

Probation			
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Current Version:	20/02/20	Officer Responsible:	DCE – Academic, Innovation and Research (AIR)
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Review Cycle:	5 years		
Applies From:	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 learners on behavioural probation are carried out in accordance with the values and vision set out in the Ara Institute of Canterbury Ltd¹ Strategic Plan, the provisions of s255 of the *Education and Training Act 2020*, and the principles of natural justice and procedural fairness.

1.2 Scope and Application

- a This policy applies to all learners and potential learners.
- b This policy does not relate to non-engagement. For details and process for a non-engagement cancellation see *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 Head of Department may put a learner on probation/suspension for up to five teaching days.

Related Ara Procedures and Forms	Related Ara Policies
<ul style="list-style-type: none"> • APP301b Flowchart • APP517b Application for Academic Appeal Form • CPP120d Academic Delegations Register 	<ul style="list-style-type: none"> • APP203 Ara Academic Committee Membership and Terms of Reference • APP301 Learner Responsibilities and Rights • APP304 Academic Misconduct • APP504 Regulations Governing Admission and Enrolment • APP511 Academic Support and Progression • APP512 Suspension and Refusal of Enrolment • APP514 Withdrawals, Refunds and Compassionate Consideration

¹ From herein referred to as Ara

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	<ul style="list-style-type: none"> • APP517 Academic Appeals Committee Terms of Reference • CPP105a Code of Conduct for ICT Users • CPP110 Legislative Compliance
Related Legislation or Other Documentation <ul style="list-style-type: none"> • Education and Training Act 2020 • Trespass Act 1980 • Privacy Act 1993 	Good Practice Guidelines
References <ul style="list-style-type: none"> • Programme Handbook • Admission and Enrolment Guide 	
Notes <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 and 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 learner on probation. Document evidence of attempts to contact learner. Organisation name changed to Ara Institute of Canterbury Ltd.</p> <p>2020 – NZIST changes – Academic Board becomes Ara Academic Committee; Ara Council becomes Ara Board; Standardised text relating to appeals, new Appeal Application Forms; APP301 – Rights and Responsibilities changed to Responsibilities and Rights; Changed ‘student’ to ‘learner’.</p> <p>11-2020 – Change Education Act 1989 to Education and Training Act 2020.</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 learner 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 learner, 24 hours prior notice must be given to the convenor of the meeting and their attendance is subject to the agreement of Ara.
- 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 learner all the rights listed in these principles.

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3 Associated procedures for Ara Academic Policy: Probation

Contents:	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 learner has been placed on probation will be recorded on the Student Management System.

3.2 Probation

- a Any learner whose behaviour is unacceptable and is of concern to staff or other learners 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 learner.
- c At the meeting, the Head of Department or delegate will explain the issues or concerns and must give the learner the opportunity to present their view of events leading up to the interview. The learner 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 learner on probation.
- e If it is not practical to hold a meeting, or the learner does not wish to meet, or the learner fails to attend the meeting without reasonable cause, the Head of Department may proceed to place the learner on probation. Evidence of attempting to contact the learner must be documented and recorded.
- f The learner 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.
- 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.

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- i The learner 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 learner must be documented and recorded.
- j Every learner 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.
- k 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 learner for up to five teaching days.
- l If the matter is not resolved, the Head of Department may recommend to the Chief Executive that the learner be further suspended and/or that current enrolments be cancelled and/or that future enrolments be refused. (See *APP512 Suspension and Refusal of Enrolment*).

3.3 Appeal Rights and Other Rights

Probation

- a Any learner who is placed on **probation** under this policy may appeal that decision in writing to the Chief Executive within ten working days from the date on the advice of the decision (refer *APP517b Application for Academic Appeal Form*).
- b The Chief Executive may choose to respond to the appeal directly or authorise the convening of an Academic Appeals Committee (refer *APP517 Academic Appeals Committee Terms of Reference*) which must be done within ten working days of receiving the appeal. The next steps must be communicated to the student within 15 working days.
- c If an Academic Appeals Committee is convened, they will determine the matter and communicate its decision to all the parties.

Suspension

- a Any learner who is **suspended** under this policy may appeal that decision in writing to the Chief Executive within ten working days from the date on the advice of the decision (refer *APP517b Application for Academic Appeal Form*)
- b The Chief Executive will, within ten working days of receiving a notice of an appeal, determine the matter and communicate decisions to all the parties.
- c The learner may, within ten working days of the date of the Chief Executive decision, appeal to the Chair of the Board for a review of the decision.
- d The Chair of the Board will, within ten working days of receiving a notice of appeal, establish an Enrolment Appeal Committee.
- e The Enrolment Appeal Committee thus established will, in accordance with the Committee's Terms of Reference 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.
- f The Enrolment Appeals 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.

