

Emergency Protection of UCOL Staff, Students and Property Statute [2007]

1. Pursuant to Section 194(1)(a) and (b) of the Education Act, with effect from [], this Statute is adopted.
2. **Title and Commencement**
 - 2.1 This Statute shall be known as the “Emergency Protection Statute”.
 - 2.2 This Statute comes into force on [] and will continue in force until repealed.
3. **Purpose and Status**
 - 3.1 The purpose of this Statute is to protect the health and safety of UCOL Staff and Students and to protect UCOL’s property and the property of its Staff and Students .
 - 3.2 This Statute and UCOL’s Student Discipline Statute may both apply to the same matter but Section 7 of that Statute shall not apply in cases where this Statute applies and in the event of any conflict between that Statute and any provision of this Statute in any particular case then the relevant provision in this Statute will apply.
4. **Definitions**
 - 4.1 In this Statute:
 - 4.1.1 “Chief Executive” means the Chief Executive of UCOL or his delegate.
 - 4.1.2 “Emergency Protection Notice” means a notice in the form in Schedule A (or substantially similar form) addressed to a UCOL Student requiring the Student:
 - (a) To immediately leave UCOL’s Campus (if applicable); and
 - (b) Not to come on to any UCOL Campus; and
 - (c) Not to participate in, or attend, any UCOL Event.
 - 4.1.3 “UCOL Campus” means all UCOL owned and/or occupied land, buildings and other property.

- 4.1.4 "UCOL Event" means any UCOL organised, sanctioned, promoted or controlled event whether on UCOL land, buildings, property or elsewhere.
- 4.1.5 "UCOL Staff Member" means any staff member of UCOL holding delegated power from the Chief Executive for the purposes of Sections 4 and 5 of this Emergency Protection Statute.
- 4.1.6 "UCOL Student" means any person enrolled at UCOL on any course.
- 4.1.7 "Usual Place of Abode" means the address in the Student Management System unless the UCOL Staff Member believes the usual residence to be a different address, then at that address.
- 4.1.8 "Verbal Protection Notice" means a verbal notice given under section 6.2 of this Statute.
- 4.1.9 "Written Notice" means notice to the UCOL Student concerned sent to the Student by post in a registered letter to the Student at their Usual Place of Abode in New Zealand.

5. **Application**

- 5.1 This Statute applies to all UCOL Students.
- 5.2 Where a UCOL Staff Member has good reason to believe that that a UCOL Student is a threat to:
 - (a) The health and safety of any person entitled to be on any UCOL Campus and/or to attend any UCOL Event; and/or
 - (b) Any UCOL property or the property of any person on any UCOL Campus and/or attending any UCOL Event;

and the UCOL Staff member considers it reasonably necessary to do so to protect the health and safety of any such person and/or to protect any such property then that UCOL Staff Member may issue that UCOL Student with an Emergency Protection Notice under this statute.

6. **Issuing an Emergency Protection Notice**

- 6.1 An Emergency Protection Notice may be issued to a UCOL Student:
 - (a) By delivering the notice to the UCOL Student in person; or
 - (b) By Written Notice to the UCOL Student.

- 6.2 Where a Emergency Protection Notice may be issued to a Student but the UCOL Staff Member concerned considers it is not reasonably practicable for a Emergency Protection Notice to be issued under section 6.1 of this Statute (for example, in an emergency), then the UCOL Staff Member may verbally advise the Student that they:
- (a) Will be issued with an Emergency Protection Notice; and
 - (b) Are required to immediately leave the UCOL Campus and/or UCOL Event and not to return.
- 6.3 Any UCOL Student issued with a Verbal Protection Notice must immediately leave the UCOL Campus, not return any UCOL Campus, or attend, any UCOL Event within 28 days of the notice unless the notice is previously revoked or amended by the Chief Executive and then attend only in accordance with any amended conditions.
- 6.4 Any UCOL Student issued with an Emergency Protection Notice under this section must comply with that notice.
7. **Referral to Chief Executive**
- 7.1 As soon as is reasonably practicable after issuing or serving an Emergency Protection Notice on a UCOL Student under this Statute the UCOL Staff Member concerned shall provide the Chief Executive with a copy of the Emergency Protection Notice together with:
- (a) A written report of the reason or reasons why the Emergency Protection Notice was given (including records of any reports of the UCOL Student's behaviour given by any other person and whether or not a Verbal Protection Notice was also issued);
 - (b) The identities of any person(s) who provided report(s) on the UCOL Student's behaviour;
- 7.2 When a matter covered by this Statute is referred to the Chief Executive:
- (a) It shall be treated as a referral to the Chief Executive covered by Section 8.6 of the Student Discipline Statute; and
 - (b) In addition to the powers under the Student Discipline Statute the Chief Executive may:
 - (i) Revoke the Emergency Protection Notice by Written Notice; or

- (ii) Extend the term of the Emergency Protection Notice for no more than two years by Written Notice; or
- (iii) Amend the Emergency Protection Notice to the extent the UCOL Student may be permitted to attend the UCOL Campus for a hearing pertaining to alleged misconduct or for the purposes of any UCOL assessment.

8. **Duration**

8.1 An Emergency Protection Notice shall remain in effect for 28 days unless earlier either:

- (a) Revoked by Written Notice; or
- (b) Extended by Written Notice; or
- (c) Varied by Written Notice,

by the Chief Executive.

9. **Appeal**

9.1 Any UCOL Student who is issued with a Verbal Protection Notice, Emergency Protection Notice or both may request the Council of UCOL, in writing, to review or arrange for the review of:

- (a) The issuing of the notice;
- (b) The extension of the term of the notice (if applicable); or
- (c) The amendment of the notice (if applicable); or
- (d) One or more of the above (if applicable).

Any such review shall be conducted under the UCOL Student Discipline Statute.

Schedule A**Emergency Protection Notice**

TO: [Name of Student concerned]
[Address]

1. This notice is given under the Trespass Act 1980 and the Universal College of Learning ("UCOL"), Emergency Protection of UCOL Staff, Students and Property Statute 2006.
2. Any licence that you have to come onto and/or remain on UCOL land, buildings and other property is hereby revoked and you are hereby warned:
 - (a) To immediately leave UCOL land, buildings or other property.
 - (b) That for the period of this Notice you must not:
 - (i) Come onto any UCOL land, building or other property;
 - (ii) Participate in or attend any UCOL organised, sanctioned, promoted or controlled event.
3. This Notice may be continued, revoked or amended by the Chief Executive of UCOL by Written Notice to you. If it is not either continued, revoked or amended by the Chief Executive of UCOL then it will expire 28 days after the date below.

SIGNED:

[Name]

Date:

Important Information

1. This is a legal notice. If you do not comply with this notice then you may commit a criminal offence and be liable to arrest and prosecution under the Trespass Act 1980 for which you may be fined up to \$1,000 or imprisoned for a term not exceeding three months for each offence.

2. This notice will be referred to the Chief Executive of UCOL who will, in due course, make a decision on whether or not your exclusion from UCOL should continue and what, if any, further action should be taken in respect of your enrolment at UCOL. Before the Chief Executive makes any decision in respect of your enrolment at UCOL the Chief Executive will give you the opportunity to state your view of the facts and provide any explanations.
3. The giving of this notice on behalf of UCOL is considered by UCOL to be neutral act and does not amount to a determination or finding by UCOL or its Chief Executive of any misconduct or breach of discipline by you.