

Universities New Zealand Policy on Claims by Students of Academic Wrong-Doing

1. Introduction

- a. This policy provides guidance as to how Universities New Zealand will respond to claims by students of academic wrong-doing.

2. Universities New Zealand

- a. The legal name of Universities New Zealand (UNZ) is the New Zealand Vice-Chancellors' Committee (NZVCC).
- b. The NZVCC was established under the Education Act 1989 and comprises the Vice-Chancellors of New Zealand's universities.
- c. Universities New Zealand can only investigate and act upon claims where they relate to statutory functions of the NZVCC. Section 241 of the Education Act details the functions of the NZVCC. The relevant statutory functions are;
 - i. S241(a) - setting up inter-university course approval and moderation processes.
 - ii. S241(b) - exercising, in relation to universities, some of the powers of the New Zealand Qualifications Authority – namely approving the establishment and operation of university programmes subject to any conditions it wishes to impose and accrediting universities to provide approved programmes. NZVCC may issue compliance notices and withdraw accreditation if appropriate.
 - iii. S241(ba) - listing university qualifications on the Qualifications Framework.
- d. The NZVCC has established a sub-committee, the Committee on University Academic Programmes (CUAP), to act on their behalf in administering the functions listed above.
- e. CUAP has a published handbook that details the rules and processes that it operates within.¹ This includes detailed criteria that must be met before approval is given to offer a programme and before a qualification can be registered on the Qualifications Framework. The criteria most relevant to this policy are:

¹ The most recent version of the handbook (as at 2020) can be found here:
https://www.universitiesnz.ac.nz/sites/default/files/uni-nz/documents/CUAP_Handbook_2019_final_Sept.pdf

- i. The title, aims, learning outcomes, and coherence of the whole programme are adequate and appropriate and clearly meet the graduate profile and specification for the qualification as listed on the Qualification Framework.
 - ii. The delivery methods are adequate and appropriate, given the stated learning outcomes for the programme. Where specific resources are necessary for the programme to be provided, those resources are specified.
 - iii. There are clear regulations covering requirements for admission, credit recognition and transfer, recognition of prior learning, programme length and structure, integration of practical and work-based components, assessment procedures (including authenticity of student work), and normal progression within the programme.
 - iv. Assessment methodology is fair, valid, consistent and appropriate given stated learning outcomes and there is an effective system for moderation of assessment materials and decisions.
- f. Approval to offer a programme is conditional on these criteria being met and, after an appropriate review and notice period, NZVCC can withdraw approval and order that the qualification be removed from the Qualification Framework.

3. What disclosures will Universities New Zealand investigate?

- a. A claim of academic wrong-doing should be made to UNZ only where the student can provide evidence that:
 - i. Any appropriate complaints and appeals processes available to students at the university in question have been properly followed and fully exhausted, OR;
 - ii. All those involved in complaints and appeals processes at the university in question are involved in the wrong-doing, OR;
 - iii. The wrong-doing is being perpetrated at an organisational level and there is a strong case for Universities New Zealand to bypass individual university complaint and appeal processes is necessary to protect the interests of all students pursuing a particular qualification.
- b. UNZ will consider and, if appropriate, investigate claims of wrong-doing where all the following criteria are met:
 - i. The claim is made by a student of the university to which the allegation relates. "Student" means any existing or former person enrolled on a full-time or part-time course of study at the university in question.
 - ii. The disclosure concerns conduct capable of being academic wrongdoing within the statutory authority of Universities New Zealand. Some examples of what UNZ would consider wrongdoing include:

- fraudulent awarding of marks or grades to students or awarding of marks or grades that have not been fairly gained by students;
 - failure to follow policy and regulations in making decisions where the intent is to award marks that have not been fairly gained by students;
 - misrepresentation of the level of academic preparedness of students for the course to which they are admitted;
 - receiving money or other gifts in return for award of marks that have not been fairly gained.
- iii. There is sufficient evidence provided or able to be provided with the claim that the Executive Director believes there is a prima facie case for further investigation.
 - iv. The claim regards an academic programme or qualification offered by a New Zealand university.
 - v. The claim involves an allegation that one or more of the CUAP-imposed conditions applying to an approval of or accreditation to offer an academic programme have been breached or not met.
- c. If UNZ receives a claim that meets the criteria detailed above, but UNZ believes that another authority is better placed to investigate the information (for example, NZ Police because the matter may be a criminal matter), UNZ may, in consultation with the student, redirect the claim to that other authority.

