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(MQA Approved)

Dealing with Unacceptable Behaviour: Guidance for students

Responsibility of: Discipline Master/Supervisor

Approval date: Initial approval date 4 July 2017

Amended: 10 July 2018

Review date: April 2022

Approved by: VTI Management

If you need this document in an alternative format or if you want to contact the Supervisory Team please telephone 230-6966051 or email vti@intnet.mu

Dealing with Unacceptable Behaviour: Guidance for Students

1 Introduction

- 1.1 This guidance is aimed at helping students decide what to do if they consider that they have been affected by unacceptable behaviour by staff or another students. Any student in this position should contact Student Services or the Students' Union for advice if they wish to access support.

2 What constitutes unacceptable behaviour?

- 2.1 Unacceptable behaviour may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. This behaviour does not necessarily have to be face-to-face, and may take many forms such as written, telephone, text or email communications, or social media. Some examples are included below, but this list is by no means exhaustive:

- Aggressive or abusive behaviour, such as shouting or personal insults
- Spreading malicious rumours or gossip
- Unwanted physical contact, including groping
- Threats of or actual physical violence
- Offensive comments or body language
- Displaying offensive material or graffiti relating to an individual
- Making threats or promises in return for sexual favours
- Innuendo or spreading gossip based on sexual orientation
- Inappropriate initiation ceremonies
- Using social or other on-line media to communicate negative, abusive, and harmful statements against students, staff and the Institute

- 2.2 If you begin to feel at any time as if you are being singled out, ganged up on, threatened, or you are feeling uncomfortable or upset at the way somebody is treating you, it is really important to speak to someone. You should be aware that you are also legally protected against discriminatory language, behaviour or action related to any of the 'protected characteristics' as set out in the Equality Act. These characteristics are defined by law as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including lack of belief), sex and sexual orientation.

3 Confidentiality

- 3.1 If information is to be kept confidential, you must make this clear to the person to whom any complaint is made. You should understand that in exceptional

circumstances it may not be possible for confidentiality to be respected, for instance where a criminal offence has been disclosed or where it is considered that you or other students are in danger.

- 3.2 You should also understand that in some circumstances the demand for confidentiality may make it difficult for the Institute to assist you with your complaint. If you wish the Institute to take action this will usually mean that we have to inform the person you are complaining about of the allegations. This will be explained to you at the time of making the complaint.

4 What should you do if you experience unacceptable behaviour?

- 4.1 You could try to resolve the situation informally. Wherever possible, if you believe that you are being subjected to any form of unacceptable behaviour you should take personal action to resolve the situation in the first instance as follows:

- Try to speak directly to the person responsible for the behaviour – they may genuinely not know that they are acting in a way that's unacceptable to you.
- If they don't respond to this, or if you feel unable to approach them, then it is vital you take the matter further.
- Go and talk to someone in the Management service. Some forms of behaviour can be very subtle and it can often help to talk through your experiences with a third party. Student Services can investigate the matter informally and potentially offer different solutions e.g. arrange mediation and can issue a verbal warning to the perpetrator.
- Discuss the issue with your Personal Tutor, or other appropriate member of staff – basically anybody who you feel comfortable with – to discuss ways in which the situation can be resolved with their support and/or involvement.

- 4.2 You could make a formal complaint... If you feel unable to take any personal action or if the matter remains unresolved through the informal means outlined above, you can complete the appropriate Complaint Form or put your complaint in writing and submit it electronically by email to the Institute who will then determine how your complaint will be progressed. Allegations against individuals who are not students or staff at the Institute – for example, agency or contract workers - may not be able to be dealt with under this policy as they are not subject to discipline under the Institute's internal processes. In these circumstances, you will be advised of other possible ways to pursue your complaint. The management Services can provide support to students in such circumstances.

5 You've made a formal complaint – so what happens next?

- 5.1 If you have complained about the behaviour of a student..... the Institute Supervisor will consider if reasonable steps have been taken to resolve the issue informally. In some cases, the complaint may be referred to try to find a way to resolve the complaint through informal means that have not yet been explored or through mediation, involving other members of staff as appropriate.
- 5.2 Where informal resolution is not possible or where the matter is deemed suitably serious, the complaint will be referred for consideration under the Student Disciplinary Regulations (see Section 7 below).
- 5.3 If you have complained about the behaviour of a member of staff.... allegations made against members of staff will be considered by the Institute Supervisor who will discuss the matter with the Director and Organisational Development.
- 5.4 Where the matter can be resolved by informal means, such as mediation, this will be considered prior to the instigation of a formal process under the Staff Disciplinary Procedure.
- 5.5 Where appropriate it will be referred for investigation and action under the Staff Disciplinary Policy and Procedures (see Section 8 below).
- 5.6 You should be aware that legitimate and constructive criticism of a student's performance or behaviour, or reasonable requests made of students by members of staff do not constitute unacceptable behaviour under this guidance. You will be fully supported by supervisor Services throughout any process. You will be given a contact with whom you will be able to discuss the case and who will keep you informed of progress with either the Staff Disciplinary investigation or informal action as far as is appropriate. The Services can also provide other support or sign post you to external sources of help should you require it.

