

GBS Malta

Student Disciplinary Policy and Procedure

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1 Purpose and Introduction

1.1 The purpose of this document is to provide guidance to students and staff on the procedure to be followed in the event of a breach of GBS Malta's student code of conduct. We expect all students to behave responsibly and in accordance with the GBS Malta's code of conduct, as stated in the Student Charter and the Responsibilities of Students document (available on the GBS Malta website).

1.2 For the purposes of this student disciplinary policy and procedure the conduct expected of students as stated in **GBS Malta's Student Charter and Responsibilities of Students documents and are collectively referred to as the Code of Conduct.**

1.3 GBS Malta has the right and authority to discipline students and to suspend or exclude any student who may be in breach of the *Code of Conduct*.

1.4 GBS Malta may contact the Police when and if required

1.5 Where illness/disability may prevent a student from complying fully with the Code of Conduct, special consideration will be made in line with the GBS Malta Extenuating Circumstances policy and Procedure.

1.6 When interpreting this Student Disciplinary Policy and Procedure the decision of GBS Malta is final

1.7 GBS Malta may amend this Student Disciplinary Procedure at any time or depart from it, where justified, depending on the circumstances of a case.

2 Examples of breaches of the Code of Conduct

2.1 GBS Malta regards the following as examples of **misconduct**:

- Persistent non-submission of coursework.

- Cheating or plagiarism in academic coursework.
- Threats to own and others' health and safety, such as misusing fire extinguishers and fire alarms.
- Smoking on GBS Malta premises.
- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of GBS Malta or the duties or activities of any student, visitor or member of staff of GBS Malta.
- Breach of the provisions of any of GBS Malta's policies including the Equality and Diversity Policy, and the Anti-Harassment and Anti-Bullying Policy.
- Failure to disclose personal details to a member of staff of GBS Malta or where funding or fees may be affected.
- Failure to respect the rights of others to freedom of belief and freedom of speech;
- Failing to respond to a reasonable instruction relating to discipline, issued with the authority of the Associate Dean or nominee.
- Use of mobile phones in any way (including videos) in learning areas
- Use of e-cigarettes.

2.2 The following offences are regarded by GBS Malta as examples of **Gross Misconduct**:

- Any conduct that constitutes a criminal offence
- Action likely to cause injury or impair safety on GBS Malta premises such as violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language to staff, students or both
- Possession of or use of weapons
- Antisocial behaviour including: sexual, racial or any other bullying or harassment of any learner or member of staff of GBS Malta, or any visitor to GBS Malta including making malicious and unfounded accusations against another individual
- Fraud, deceit, deception or dishonesty in relation to GBS Malta or its staff, students or visitors
- Damage, theft, misappropriation or misuse of GBS Malta's property or premises, or the property of GBS Malta staff, students or visitors, including computer misuse caused intentionally or recklessly
- Drug, alcohol or solvent possession in GBS Malta, on GBS Malta transport or on GBS Malta activities
- Attending the GBS Malta under the influence of alcohol or drugs
- Offences in relation to computers, for example hacking or downloading pornography or games or abusive e-mails
- Bringing the institution into disrepute, for example, by being found guilty of committing a criminal offence or damaging property outside GBS Malta's premises

3 Investigation of Allegations of Student Misconduct/Gross Misconduct

3.1 GBS Malta will nominate a member of staff to promptly and thoroughly investigate any matter that is alleged, reasonably suspected or believed to contravene any of the GBS Malta's policies or the Code of Conduct or may otherwise be a disciplinary matter.

3.2 Those accused will be informed as soon as possible as to the instigation of an investigation and when it has been concluded. The duration of any investigation required will depend on the nature of the allegation and will vary from case to case.

3.3 If a matter is being investigated by the Police, GBS Malta will not be obliged to await the outcome of any police investigation before undertaking its own investigation.

