

The Mind Lab Student Disciplinary Policy and Procedures

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Purpose

The purpose of this policy is to outline how The Mind Lab (TML)¹ will respond to incidents or allegations of prohibited conduct by students.

Scope

This Policy applies to:

1. Any person who is a student at The Mind Lab, either currently enrolled, or was previously enrolled as a student of The Mind Lab (up to 2 years before a complaint or allegation against that person is received).
2. Student Conduct
 - a. Within The Mind Lab premises (or any location where The Mind Lab programmes are taught).
 - b. In the context of any activity or service as part of programmes offered by The Mind Lab.
 - c. That is demonstrably related to his or her status as a student of The Mind Lab.

¹ Tech Futures Lab is a wholly owned subsidiary of The Mind Lab. All policies and procedures of The Mind Lab also apply to Tech Futures Lab. Terms and Conditions, Policies and Declarations that relate to The Mind Lab also relate to Tech Futures Lab unless expressly stated otherwise.

Policy Statements

1. The Mind Lab fosters a culture of collaboration and learning as outlined in The Mind Lab Code of Conduct.
2. The Mind Lab Student Disciplinary Policy allows a process to be put in place when an individual or individuals threaten that culture of collaboration and learning for other individuals.

Student Disciplinary Procedures

The Mind Lab Staff Actions

1. When an incident or behaviour which a staff member considers may amount to Prohibited conduct, they must:
 - a. Consider whether urgent action needs to be taken to ensure safety (see (2) below); and
 - b. Consider whether the incident actually amounts to Prohibited Conduct, and if so, submit a report
2. In considering whether an incident amounts to Prohibited Conduct, the staff member must take into account all relevant circumstances of the alleged incident (the nature, intent, impact, context and seriousness of the conduct).

Urgent Action

1. Urgent action can be taken by a staff member of The Mind Lab if, in their opinion, it is required to ensure the safety of other staff and students and/or the reputation of The Mind Lab.
 - a. A student may be excluded from the duration or remainder of a class if there is reasonable grounds to believe that Prohibited Conduct has been committed, and the student fails to respond to a request to stop behaving inappropriately, or the safety and wellbeing of other students and staff is at risk.
 - b. Any urgent action taken must be reported in writing to the TML National Academic Director including the context and reasons for the action, as soon as possible.
2. If the TML National Academic Director has reasonable grounds for believing that a student has, or may have committed Prohibited Conduct and believes immediate action is required to ensure the safety of staff and students and the reputation of The Mind Lab comes under disrepute, they may:
 - a. Instruct the student to stop the alleged Prohibited conduct or leave the area where the Prohibited conduct has occurred

- b. Temporarily exclude or suspend the student from attending classes, at The Mind Lab until a formal investigation of the Prohibited Conduct has been carried out in accordance with section (3) below.
- c. Require the student to not to have any contact with staff or students of The Mind Lab until a formal investigation into the Prohibited Conduct has been carried out in accordance with section (3) below.

Investigating Allegations of Prohibited Conduct

If a staff member of The Mind Lab believes a student has acted in a manner constituting Prohibited Conduct, they must report the alleged incident to the TML National Academic Manager within an appropriate time frame.

The TML National Academic Manager or delegated authority must decide whether the incident is in breach of this Student Disciplinary Policy, and whether the incident constitutes Misconduct or Serious Misconduct to be further investigated.

1. In all cases the TML National Academic Manager or delegated authority will conduct the investigation, except when:
 - a. The TML National Academic Manager or delegated authority is conflicted, implicated or otherwise involved in the complaint.
 - b. The nature and circumstances of the complaint are such that another staff member should conduct the investigation
 - c. The nature and circumstances of the complaint are such that a Tikanga Māori Protocol should be followed.
2. The investigator shall:
 - a. Collect all necessary information related to the allegation.
 - b. Decide in a reasonable timeframe whether there is a case for further investigation, and advise the Complainant (The Mind Lab Staff) and Respondent (Student) of their decision.
 - c. Confirm/review the appropriateness of their role as the investigator, considering if the allegation is proven to result in disciplinary action
 - d. Advise the respondent (student), in writing of:
 - i. The substance of the complaint, with copies of relevant written material, without compromising privacy
 - ii. The relevant policy that have allegedly been breached
 - iii. The support services available to them
 - iv. The relevant procedural details which will apply to the resolution of the complaint, including whether their response will be required in writing or a Hearing.

