



VOCATIONAL TRAINING INSTITUTE (VTI LTD)

99, John Kennedy Avenue, Vacoas, MAURITIUS

Tel: (230)6966051 – Fax: (230) 6962062

Email: vti@intnet.mu Website: <http://www.vti.mauritius.com>

(MQA Approved)

Student Disciplinary Regulations

Responsibility of: Discipline Master / Supervisor

Approval date: Initial approval date 27 April 2016

Reviewed: April 2017

Reviewed: July 2018

Next Review Date: July 2023

Approved by: VTI Management

Student Disciplinary Regulations

1 Scope

- 1.1 Students should behave appropriately at all times and maintain a standard of conduct which is not harmful to others or the work, good order and good name of the Institute. Students shall be responsible for familiarising themselves with the Student Code of Conduct, the Academic Regulations, and on such other Codes of Practice and Regulations of the Institute to ensure that they are know what it is expected of them. Students on professional courses must also consider the **Fitness to Practise** Regulations. All the above regulatory and policy documents can be accessed from the Institute's Policy and Regulations for students
- 1.2 Allegations of any breaches of the Student Code of Conduct shall be dealt with according to these Student Disciplinary Regulations.
- 1.3 The Student Disciplinary Regulations apply in relation to any activities engaged in, or services and facilities enjoyed, as a student of the Institute, or in the vicinity of any premises owned, leased or managed by the Institute. Disciplinary action may also be taken against a student in respect of any alleged misconduct wherever and whenever it may have taken place when it is considered necessary to protect the interests and reputation of the Institute and its members.
- 1.4 The Student Disciplinary Regulations shall apply to all students during term-time and vacation and during any periods of deferral, regardless of registration status.
- 1.5 Where concerns about a student may be considered under one or more sets of policies, the policies used will be those which are most appropriate, taking into account fairness to the student, the scope and purpose of the policies and the Institute's responsibilities to professional bodies. Examples may include:
 - 1.1.1 **Academic Offences.** Where the misconduct relates to academic conduct, such as plagiarism, it will be more appropriate to consider matters under the Academic Regulations. There may be occasions where it is appropriate to refer the matter for consideration under the Academic Regulations and for the Disciplinary Panel to consider penalties only.
 - 1.1.2 **Fitness to Practise.** For students on courses which are subject to the Fitness to Practise Regulations, conduct which affects professional suitability may be referred to those Regulations.

- 1.1.3 If the matter is dealt with under the Student Disciplinary Regulations, on occasions it may be appropriate for the Fitness to Practise Panel to consider penalties only if a disciplinary sanction is not sufficient to deal with concerns relating to the student's professional practice.

2 Principles Governing Disciplinary Processes

- 2.1 Those involved in the Institute's Student Disciplinary Regulations will have regard to the following principles:

- 2.1.1 **Fairness:** both sides to any complaint of misconduct against a student will be dealt with fairly; however, fairness to the person making the complaint is limited to what is fair and reasonable to investigate their complaint. The Institute's Student Disciplinary Procedure is not intended to resolve disputes between individuals but to address misconduct by students. Therefore, a complainant should only be involved during proceedings as a witness. Fairness to a student responding to allegations of misconduct is important and any person complained against has the right to know the nature and sufficient details of the complaint and to have a proper opportunity to respond to the complaint.
- 2.1.2 **Confidentiality:** confidentiality must be strictly respected. Those seeking advice and support, and those who wish to make an informal complaint, can expect confidentiality. Information about a complainant will not be released without their consent, save in exceptional circumstances. If a formal complaint is made, however, it will be necessary for information to be given to the other party or parties, and, to the extent necessary, to those involved in any subsequent investigation and in any appeals that might follow. The Institute will process personal data, such as the outcome of any disciplinary proceedings, in accordance with data protection legislation.
- 2.1.3 **Timeliness:** A complainant will not be disbarred from making a complaint after a delay. Whenever possible, however, it is desirable that complaints are made without delay in order to allow investigations to commence promptly. A disciplinary procedure, once commenced, will be dealt with as quickly and expeditiously as possible and students kept informed during any delays.
- 2.1.4 **Records and monitoring:** The Institute and all those involved in this process must observe data protection legislation. Records about a student may be retained and kept securely to the extent necessary for the proper

management of these Regulations. Records relating to conduct offences will be held on the student file, normally for the duration of the student's time as a student of the Institute. The record will include details of the nature of the complaint against the student, the procedure followed, the time taken to resolve the issue and the outcome or sanction. The Institute will process personal data in accordance with data protection legislation.