3.4 Depending on the circumstances of the case, a student may be invited to attend an investigatory interview prior to a disciplinary hearing. GBS Malta reserves the right to dispense with an investigatory interview and to proceed directly to a formal disciplinary hearing, especially where an allegation of gross misconduct is made or an allegations needs to be dealt with urgently.

3.5 In the event of an investigation of an allegation of gross misconduct GBS Malta may suspend a student until the disciplinary hearing where GBS Malta believes that this is necessary. Suspension of this kind does not imply that a decision has already been made about the allegations.

4 Misconduct Disciplinary Procedures Stages 1, 2 and 3

4.1 Where, upon completion of an investigation or if no investigation is appropriate, there are reasonable grounds to believe that a student has committed an act of misconduct, the student will be invited to attend a Disciplinary Hearing.

4.2 Stage 1:

This stage is used to address minor breaches of the Code of Conduct. GBS Malta shall be entitled to issue the student with either a verbal or written warning as appropriate. This stage is conducted by the Programme Leader.

4.3 Stage 2:

This stage is used to address more serious breaches of the Code of Conduct or failure to improve after a verbal or written warning. GBS Malta shall be entitled to issue a student with either a further verbal or written warning, or a final written warning as appropriate. This stage is conducted by the Associate Dean.

4.4 For **Stage 1 and Stage 2** GBS Malta staff may apply one or multiple combinations of the following actions in an effort to address the misconduct:

- A verbal or written warning, a written final warning (Stage 2) or a written contract may be issued.
- The student may be put on report for a specified period with review dates.
- A list of conditions may be devised whereby the student may be allowed to remain at GBS Malta.
- The student may be referred to a Student Support Officer for guidance and/or counselling.
- The actions agreed will be formally recorded and kept on the student's personal file. The student will be requested to sign the agreed action(s) to address the misconduct.

4.5 Stage 3:

This stage is used following a further breach of the Code of Conduct and will result in exclusion from GBS Malta. This stage is carried out by the Associate Dean.

5 Gross Misconduct Disciplinary Procedure

5.1 Where, upon completion of an investigation or if no investigation is appropriate, there are reasonable grounds to believe that the student has committed an act of gross misconduct, the student will be invited to attend a disciplinary hearing.

5.2 In the event of a disciplinary hearing for gross misconduct taking place GBS Malta

- give a student a minimum of two working term-time days advance notice of the hearing
- give a student written details of the nature of the alleged misconduct
- inform the student of the purpose of the hearing and that it will be held under GBS Malta's Student Disciplinary Policy and Procedure
- explain the right to be accompanied at the hearing by a companion (but not legal representation)

5.3 Where a student is unable to attend a disciplinary hearing for reasons beyond the student's control, the hearing will be adjourned to another day. GBS Malta will give notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if the student is unable to attend the rearranged hearing, the rearranged hearing may take place in the student's absence.

6 Role of Companion

6.1 Students have the right to bring a companion to the disciplinary hearing, but not with legal representation. The choice of companion is a matter for the student and the student must notify GBS Malta of his or her choice prior to the hearing. If GBS Malta believes that the student's choice is unreasonable, GBS Malta will ask the student to choose someone else. This will come into effect if for example, in GBS Malta's opinion, your companion:

- may have a conflict of interest or prejudice the meeting
- is a legal representative
- is unavailable at the time of the meeting, where the original meeting date has already been rearranged once due to the companion's non availability.

6.2 At a disciplinary hearing, the student's companion may address the Disciplinary Panel and respond on the student's behalf to any views expressed. However, the meeting is essentially a meeting between the student and GBS Malta's Disciplinary Panel. Any questions put directly to the student should be answered by the student and not the student's companion, unless the student request his or her companion to reply on your behalf.

