

NMIT STUDENT MISCONDUCT PROCEDURE

MOKAMOKA WHAKAAETANGA | APPROVAL DETAILS

Section	Learner		
Approval Date	11.08.2026	Sponsor	Director Māori and Learner Success
Next Review	01.01.2029	Approved by	SLT

NGĀ WHAKATIKATIKA | AMENDMENT HISTORY

Version	Effective Date	Created/ Reviewed by	Reason for review / comment
1	01.07.2026	Transition Lead	New

Te Pūtaki | Purpose

This Procedure supports implementation of the [NMIT Student Misconduct Policy](#) by describing the process NMIT follows when responding to alleged breaches of the [NMIT Student Charter and Student Rules](#).

The scope and principles stated in the Policy apply to this Procedure

The Procedure aims to ensure that all allegations of student misconduct are managed fairly, consistently and in a timely manner while upholding the principles of natural justice and procedural fairness.

Tirohanga Whānui | Overview

This Procedure supports the policy by providing a fair, consistent and transparent process for responding to alleged student misconduct.

The Procedure supports early resolution of issues, where appropriate, through discussion, education or restorative approaches. However, where behaviour is serious, repeated, or poses a risk to the safety or wellbeing of individuals or the NMIT community, NMIT may initiate a formal misconduct process.

When applying this Procedure, NMIT will act promptly and fairly by ensuring that we:

- provide the student with sufficient information about the allegation and a reasonable opportunity to respond before making a decision
- treat all parties with respect, impartiality and confidentiality
- make decisions based on the available evidence
- ensure any outcome is proportionate to the nature and circumstances of the misconduct
- take reasonable steps to protect the safety, wellbeing and support of students, kaimahi and others throughout the process.

Out of Scope:

This Procedure applies to all NMIT students and to all alleged breaches of the Student Charter and Student Rules occurring in connection with study or other NMIT-related activities, regardless of whether they take place on campus, online or in another learning environment.

It does **not** apply to:

- alleged breaches of academic integrity or academic misconduct, which are managed under the **NMIT Academic Integrity and Academic Misconduct Policy** and the procedures outline in **NMIT Academic Procedures Manual**
- concerns relating solely to academic progress or achievement
- matters managed under another NMIT policy or procedure where that process is more appropriate (although information arising from those processes may be considered in a misconduct procedure, where relevant).

Ngā Haepapa | Responsibilities

Responsibilities described in this Procedure may be exercised by appropriately delegated NMIT kaimahi in accordance with NMIT's organisational delegations.

Role	Responsibilities
Advocate	Represent or advise the student at any or all stages throughout the appeal process. Speak on behalf of the student, as required.
All kaimahi	Promote and uphold the Student Charter and Student Rules; respond appropriately to alleged misconduct; take immediate action where safety is at risk; report alleged misconduct in accordance with this Procedure.
Manager receiving the allegation (or delegated decision-maker)	Conduct the initial assessment; determine whether the matter falls within this Procedure; implement any immediate risk controls; appoint or undertake the investigation where appropriate.
Investigator	Conduct a fair and impartial investigation; gather relevant information; provide the student with an opportunity to respond; maintain appropriate records; prepare findings and recommendations for the decision-maker.
Delegated decision-maker	This is the Resolution Facilitator, manager or other person authorised by the CEO to make decisions under this Procedure. Consider the investigation findings; determine whether misconduct has occurred; decide any appropriate outcome; ensure the decision is communicated and documented.
Student	Participate honestly in the process; cooperate with reasonable requests for information; comply with any interim measures or outcomes imposed under this Procedure.
Support person	Provide support or advice to the student; empower the student to speak for themselves with knowledgeable support. NB. A Support Person cannot speak on behalf of the student.

Ngā Hātepe | Procedure

1. RECEIVING AND ASSESSING AN ALLEGATION

1.1 Receiving an Allegation

Any member of the NMIT community may raise concerns about behaviour that may constitute misconduct under the Student Charter and Student Rules.