3 Breaches of Student Code of Conduct

- 3.1 Cases that would normally be regarded as disciplinary are breaches of Student Code of Conduct are set out below in what is a non-exhaustive list. These may include:
- 3.1.1 conduct that interferes with the academic or administrative activities of the Institute, such as disruption of teaching, research if any , examinations, working of staff and other campus services;
 - 3.1.2 falsification or misuse of prior qualifications or Institute records, including award certificates and transcripts;
 - 3.1.3 false pretence or impersonation of others within or without the Institute, in connection with academic attainments or financial awards;
 - 3.1.4 conduct within or without the Institute that is disorderly or which causes a nuisance (whether or not causing damage) and is seriously detrimental to the good name of the Institute (this will exclude student's right to an organised protest or use of public petition unless the behaviour is unlawful);
 - 3.1.5 violent, threatening, intimidating, harassing, abusive conduct, or conduct otherwise detrimental to the wellbeing of any person, where such conduct is seriously detrimental to the good order or good name of the Institute;
 - 3.1.6 behaviour that would comprise the integrity of the Institute's activities by offering, promising, giving, receiving or soliciting a financial, academic or other advantage or favour as a means to influencing the actions of others, or otherwise securing a particular end.
- 3.2 The above examples are illustrative only and shall not prevent the Institute from considering and adjudicating upon any other conduct which shall be referred to it as an alleged breach of discipline. Students should refer to the Student Code of Conduct for further guidance.
- 3.3 Students should note that:

- 3.3.1 Being under the influence of alcohol or illegal drugs will not normally be accepted as a mitigating factor or an excuse and may be regarded as an aggravating feature.
- 3.3.2 If an alleged breach takes place outside Institute-owned premises or via virtual mechanisms such as, website, email, social media platforms, this will not prevent the Institute from pursuing the breach of discipline nor will it constitute a mitigating factor.
- 3.3.3 If a student under investigation for an alleged breach of discipline permanently withdraws from the Institute during the process, or has permanently withdrawn prior to the investigation, the Institute reserves the right to continue to pursue disciplinary action in this situation. If a student found to have committed a breach of discipline permanently withdraws during or after a Disciplinary Panel hearing, the Institute reserves the option to impose a sanction on the student (or former student). For example, it might rescind a certificate if it were found that a student had misrepresented his/her qualifications and external body informed .

4 Criminal Investigations

- 4.1 The Student Disciplinary Regulations do not replace a police investigation. Where serious incidents have occurred, students should report these to the police.
- 4.2 In addition to the above, where a student has behaved in a manner which may lead to conviction under criminal law, provided that such conduct affects the interests of the Institute, it may be reported to the police.
- 4.3 The Institute will not normally investigate complaints about student behaviour while there is an on-going police investigation or court proceedings. However, the Institute will consider whether any temporary measures are appropriate in the circumstances to support and protect the interests of all parties concerned.
- 4.4 Whilst criminal investigations are underway, the student should keep the Institute informed of any progress and/or change in status regarding his/her case.
- 4.5 Where the victim of an alleged offence chooses not to report the matter to the police or does not co-operate with their inquiries, and irrespective of whether or not a preference for the matter to be dealt with internally has been indicated, the Institute reserves the right not to invoke its own procedures but may investigate where it deems it to be appropriate in all the circumstances.

5 Criminal Convictions.

- 5.1 Conviction by the police or in a criminal court will be taken as conclusive evidence that the alleged offence has occurred, and no further investigation will be required by the Institute. In these circumstances, the focus of any subsequent disciplinary proceedings will include an assessment of the risk posed to staff or students. Any penalty imposed by the criminal court will be taken into account.
- 5.2 Students are required to notify the Institute immediately of any conviction of a criminal offence in a court of law or formal caution for a criminal offence by a police officer.
- 5.3 Where a student has been convicted of a criminal offence whilst enrolled, the Institute will consider the nature of the offence and whether it is appropriate for the student to remain on his/her course. This consideration will be undertaken by the **Criminal Convictions Panel** which is outlined. The deliberations of the panel will then be referred to a Disciplinary Panel to consider the penalties where appropriate.

6 Reporting breaches of Student Code of Conduct

- 6.1 In all cases where a member of the Institute observes or is reliably informed of conduct which in their opinion may constitute a breach of discipline, they should submit a written report of such conduct to the Institute discipline master /supervisor or his/her nominee.

