii) Being under the influence of alcohol in a situation where this is inappropriate;
 - (viii) Wilfully obstructing any member of the Victoria House community or any person employed at Victoria House in the due performance of his or her functions or of the work he or she is required to perform;
 - (ix) Committing any criminal offence;
 - (x) Committing any breach of any rule of conduct (verbal or written) made by any authorised person provided that reasonable notice of that rule has been given to residents generally or to the resident charged with misconduct before the misconduct is alleged to have taken place;
 - (xi) Threatening or repeatedly or excessively insulting any other person;
 - (xii) Behaving in any way, without reasonable cause, which brings or is likely to bring Victoria House into disrepute;
Note: *This is not intended to apply to reasonable behaviour by residents in the exercise of academic freedom;*
 - (xiii) Knowingly assisting another resident of Victoria House in the commission of, or counselling, procuring or encouraging another resident of Victoria House to commit any breach of this policy;
 - (xiv) Bribing or attempting to bribe staff by offering gifts or services in return for personal favour;

- (xv) Falsifying or attempting to falsify any document, whether or not it is for the purpose of a benefit or advantage;
- (xvi) Misuse of fire equipment including malicious use of a fire alarm in a non-emergency; and
- (xvii) Any action or behaviour which endangers your life or the lives of others.

4.3 Resolving Complaints Informally:

- (a) When appropriate, Victoria House encourages the use of informal methods for resolving disputes. For advice on whether an informal process is appropriate, the Facilitator and Disputes Advisor at Victoria University may be contacted in confidence.
- (b) Specific resource people that may be called upon to assist with informal resolutions include the Facilitator and Disputes Advisor and the VUWSA Education Co-ordinator/s.

4.4 Resolving Complaints Formally.

- (a) The complainant may make their complaint to the Deciding Manager of Victoria House.
- (b) If the Deciding Manager of Victoria House considers that the complaint discloses a possible breach of this policy he or she shall:
 - (i) Advise the respondent (orally or in writing) of the substance of the complaint, the relevant clause/s of this policy that have allegedly been breached, their entitlement to representation and the advisory and support services offered by VUWSA via the Education Co-ordinators and their contact details; and
 - (ii) Provide the respondent with copies of any written material relating to the complaint and a reasonable opportunity to then respond to the allegation/s; and
 - (iii) Give due consideration to any explanations/comments from the respondent before any decision is made; and
 - (iv) Advise the respondent (orally or in writing) as soon as is practicable of their decision; and
 - (v) Inform the complainant of their decision; and
 - (vi) Maintain a record of any disciplinary action.
- (c) In the case of serious misconduct where the Deciding Manager of Victoria House considers that the respondent's presence on the Victoria University Campus may pose a risk to the safety and wellbeing of members of the University community, the Manager will contact the Risk Assessment Advisory Committee through the Manager,

Accommodation Services or the Convenor of the Committee, the Director Student Services.

4.5 Urgent Action:

4.5.1 General

Before a complaint is investigated by the Deciding Manager of Victoria House, urgent interim action may be taken if it is required to ensure that the peace and good order of Victoria House and the safety and well-being of its residents are maintained.

4.5.2 Urgent interim exclusion from Victoria House

- (a) Where the Deciding Manager of Victoria House believes on reasonable grounds that a resident has committed or is committing a breach of this policy and that immediate action is required to ensure that the peace and good order of Victoria House is maintained, he or she may:
 - (i) instruct the resident to cease the misconduct and/or vacate the area where the misconduct has occurred; and/or
 - (ii) exclude the resident from any designated part of Victoria House for a period not exceeding two weeks.
- (b) Before excluding a resident under clause 4.5.2(a), the Deciding Manager of Victoria House shall provide the resident with a reasonable opportunity to comment on the proposed temporary exclusion, and take into consideration any effects the exclusion may have on that resident.
- (c) An exclusion under clause 4.5.2.(a) shall take effect as soon as the resident has been advised.

4.6 Disciplinary Action:

Where a complaint of misconduct is established, the Deciding Manager of Victoria House may take disciplinary action against the respondent. Such action may include:

- (a) Requiring a public apology from the respondent, either written or oral;
- (b) Requiring an undertaking/s from the respondent as to future behaviour;
- (c) An oral or written warning;
- (d) A fine not exceeding twice the single room weekly full board rate;
- (e) An order to pay compensation for any loss or damage caused by or arising from the misconduct;

- (f) Assignment of a community service project within Victoria House, which bears some relevance to the respondent's conduct;
- (g) Exclusion of the respondent from any particular area of, or particular social activities in Victoria House;
- (h) Exclusion of the respondent from Victoria House for any specified period the Deciding Manager thinks fit, not exceeding two weeks.
- (i) Eviction from Victoria House on not less than 48 hours' notice;
- (j) Requiring the respondent to undergo an assessment by a clinician if the Manager of Victoria House considers that the respondent may pose a risk to the safety and wellbeing of themselves or member/s of the Victoria House community, or that the respondent is likely to disrupt or impede the activities of Victoria House. (This would be at no cost and conducted by VUW health services.)
- (k) Exclusion from Internet services provided.

4.6.1 **Where non-payment/s of rent occurs:**

The revoking of residents entitlements at VUW, including but not limited to:

ID card issue or endorsement;

Attendance at lectures, laboratories or tutorials, or use of the University Library and its computing services;

Having a degree conferred, receiving grades, transcripts or academic certificates;

Enrolment in any other University course, until the default has been rectified.

4.7 Appeals:

4.7.1 Process:

- (a) The complainant or the respondent may appeal to the Disciplinary Appeals Committee against the decision of the Deciding Manager of Victoria House in accordance with this clause.
- (b) The Disciplinary Appeals Committee must comprise three members of the Executive Committee, excluding the chairperson. The Deputy Chair will convene the Appeals Committee. Where they are unable to, a delegated member of the Executive Committee will convene the Appeals Committee. (Where possible, one of the members will be a VUW representative.)

- (c) The complainant or the respondent must advise the Convener of the committee of the appeal within 48 hours from the date of the decision of the Deciding Manager of Victoria House. The period may be extended if the Convenor is satisfied that there are good and exceptional reasons why the notice was not given within that period.
- (d) In determining an appeal the Committee may rehear any or all of the evidence before the Deciding Manager of Victoria House and may receive any further evidence orally or in writing that is relevant.
- (e) The complainant and the respondent must be provided with copies of any written material the Committee may consider in making its determination and are entitled to make submissions in writing and appear in person before the committee, accompanied by a representative or support person if so desired.
- (f) The Committee must give due consideration to all of the evidence and submissions before it.
- (g) The Committee will not allow an appeal unless it is satisfied that the decision of the deciding manager:
 - (i) was unsound because of some material defect in the procedures followed by that manager;
 - (ii) was plainly wrong on the basis of the information before the deciding committee; or
 - (iii) has been shown to be plainly wrong in the light of additional information which, for good reasons, the party appealing was unable to have considered by the Deciding Manager.
- (h) If the Committee allows an appeal, it may substitute a different direction or provision for that made by the Deciding Manager of Victoria House.
- (i) The Committee must provide written reasons for its decision to both the complainant, the respondent and the Deciding Manager.
- (j) The decision of the Committee on an appeal will be final and binding and complete Victoria House's internal complaints process.

4.8 Records of Complaints:

The Deciding Manager of Victoria House, will ensure that all complaints against residents that have been upheld will be recorded on the resident's file in the Victoria House record system.