Allegations should be reported as soon as reasonably practicable to an appropriate manager or other delegated decision-maker.

1.2 Making an Initial Assessment

On receiving an allegation, the decision-maker will undertake an initial assessment to:

- determine whether the allegation, if substantiated, may constitute misconduct under the Student Charter and Student Rules
- determine whether the matter is more appropriately managed under another NMIT policy or procedure, or whether information arising from another process should be considered as part of a misconduct investigation.

- identify any immediate risks to the safety or wellbeing of students, kaimahi or others
- determine whether immediate action is required while the matter is being considered
- decide whether there is sufficient information to commence a formal investigation.

Where appropriate, additional information may be sought before deciding whether a formal investigation is required.

If, following the initial assessment, the decision-maker determines that:

- the allegation does not fall within the scope of this Procedure, the matter will be referred to the appropriate process or no further action will be taken
- the matter may be resolved appropriately through discussion, education or restorative approaches, this may occur without initiating a formal misconduct investigation
- a formal investigation is warranted, an investigator will be appointed to undertake the investigation.

The student who is the subject of the allegation should be advised as soon as reasonably practicable if a formal investigation is to commence.

2. MANAGING IMMEDIATE RISKS

Where an allegation indicates that there may be an immediate risk to the safety, wellbeing or security of any person, property or the wider NMIT community, NMIT may implement interim measures while the allegation is investigated.

Interim measures are precautionary only and do not constitute disciplinary action or imply that misconduct has occurred.

Depending on the circumstances, interim measures may include:

- temporarily restricting access to particular facilities, activities or locations
- temporary suspension from classes, placements or other NMIT activities
- alternative learning arrangements where reasonably practicable
- directing the student not to contact specified individuals
- referring the student to appropriate learner support or wellbeing services
- any other reasonable measures necessary to manage identified risks.

Interim measures will be proportionate to the identified risk and will remain in place only for as long as reasonably necessary.

Where alleged behaviour may involve criminal offending or create an immediate risk of harm, NMIT may notify or work alongside external agencies, including New Zealand Police or emergency services, where appropriate.

3. INVESTIGATING THE ALLEGATION

3.1 Investigation

Where a formal investigation is required, the decision-maker will appoint an investigator who is appropriately placed to conduct a fair, impartial and timely investigation.

The investigator is responsible for gathering sufficient information to establish the relevant facts before any decision is made, which may include, as appropriate:

- reviewing written allegations, reports and relevant records
- interviewing the student and any complainants or witnesses
- considering physical, digital or other evidence
- obtaining additional information relevant to the allegation.

Before any findings are made, the student must be:

- advised of the allegations in sufficient detail to enable them to respond

- provided with any information that will be relied upon in making a decision, subject to privacy, safety or legal considerations

3.2 Student Meeting

Meetings should normally be conducted in private and at a time that provides the student with a reasonable opportunity to prepare and arrange support if they wish, normally within three (3) working days.

The investigator may meet separately with the student, the person raising the allegation and any witnesses. If the student is required to attend a meeting, they must be advised in writing using the templates available to ensure they are:

- provided with all information relating to the allegations and information gathered
- advised of their right to have a support person or advocate present at any meeting
- given a reasonable opportunity to respond to the allegations before a decision is made.

Additional enquiries may be undertaken where further clarification is required.

A written record of the investigation, including the information considered and the student's response, will be maintained throughout the process.

At the conclusion of the investigation, the investigator will provide the decision-maker with a summary of the findings and any recommendations for consideration.

3.3 Closing an Investigation

An investigation may be concluded without a finding of misconduct where:

- there is insufficient evidence to substantiate the allegation
- the allegation is withdrawn and no ongoing concerns remain
- the matter has been resolved appropriately through another process
- it is otherwise determined that no further action is required.

Where an investigation is closed without further action, the reasons for that decision will be documented.

4. MAKING A DECISION

Following completion of the investigation, the decision-maker will consider the investigation findings before determining whether the allegation has been substantiated.

