

# Criminal Reporting Policy

## ***Controlled Document – refer to Intranet for latest version***

Category: General Administration	Date Created: February 2012
Responsibility: Director Facilities Management	Date Last Reviewed: 1 February 2017
Approval: Chief Financial Officer	Version: 17.1

## **Purpose**

The purpose of this policy is to state expectations of staff and students in respect of reporting criminal conduct while also protecting staff and students' rights.

## **Scope**

Institutional wide within New Zealand.

## **Responsibility**

All staff and all students within New Zealand.

## **Policy Statements**

1. Call NZ Police immediately on 111 if;
  - a. Someone is badly injured or in danger, or
  - b. There is serious risk to life or property, or
  - c. A crime is being committed and the offenders are still there or have just left, ("Category 1").
2. All staff members and students;
  - a. Acting in good faith, and
  - b. Having reasonable grounds for suspicion, and
  - c. Not acting vexatiously or with the intention of causing annoyance,are expected to report any suspected breach of any criminal law occurring on any UCOL campus or during any UCOL activity wherever that activity is within New Zealand ("Incident") to NZ Police except where clause 5 applies.
3. All staff members and all students are expected to advise UCOL that they have reported an Incident to NZ Police unless;
  - a. The staff member or student is making an anonymous complaint, or
  - b. The staff member or student has been instructed not to advise UCOL by NZ Police.
4. Staff members and students shall **not** promise **not** to report any Incident on the basis of a suitable outcome for UCOL or personally. (This action by a staff member or a student is also a criminal offence).

5. Where the suspected breach would constitute serious wrongdoing and concerns a UCOL employee then the reporting person may follow, if appropriate, the Disclosure of Serious Wrongdoing (Whistleblowing) Procedure.
6. Although vexatious or malicious complaints may be dealt with by the NZ Police they may also be dealt with by UCOL as an employment matter in respect of staff members and as a potential misconduct matter in respect of students.
7. Where a UCOL student has been reported to NZ Police for a suspected criminal offence; students will be advised to obtain legal advice.

## **Definitions**

“reasonable grounds for suspicion” means a set of facts or circumstances which would satisfy an ordinary cautious and prudent person that there is reason to suspect.

“serious wrongdoing” includes any serious wrongdoing of any of the following types:

- a. an unlawful, corrupt, or irregular use of funds or resources of UCOL; or
- b. an act, omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- c. an act, omission, or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences and the right to a fair trial; or
- d. an act, omission, or course of conduct that constitutes an offence; or
- e. an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

“UCOL employee”, in relation to UCOL, includes –

- a. a former employee;
- b. a person seconded to UCOL;
- c. an individual who is engaged or contracted under a contract for services to do work for UCOL;
- d. a person concerned in the management of UCOL (including a person who is a UCOL council member);
- e. a person who works for UCOL as a volunteer without reward or expectation of reward for that work.

“vexatiously” includes, but is not limited to, not reporting behaviour which the staff member or student knows to be false.

## **Relevant Legislation**

- Summary Offences Act 1981
- Crimes Act 1961
- Land Transport Act 1998
- Evidence Act 2006
- Protected Disclosures Act 2000

## **Related Documentation**

- [Disclosure of Serious Wrongdoing \(Whistleblowing\) Procedure](#)