7 Guidelines for a Disciplinary Hearing

7.1 A disciplinary hearing will normally be arranged and conducted by the Associate Dean or a nominated senior member of staff;

7.2 Any member of GBS Malta's staff responsible for the investigation of the disciplinary offence(s) shall not be a member of the Panel, although such staff may present any information or material to the disciplinary hearing;

7.3 The Disciplinary Panel will aim to meet within 10 working days of the suspension/referral.

7.4 The Disciplinary Panel will comprise other senior staff, which may include the Director of Quality. The Disciplinary Panel may be chaired by the Associate Dean or by a nominated member of senior staff.

7.5 The student will be invited to arrive 30 minutes prior to the start of the hearing.

7.6 GBS Malta will give the student advance notice if the student intends to call relevant witnesses to the disciplinary panel hearing. The student must also give GBS Malta advance notice if it is intended to call witnesses.

7.7 A relevant member of staff will present the case to the Panel with a breakdown of the student's academic record at GBS Malta, including the attendance record, and any causes for concerns recorded.

7.8 At the hearing the student will be given a reasonable opportunity to ask questions, present evidence and call any relevant witnesses.

7.9 GBS Malta may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so (including for the purpose of gathering further information). In these circumstances the Panel should be reconvened with its original members and the student will be given notice of the date of the reconvened hearing.

7.10 As soon as possible after the conclusion of the disciplinary proceedings and no longer than 10 working days, GBS Malta will write to the student, providing information concerning whether disciplinary action, if any, is to be taken. The student will be notified of his or her right of appeal under GBS Malta's Disciplinary Appeals Procedure;

7.11 The Chair will advise relevant members of staff of all exclusions in order that support services can be advised, where appropriate.

7.12 The Disciplinary Panel may find that:

- (i) There has not in a breach of GBS Malta's Code of Conduct and the student will be allowed to return to their studies immediately.
- (ii) The student has breached GBS Malta's Code of Conduct and will be issued with a written final warning with conditions.
- (iii) The student has breached GBS Malta's Code of Conduct and will be issued with a final written warning with conditions, and is given an extended suspension with or without conditions.
- (iv) The student has breached GBS Malta's Code of Conduct and will be permanently excluded from GBS Malta.

8. Referral to the Fitness to Study Policy and Procedure

8.1 Where a student is known to suffer from a particular illness which impacts on their health and safety, the student's fellow students and/or staff, and GBS Malta may deem it inappropriate for the student to at GBS Malta. In such circumstances a disciplinary hearing may not be the appropriate course of action to consider breaches of GBS Malta's Code of Conduct. When this is the case the student will be dealt with under GBS Malta's Fitness to Study Policy and Procedure.

9. Appeal against the outcome of the Disciplinary Panel

9.1 Students have the right to appeal against any decision made by the Disciplinary Panel. A student may only make an appeal on one or more of the grounds given below and not because the student does not like the outcome of the Disciplinary Panel hearing. The grounds for which GBS Malta will consider an appeal are as follows:

- (i) The procedures outlined above for the Disciplinary Panel hearing have not been properly followed.
- (ii) The student has produced new evidence to submit which existed at the time of the Disciplinary Panel Hearing and has recently come to light

(iii) There may be bias or a conflict of interest with one or more of the Disciplinary Panel members

(iv) The student was ill at the Disciplinary Panel hearing and consequently not able to present their case properly (a Doctor's certificate would be required)

9.2 Only an appeal made on one or more of the above four grounds will be considered. If the student submits an appeal on any other grounds the appeal will be dismissed. To make an appeal against the outcome of a Disciplinary Panel hearing the student must complete the *Appeal Against the Outcome of a Disciplinary Panel Hearing* form (which is available on the VLE or from a Student Support Officer) and submit it to the Director of Quality. In submitting the completed form the student must supply objective, independent evidence, for example a doctor's certificate for (d), to support their appeal. The Director of Quality will assess the grounds for an appeal and determine the appropriate course of action should the appeal be upheld. This may, for example, include instruction for another Disciplinary Panel hearing, dismissing the case or modifying the outcome of the original Disciplinary Panel Hearing.

9.3 The decision of the Director of Quality with respect to an appeal is final.

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