- v. Their right to bring a support person or have a representative accompany them to any meeting or Hearing
- e. Provide the Respondent with reasonable opportunity to respond to the allegations in writing and/or a Hearing.
- f. Ensure that any meeting with the Respondent to discuss the complaint is treated as a Hearing. A Hearing should:
 - i. Include at least one other Staff Member who has no involvement with the alleged Prohibited Conduct
- g. Give consideration to all the information presented and any explanations/comments from the Respondent before any decision is made.
- h. Where a decision is made that the allegation(s) has/have been proven, ensure that disciplinary actions are consistent with the range of actions available.
- i. Advise the respondent in writing of their decision (where a Hearing is held, this should be within 5 working days) and their right to appeal the decision.
- j. Inform the complainant of the decision
- k. Record details of the investigation, including any disciplinary action taken.
- l. Ensure all reports and documentation of the investigation are filed in The Mind Lab's Digital Filing Cabinet.

Disciplinary Actions

The type of disciplinary action that may be taken against a Respondent fall under the categories of Inappropriate Conduct, Misconduct, and Serious Misconduct. Disciplinary actions may be one or a combination of the actions outlined below:

<p>Actions for "Inappropriate Conduct"</p>	<ul style="list-style-type: none"> ● A formal oral or written warning to the Respondent ● A direction to the Respondent to do, or refrain from doing something, including related to future behaviour or making an apology ● A reduction in the mark or grade awarded to the Respondent for the item of assessment the Prohibited Conduct relates to ● The award of a fail or non-passing grade for the item of assessment the Prohibited Conduct relates to ● A direction to submit an alternative item of assessment
<p>Actions for "Misconduct"</p>	<ul style="list-style-type: none"> ● Direction to the respondent to undergo an educational or supervision programme ● Direction to the respondent to pay compensation for any loss or damage caused ● Direction to the respondent to change a specified document

	<ul style="list-style-type: none"> ● Direction to the respondent to take action to relieve distress caused to the complainant and/or repair any damage caused by the respondent ● Suspension of the respondent from some or all classes
Actions for "Serious Misconduct"	<ul style="list-style-type: none"> ● Disqualification of respondents from sitting any assessments for any period considered appropriate ● Suspension of the respondent from any course and/or exclusion of the respondent from any programme(s) for a period considered appropriate ● Suspension or restriction of the respondents access to all or any part of The Mind Lab facility

Appeals

A respondent has one right of appeal against any disciplinary action taken against them by the investigator.

1. An application for appeal must be made following the procedure outlined in [The Mind Lab Student Complaints and Appeals Policy and Procedures](#).

Responsibilities

Role	Responsibilities
National Academic Director and National Academic Manager	Accountable for overall Academic Quality of TML programmes (NAD), and with support from NAM working with all PLs and teams to analysing, improving and documenting education performance
National Academic Registrar	Accountable for Student Records and data

Definitions

Term	Means
Prohibited Conduct	<ul style="list-style-type: none"> ● Conduct in breach of any provision of any New Zealand statute or regulation (including, but not limited to, Human Rights Act 1993, Health and Safety at Work Act 2015). ● Conduct in breach of The Mind Lab Code of Conduct (Staff and Students).

	<ul style="list-style-type: none"> ● Academic and/or professional misconduct, including: fabrication of data, falsification of data, plagiarism, cheating, submission of summative assessments more than once. Academic misconduct does not include honest errors or differences in the interpretations of data. ● Misuse of information. ● Misuse of The Mind Lab technology systems. ● Other prohibited conduct: <ul style="list-style-type: none"> ○ Behaving in a manner that is disorderly, reckless, offensive, or obscene ○ Bullying, harassing, threatening, discriminating against or victimising any person ○ Failing to comply with reasonable instruction given by a member of The Mind Lab staff ○ Wilfully or recklessly damaging or defacing The Mind Lab property ○ Using or being in the possession or under the influence of illegal drugs or alcohol on The Mind Lab premises (including all programme delivery sites). ○ Wilfully obstructing any member of The Mind Lab staff which prevents them from carrying out his or her functions or duties. ○ Using or attempting to use a false identity, or falsifying or attempting to falsify any document ○ Knowingly supplying false information or knowingly failing to supply relevant information in respect of any matter relating to the Student’s study ○ Behaving in a manner that brings or is likely to bring The Mind Lab into disrepute.
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Related Documents

[The Mind Lab Student Complaints and Appeals Policy and Procedures](#)