

## Probation

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Current Version:	20/02/20	Officer Responsible:	DCE – Academic, Innovation and Research (AIR)
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Review Cycle: Applies From:	5 years Immediately		

*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 putting students on behavioural probation are carried out in accordance with the values and vision set out in Ara Institute of Canterbury's<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 and Enrolment*, and *APP514 Withdrawals, Refunds and Compassionate Consideration*.
- c For cases related to non-completion of course and programme requirements refer to *APP511 Academic Support and Progression*.

### 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 Head of Department may put a student on probation/suspension for up to five teaching days.

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

- c The Council delegates to the CE (or nominee) under specific delegation – decision to cancel (other than non-engagement or cancellation) or refuse enrolment.

<b>Related Ara Procedures and Forms</b>	<b>Related Ara Policies</b>
<ul style="list-style-type: none"> <li>• APP301b Flowchart</li> <li>• APP505d Academic Appeals Committee Terms of Reference</li> <li>• CPP120d Academic Delegations Register</li> </ul>	<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 and Enrolment</li> <li>• APP511 Academic Support and Progression</li> <li>• APP512 Suspension and Refusal of Enrolment</li> <li>• APP514 Withdrawals, Refunds and Compassionate Consideration</li> <li>• CPP105a Code of Conduct for ICT Users</li> <li>• CPP110 Legislative Compliance</li> </ul>
<b>Related Legislation or Other Documentation</b>	<b>Good Practice Guidelines</b>
<ul style="list-style-type: none"> <li>• Education Act 1989</li> <li>• Trespass Act 1980</li> <li>• Privacy Act 1993</li> </ul>	
<b>References</b>	
<ul style="list-style-type: none"> <li>• Programme Handbook</li> <li>• Admission and Enrolment Guide</li> </ul>	
<b>Notes</b>	
<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 Support and Progression</i>, <i>APP506 Probation</i> and <i>APP512 Suspension and Refusal of Enrolment</i>.</p> <p>2016 – new branding</p> <p>2018 – Restructure of Te Kāhui Manukura</p> <p>2020 – Removal of delegation from HOD to delegate to place a student on probation. Document evidence of attempts to contact student.</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 appropriate people of her/his choice at any meetings. If more than one person is to accompany the student, 24 hours prior notice must be given to the convenor of the meeting and their attendance is subject to the agreement of Ara.

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- 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: Probation**

<b>Contents:</b>	3.1 General Provisions
	3.2 Probation
	3.3 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 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).
- c Once a decision has been finalised, the fact that a student has been placed on probation will be recorded on the Student Management System.

#### **3.2 Probation**

- a Any student whose behaviour is unacceptable and is of concern to staff or other students or with whom there are other issues or concerns must be invited to meet the Head of Department or delegate.
- b A referral will be made to Student Services to ensure additional support is provided to the student.
- c At the meeting the Head of Department or delegate, will explain the issues or concerns and must give the student the opportunity to present their view of events leading up to the interview. The student will be encouraged to have a support person with them at this meeting.
- d Depending on the outcome of the meeting, the Head of Department may place the student on probation.
- e If it is not practical to hold a meeting, or the student does not wish to meet, or the student fails to attend the meeting without reasonable cause, the Head of Department may proceed to place the student on probation. Evidence of attempting to contact the student must be documented and recorded.
- f The student will be given a probation notice which records the unacceptable behaviour or the deficiencies or concerns, the standards of behaviour which must be met or changes which must be made, any assistance available, the time within which change must be demonstrated, and the method and criteria by which such change will be measured.
- g The change required should be reasonable and the criteria for assessing whether the change has been achieved should be easily understood and capable of being clearly demonstrated.

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- h The probation notice must include the warning that failure to achieve change may lead to exclusion (that is, suspension and/or cancellation of current enrolment(s) and/or refusal of future enrolment(s).)