4. Making a disclosure

- a. Claims should be made via email to the Executive Director of Universities New Zealand using the following email address: complaints@universitiesnz.ac.nz.
- b. A claim should include as much information as possible detailing why the claim is being referred to Universities NZ per the requirements of 3(a) and outlining why the student thinks the claim should be investigated by Universities NZ per the criteria specified in 3(b)
- c. If there is any concern about making the disclosure via the Executive Director of Universities New Zealand, a disclosure can be made to the Ombudsman via email at info@ombudsman.parliament.nz.

5. Confidentiality of a Claim of Academic Wrong-Doing

- a. Anyone receiving a claim at Universities NZ will use their best endeavours not to disclose information that might identify the person who made the claim. Such information may only be disclosed if:
 - i. The person making the claim consents in writing to the disclosure of that information; or

- ii. It is essential to the effective investigation of the allegations;
- iii. It is essential to prevent serious risk to public health or public safety or the environment;
or
- iv. It is required where a matter is being referred to another authority, such as NZ Police or the Serious Fraud Office.]
- v. It is essential having regard to principles of natural justice.

6. Determining process for handling a claim

- a. After considering the criteria in Part 3 of this policy, the Executive Director and one other person (usually the Deputy Chair of CUAP) will determine whether it is appropriate for UNZ to further investigate the claim. They may consider the process followed and findings resulting from any review carried out by the university in question in determining whether further investigation is warranted.
- b. If they consider that it is appropriate for UNZ to investigate further, the Executive Director will inform the person who made the claim that:
 - i. Universities New Zealand will investigate the matter and the expected processes and timeframes for the investigation.
 - ii. If the student is not satisfied with the expected process or timeframe for an investigation that the student may instead refer the matter to the Ombudsman's Office.
- c. If they, after consideration of the criteria in Part 3 of this policy:
 - i. do not consider that it is appropriate for UNZ to further investigate the claim or,
 - ii. after consultation with another appropriate authority, consider that the information disclosed can be more suitably and conveniently investigated by that other appropriate authority,

the Executive Director may refer the claim to that other appropriate authority and/or decline to investigate and, in either case, will inform the person who made the claim:

- iii. Why the claim falls outside the scope of matters able to be investigated by Universities New Zealand; or
- iv. If the claim has been redirected to another appropriate agency, the fact that the claim has been so redirected; or
- v. Why Universities New Zealand declines to investigate the claim, and that the student can continue to pursue the matter through the Ombudsman's Office or another appropriate authority if they wish.

7. Investigation of a Claim

- a. Investigation of claims will be overseen by the Chief Executive of UNZ and one other person (usually the Deputy Chair of CUAP) who may engage another suitably qualified person to carry out investigative work once satisfied that person has no actual or potential conflict of interest or bias.
- b. The investigation will be carried out in accordance with the principles of natural justice.
- c. Findings of any investigation will be reported to the next meeting of Universities New Zealand following the conclusion of the investigation.
- d. The Vice-Chancellors of the universities not involved in the claim will consider the findings of the investigation and any other information provided by the Vice-Chancellor of the university involved in the claim. They will then take one of two decisions:
 - i. If satisfied that there has been no wrongdoing, they will take no further action.
 - ii. If satisfied that there has been wrongdoing, they will refer the matter to the Vice-Chancellor (or the Council) of the university involved in the claim for further consideration in accordance with the policies and procedures of that university². They may also refer the matter to CUAP for CUAP to recommend appropriate next steps in accordance with the role, functions and powers of UNZ. CUAP may recommend one or more of the following to the Vice-Chancellors group:
 - Placing conditions around the programme(s) and putting in place mechanisms to verify compliance;
 - Withdrawing approval for the programme(s) to be offered or withdrawing accreditation to provide the programme(s) and removing the programme(s) from the Qualifications Framework.

The Vice-Chancellors of the universities not involved in the claim will then consider the recommendation of CUAP and any further views provided by the Vice-Chancellor of the university involved in the claim and will make a final binding decision on the matter in accordance with the role, functions and powers of UNZ.

8. Questions about this Policy

- a. If there are any questions regarding this policy, they should be directed either to complaints@universitiesnz.ac.nz, or to the Chief Executive of Universities New Zealand.

² In circumstances where the Chief Executive considers that it may be inappropriate to refer the matter to the council of the university involved due to some conflict of interest, the matter may be referred to the Office of the Auditor General instead.