6 Reporting to the Police

- 6.1 Where the behaviour towards you constitutes a criminal offence, you are encouraged to report the matter to the Police. The Police will be able to deal with cases where there is limited evidence as they are able to use forensics and can also compel people to give evidence. The Institute will help you do this where appropriate.
- 6.2 If the matter becomes the subject of a police investigation, the Institute may suspend any student as a precautionary measure subject to the disciplinary investigation until the police investigation is concluded where there is a risk of harm to yourself or others in the Institute community. Once this has happened, the Institute will decide what further action is required. If the matter relates to a member of staff, the disciplinary process may continue while the Police undertake any investigations. Where there is a risk of harm to yourself or others in the Institute community the Institute may suspend the member of staff, again as a precautionary measure.

- 6.3 The Institute will respect your wishes if you do not wish to report the matter to the Police and will instigate disciplinary action as appropriate. You should note, however, that such action will only be based on whether the alleged perpetrator has committed misconduct in relation to the Student Code of Conduct and in cases relating to staff, whether Staff Disciplinary or Dignity at Work policies and procedures have been breached. The Institute will not be in a position to decide whether someone has committed a criminal offence, this is a matter for the Police.
- 6.4 In some very rare instances, the Institute may need to report the action to the Police themselves where it is necessary to protect you (or others) from harm or to prevent a further crime taking place. However, it will consult you on this and make a decision on a case by case basis depending on the circumstances of the matter.

7 Investigations under the Student Code of Conduct

- 7.1 If you make a complaint relating to abuse or other unacceptable behaviour involving another student, the Institute will consider whether it is appropriate to take action under the Code of Student Conduct. While the criminal process will consider whether a crime has been committed, the Institute's disciplinary process considers whether there has been a breach of the Code of Student Conduct.
- 7.2 All students are expected to comply with the Code of Student Conduct; it includes a list of the types of behaviour which would be regarded as unacceptable, such as "violent, indecent, disorderly, threatening or offensive behaviour including harassment".
- 7.3 The Institute will usually carry out an investigation into the matter, and will discuss the process with you in advance to ensure that you are comfortable with each stage.
- 7.4 You can expect the Institute to carry out a risk assessment to understand whether there is a risk to members of the Institute community. As part of this risk assessment the Institute may ask a senior member of staff to undertake a preliminary investigation into the case and they may request to speak with you about it to make sure your needs and concerns are fully understood. If, as a result of the risk assessment, the Institute concludes that there is a significant risk to the wider community, the Institute may take precautionary action, such as imposing a partial or full suspension on the related student until the case is concluded.
- 7.5 The Institute will share the minimum amount of information needed in order to conduct its investigation. This could, however, involve speaking to any witnesses, as well as the student (or students) to whom your complaint relates.
- 7.6 The Institute's investigation will be as thorough as reasonably possible based on the evidence provided. Please note that only a police investigation will have access to forensics, and the Institute cannot compel witnesses to give evidence.

- 7.7 At every stage of our investigation, including where it leads to a hearing before the Student Discipline Committee, we will take reasonable steps to ensure that you do not have to come into contact with the student (or students) your complaint relates to.

8 Investigation under the staff disciplinary procedure

- 8.1 If you make a complaint relating to sexual abuse or harassment, or other serious allegation involving a member of Institute staff, this will be promptly investigated under the Institute's Staff Disciplinary Policy and Procedure.
- 8.2 A manager will be appointed by the Institute to investigate your complaint. They will meet with you to discuss your complaint. They will also meet with the member of staff your complaint relates to, and any witnesses identified by yourself or the member of staff. You should also note, that it will be necessary to provide the member of staff with a copy of the details of your complaint.
- 8.3 If your complaint is upheld, a disciplinary panel will consider the conduct of the staff member in line with the Institute's Staff Disciplinary Policy and Procedure
- 8.4 Once the investigation has been completed, you will be advised as to whether or not your complaint has been upheld. The Head will be informed to ensure a prompt response to you.

9 Confidentiality and keeping you informed

- 9.1 If your complaint is upheld, the action taken by either the staff or the student disciplinary panel will remain confidential.
- 9.2 You will, however, be advised of measures the Panel recommends be put in place to ensure your wellbeing and such information as is considered is in your legitimate interest to know. The Head will be involved in advising on measures to ensure your well-being, communicate with you and offer the relevant support required.
- 9.3 You will be asked to keep the identity of the student or member of staff and the matter confidential as the Institute has a legal obligation to maintain confidentiality. You will, however, be given a contact in Student Services with whom you can discuss matters and who can explain the process and who will also be able to refer you to other support should you want it.

10 Are there times when the Institute will not take action?

- 10.1 The Institute has the same responsibilities towards all of its students. Sometimes there is not enough evidence available in a case for the Institute to take action against another student, or a member of staff. Where this occurs, the Institute will explain this to you, and try to find out whether there are other ways to support you, such as whether reasonable steps can be taken to ensure that you do not have to come into contact with the person your complaint relates to.
- 10.2 The Institute will respond to students in line with the Institute's Students Complaints Procedure as relevant in the context of this guidance