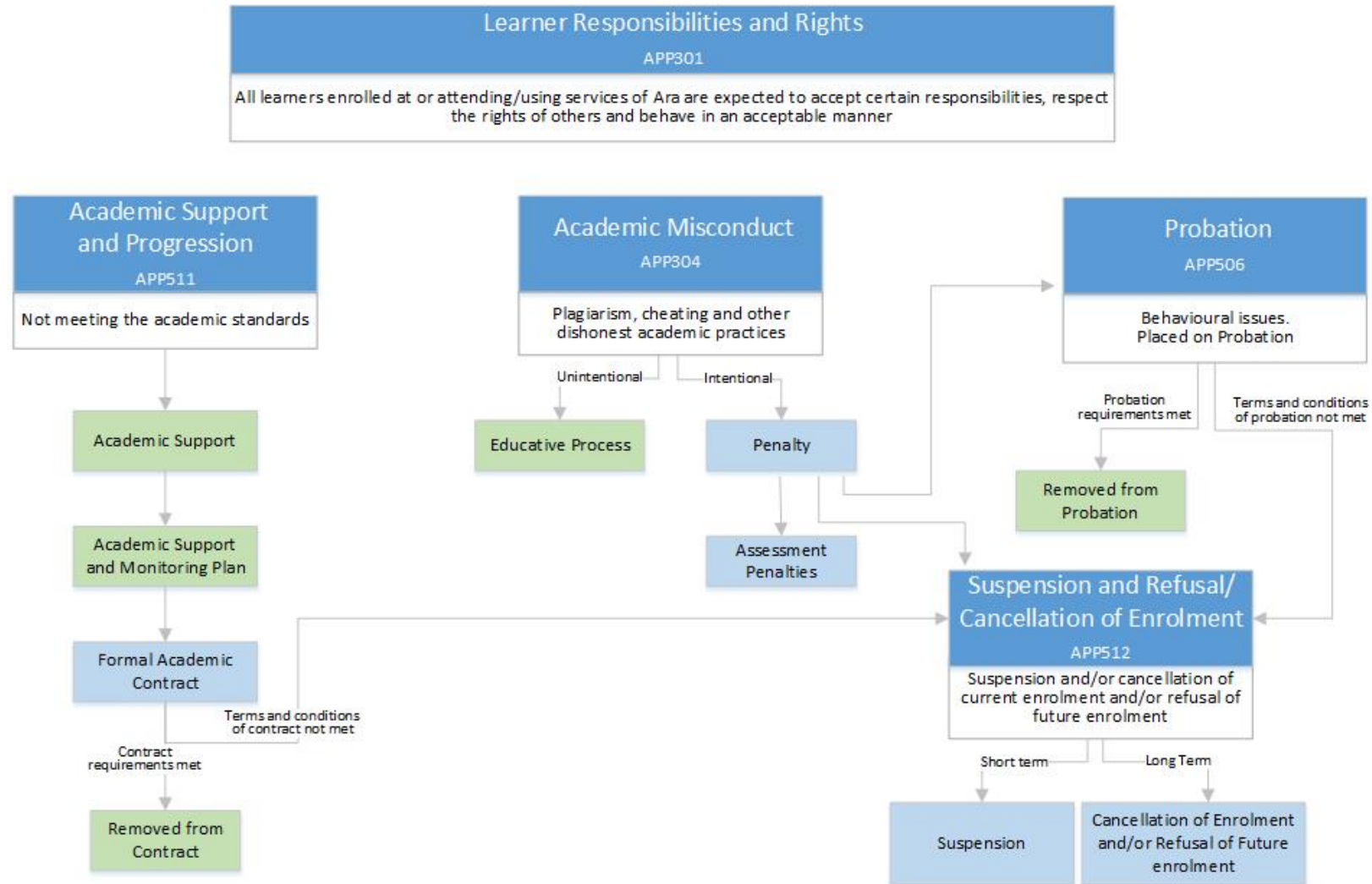
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g A report on the decision together with a brief statement of the circumstances must be presented to the Ara Board at its next ordinary meeting with the public excluded.

In all cases, appeal decisions are reported every six months. Please note no identifying information is published.

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Flowchart for Learner Responsibilities and Rights and Associated Policies



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