The decision-maker may:

- accept the investigator's findings
- seek further information or clarification where required
- determine that further investigation is necessary before making a decision.

When making a decision, the decision-maker will consider all relevant information, including:

- the evidence gathered during the investigation
- the student's response to the allegation
- the seriousness and impact of the behaviour
- whether the behaviour was intentional or repeated
- any mitigating or extenuating circumstances
- any previous relevant misconduct
- any other factors considered relevant to the circumstances.

Decisions will be made on the balance of probabilities.

Following consideration of the available information, the decision-maker will determine whether:

- the allegation is not substantiated and no further action is required
- the allegation is substantiated and an outcome is required
- the allegation is partially substantiated and an appropriate outcome is required.

The reasons for the decision will be documented.

5. OUTCOMES

5.1 Determining Outcomes

Where misconduct is substantiated, the decision-maker will determine an outcome that is reasonable and proportionate to the circumstances. In determining an appropriate outcome, consideration may be given to:

- the seriousness of the misconduct
- the actual or potential impact on individuals, the learning environment or NMIT
- whether the misconduct involved a breach of health and safety requirements or placed others at risk
- whether the student has previously engaged in misconduct
- whether the student has acknowledged responsibility or demonstrated insight into the behaviour
- any mitigating circumstances
- any actions already taken to address or remedy the behaviour.

Depending on the circumstances, outcomes may include, but are not limited to, one or more of the following:

- no further action
- educational or restorative action
- written warning
- conditions on the student's continued participation in their programme or particular activities
- restitution
- suspension from all or part of a programme for a specified period
- exclusion from NMIT.

Where appropriate, outcomes may also include actions intended to support future positive behaviour or reduce the likelihood of further misconduct.

5.2 Communicating the Outcome

The student will be advised of the outcome in writing as soon as reasonably practicable after a decision has been made.

The written outcome will include, as appropriate:

- the allegation that was investigated
- the decision reached and the reasons for the decision
- any disciplinary outcome or other action to be taken
- the date on which any outcome takes effect
- any expectations or conditions applying to the student
- information about the student's right to appeal the decision.

Where appropriate, other parties directly affected by the outcome may be advised of the decision, having regard to privacy obligations and the legitimate need to know.

Appeals

A student may appeal a decision made under this Procedure in accordance with the **NMIT Student Appeals Procedure**.

The Student Appeals Procedure sets out:

- the grounds on which an appeal may be made

- the process for lodging and considering an appeal
- applicable timeframes
- the responsibilities of all parties involved in the appeal.

Records

NMIT will maintain appropriate records of all formal misconduct matters managed under this Procedure, including all information relating to the allegation, investigation, correspondence, meetings held, decisions and outcomes.

Information relating to misconduct matters will be managed confidentially and accessed only by those who have a legitimate need to know in order to fulfil their responsibilities under this Procedure or where disclosure is required by law.

All records will be managed in accordance with the NMIT Privacy Policy and NMIT Information and Records Management Policy, and applicable legislative requirements.

Ngā Hononga ki Tuhinga kē | Links to other documents

NGĀ KAUPAPA-HERE E HANGAI ANA | RELATED POLICIES

[NMIT Student Misconduct Policy](#)

[NMIT Student Charter and Student Rules](#)

[NMIT Academic Integrity and Academic Misconduct Policy](#)

[NMIT Concerns and Complaints Policy](#)

[NMIT Privacy Policy](#)

[NMIT Information and Records Management Policy](#)

[NMIT Health, Safety and Wellbeing Policy](#) *(if misconduct may involve health and safety issues)*

NGĀ TUKANGA ME NGĀ HĀTEPE | RELATED PROCESSES, PROCEDURES

NMIT Student Appeals Procedure

NMIT Academic Procedures Manual (*Academic Misconduct*)

[NMIT Concerns and Complaints Procedure](#)

Templates available:

Student Misconduct - Alleged Misconduct Meeting Request

Student Misconduct – Letter advising outcome

Student Misconduct – Summary Document