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## Cancellation or Refusal of Enrolment Procedure

### Student Policy Group

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#### 1 Purpose

In accordance with section 224(12)(a) of the Education Act 1989, and clause 4.10 of the Enrolment Statute, the University may cancel or refuse to permit the enrolment of a person as a student at the University on the grounds that the person is not of good character. Cancelling an enrolment or refusing to permit an eligible person to enrol under this procedure is regarded as an extreme measure, and shall be taken only after careful consideration. The grounds for cancelling or refusing to permit enrolment on the basis that the person is not of good character shall only be used where there are reasonable grounds to believe that the person presents a significant hazard to members of the University community (e.g. a potential to cause serious harm). This procedure defines the criteria and process for cancelling or refusing to permit the enrolment of a student on these grounds.

#### 2 Organisational Scope

This is a University wide procedure covering all persons applying for enrolment at the University, and all students who are currently enrolled at the University.

#### 3 Definitions

For purposes of this procedure, unless otherwise stated, the following definitions shall apply:

Student	Any person enrolled in a personal course of study at the University, or a person who is studying at the University under an exchange agreement with another institution.
Member of the University Community	Includes all students, all staff of the University, the VUW Foundation and Victoria Link Limited, Council members, persons on contract to the University, visiting scholars, professors emeriti, Hall residents and persons providing services to the University.
Significant hazard	As defined at Section 2 (1) of the Health and Safety in Employment Act 1992 and its amendments.
Student advocacy service:	The person or service provider appointed to independently support and advocate on behalf of students.

#### 4 Procedure Content and Guidelines

##### 4.1 Use of this procedure

Cancelling an enrolment or refusing to permit an eligible person to enrol under this procedure is regarded as an extreme measure, and shall be taken only after careful consideration. In the case of a student who is already enrolled at the University, concerns about their conduct should,

wherever possible, be addressed using the processes outlined in the Student Conduct Statute. Only where the jurisdiction of the Student Conduct Statute does not apply should consideration be given to using the provisions of this procedure.

#### **4.2 Grounds for cancelling or refusing to permit enrolment**

The grounds for cancelling or refusing to permit enrolment on the basis that the person is not of good character shall only be used where there are reasonable grounds to believe that the person presents a significant hazard to members of the University community (e.g. a potential to cause serious harm).

#### **4.3 Raising concerns**

Where any member of the University community has concerns that any person who has applied for enrolment, or is currently enrolled as a student, presents a significant hazard to a member(s) of the University community, they shall raise their concerns with their Head of School or other relevant manager ("relevant manager") who shall notify the Student Interest & Dispute Resolution Adviser as soon as possible.

#### **4.4 Procedure for assessing risk**

##### **4.4.1 Initial assessment**

The relevant manager shall consult with the Student Interest & Dispute Resolution Adviser. Where it appears the concerns identified could amount to grounds for cancelling or refusing to permit enrolment, the relevant manager shall, with advice from the Student Interest & Dispute Resolution Adviser and members of the Risk Assessment and Advisory Committee, gather all relevant information together and present this to the Assistant Vice-Chancellor (Academic).

##### **4.4.2 Formal process**

Upon receipt of information from a relevant manager, the Assistant Vice-Chancellor (Academic) will determine whether or not the person presents a significant hazard to member(s) of the University community. If the Assistant Vice-Chancellor (Academic) considers that the information received discloses grounds for cancelling or refusing to permit the enrolment of a person as a student at the University, she or he shall:

- (a) advise the respondent in writing of the nature of the concerns raised, the intention to cancel or refuse to permit their enrolment, their entitlement to representation, and the contact details of the student advocacy service; and
- (b) provide the respondent with copies of any relevant material relating to the concerns and a reasonable opportunity to respond, either in a meeting with the Assistant Vice-Chancellor (Academic), or by email, or other appropriate means; and
- (c) give due consideration to any explanations/ comments from the respondent before a final decision is made; and
- (d) advise the respondent in writing as soon as practicable of their decision; and
- (e) notify the informant of her/his decision.

#### **4.5 Interim action**

- (a) Before a final decision is made by the Assistant Vice-Chancellor (Academic), interim action may be taken by a Pro Vice-Chancellor to suspend, or refuse to permit, the enrolment of a person as a student at the University, if she or he believes, on reasonable grounds, that it is necessary to ensure the safety and wellbeing of members of the

University community. Such interim action shall apply for a period not exceeding two weeks.

- (b) Before taking interim action to suspend, or refuse to permit, the enrolment of a person as a student at the University, the Pro Vice-Chancellor shall provide the respondent with a reasonable opportunity to comment on the proposed interim refusal or suspension, and take into consideration any effects that interim refusal or suspension may have on that student's personal course of study.
- (c) An interim suspension of, or refusal to permit, enrolment shall take effect as soon as the student has been advised.

#### **4.6 Cancelling or refusing to permit an enrolment**

- (a) Where the Assistant Vice-Chancellor (Academic) believes, after considering any submissions from the respondent, that a person should be refused enrolment, or have their enrolment cancelled, on grounds of their being not of good character, this decision must be approved by the Deputy Vice-Chancellor (Academic) before being advised to the respondent.
- (b) A cancellation of, or refusal to permit, enrolment shall be for a specified period up to a maximum period of two years. After this specified period the respondent may re-apply to enrol. A fresh assessment of the risk presented by the respondent must be undertaken under this procedure to determine whether or not she/he will be permitted to enrol.

#### **4.7 Appeals**

The decision of the Assistant Vice-Chancellor (Academic), once approved by the Deputy Vice-Chancellor (Academic), shall be final and binding and there will be no internal appeal process on this decision.

#### **4.8 Record keeping**

The Assistant Vice-Chancellor (Academic) will ensure that any decision to cancel or refuse to permit the enrolment of a person as a student at the University, shall be recorded on that person's file so that staff responsible for enrolments are not able to enrol that person during the stipulated period and are alerted to any subsequent applications to enrol.

### **5 Legislative Compliance**

The University is required to manage its policy documentation within a legislative framework. The legislation directing this procedure is the:

[Education Act 1989](#)

[Health and Safety in Employment Act 1992](#) and its amendments

### **6 References**

Enrolment Statute

Student Conduct Statute

The above are available at: [www.victoria.ac.nz/home/about/policy](http://www.victoria.ac.nz/home/about/policy)

### **7 Appendices**

None

**8 Approval Agency**

Deputy Vice-Chancellor (Academic)

**9 Approval Dates**

This procedure was originally approved on: 11 November 2009

This version was approved on: 1 December 2011

This version takes effect from: 1 December 2011

**10 Contact Person**

The following person may be approached on a routine basis in relation to this procedure:

Yvonne Oldfield  
Student Interest & Dispute Resolution Adviser  
Ext: 5023

*Note: In 2012 the provision of the student advocacy service has been contracted to the Victoria University of Wellington Students' Association (VUWSA). The contact person is:*

*Lorraine Guthrie, Student Advocate, VUWSA  
Email: [advocate@vuwsa.org.nz](mailto:advocate@vuwsa.org.nz)  
Phone: (04) 463 6984*