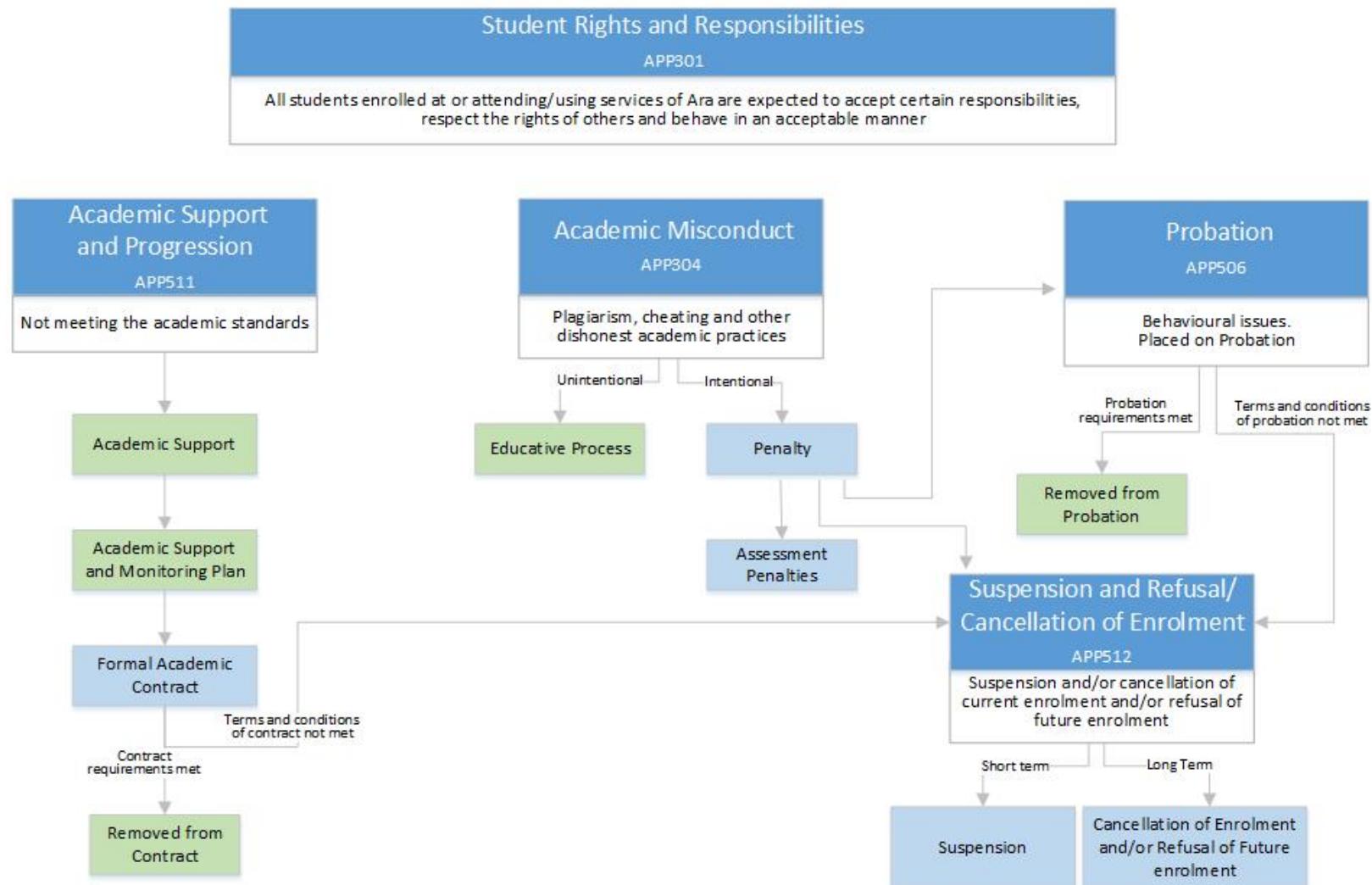
These requirements are known as the terms and conditions of probation.

- h The student will be asked to sign the written terms and conditions of probation but, if he or she declines to sign them, it will be made clear that the terms and conditions apply. Evidence of attempting to contact the student must be documented and recorded.
- i Every student who is placed on probation by the Head of Department may apply to the Chief Executive for a review of the fact or terms and conditions of probation as set out in Section 3.3 below.
- j If at any time during probation the Head of Department 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 Department may suspend the student for up to five teaching days.
- k If the matter is not resolved, the Head of Department may recommend to the Chief Executive that the student be further suspended and/or that current enrolments be cancelled and/or that future enrolments be refused. *See APP512 Suspension and Refusal of Enrolment Policy.*

### **3.3 Appeal Rights and Other Rights**

- a Every student who is placed on **probation** by a Head of Department 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.
- 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.

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



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