7 Student Disciplinary process

- 7.1 The Institute supervisor/discipline master or his/her nominee may decide on a case by case basis whether there is a case to answer upon the demonstration of an alleged breach through a preliminary review of the case by means of considering written, audio or video evidence. S/he may:
 - 7.1.1 arrange for the papers in relation to that allegation to be investigated by the relevant Senior Academic/Manager who will carry out a preliminary review of the case, by way of an interview where appropriate, in accordance with Section 9 below;
 - OR
 - 7.1.2 set up a Disciplinary Panel unless it is deemed that this would be inappropriate (for example, because the matter may be dealt with under the Academic Offences Regulations or other procedures), in accordance with Section 10 below;

AND/OR

- 7.1.3 refer to the Manager , for consideration of the use of the Manager's authority of suspension and exclusion provided under Sections 8 below.
- 7.2 An allegation of a breach of discipline may not be deemed to justify a Disciplinary Panel hearing and the allegation may be dismissed, if appropriate.
- 7.3 Where it is considered that the formal disciplinary process is not an appropriate way of dealing with the student's behaviour, the Discipline Master/Supervisor may refer the case to the IQ Officer who will discuss the behaviour with the student. Following the discussion, the IQ Officer may issue a formal warning. This warning will be recorded and taken into account in any future disciplinary action against the student.
- 7.4 The above action will be taken in the event of the following which is not intended to be exhaustive:
 - 7.4.1 Where there are mitigating circumstances;
 - 7.4.2 where the allegation is the subject of a complaint by a member of staff, student or a member of the public but where there is little or no other evidence.

8 Precautionary actions and Suspension

- 8.1 The Institute may impose conditions on the student as a precautionary measure only for example to:
 - 8.1.1 to ensure that a full and proper investigation can be carried out (either by the police or a Institute investigator); and/or
 - 8.1.2 to protect the reporting student or others whilst the allegation is being dealt with as part of a criminal process.
- 8.2 Such conditions are not a penalty or sanction and do not indicate that the Institute has concluded that the accused student has committed a breach of discipline or a criminal offence. Such precautionary action may include:
 - 8.2.1 Moving a student from a particular group;
 - 8.2.2 Preventing a student from accessing the Students' facilities
 - 8.2.3 Moving accommodation if any .
 - 8.2.4 excluding the accused student from particular areas of activities (for example, prohibiting the accused student from going to certain

accommodation if any or using the sports facilities or from attending a placement

8.2.5 suspending the accused student from his/her studies.

- 8.3 The type of misconduct, the circumstances of the incident, the circumstances of the individuals involved and the views of the police/prosecutor will all be relevant in assessing risk and in determining what precautionary action is required. A risk assessment will be carried out which will also include consideration of the support arrangements that need to be put in place for the students
- 8.4 The Discipline Master/Supervisor has authority for the imposition of precautionary measures, including exclusion and suspension.
- 8.5 The precautionary measures shall last until the outcome of the investigation of an alleged offence leads to the completion of procedure or until no longer required. The risk assessment and any precautionary measures that are put in place will be reviewed at regular intervals and reconsidered where appropriate. A failure to comply with a precautionary measure should trigger a review and is likely to result in more serious measures being put in place.
- 8.6 If the student disagrees with the decision to temporarily exclude him or her, the student may apply to the Assistant Manager for a review. The Assistant Manager or his/her nominee can invite the student to make written representations regarding his or her temporary exclusion and will issue a decision within 5 working days of the student's request for a review.
- 8.7 Any decision to suspend a student from the Institute will normally include the student's exclusion from all Institute activities. This including studying at or with the Institute and also the use of any Institute premises, accommodation and/or facilities unless otherwise decided.
- 8.8 In the case of students on time-limited professional courses involving work placements, it may be necessary to impose enforced intermission during any investigation; that is, the period of intermission will not count as part of the time taken to complete the course and the student's statutory funding, if any, may stop during the period. In such cases, the Manager may delegate the institute to impose enforced intermission to the appropriate dept or his/her nominee.

9 Investigatory Interview

- 9.1 Where appropriate, the Discipline Master/Supervisor or his/her nominee shall appoint an Investigator (normally a Senior Academic who shall arrange an interview with the student against whom the allegations have been made.
- 9.2 The Discipline Master/Supervisor or his/her nominee shall gather information regarding the case or allegation and shall confirm the arrangements for the interview by letter to the student. The student shall normally be informed by way of this letter at least 5 working days prior to the date of the interview.
- 9.3 The letter shall also confirm the statement of the allegation(s) to be considered and the purpose of the interview, details of the date, time and place of the interview and those who will be present and copies of any evidence or documents to be considered in connection with the allegation.
- 9.4 The student shall be informed that they have a right to be accompanied by a friend and may submit before the interview meeting a written statement of their perception of the events to the interview. The student must inform the Discipline Master/Supervisor or his/her nominee who will be attending at least 5 working days prior to the date of the interview. The student may not have legal representation.
- 9.5 At the interview, the substance of the allegation shall be discussed with the student(s) and the student shall be asked to present their perspective.
- 9.6 The purpose of the interview shall be to determine:
 - 9.6.1 whether any breach of the Student Code of Conduct have been committed; and,
 - 9.6.2 the seriousness of such a breach, taking into account all the surrounding circumstances, including any past penalties imposed on the student.
- 9.7 The following criteria may be used for classifying the seriousness of the breach and the appropriate action:
 - 9.7.1 Intent: an act which is planned in advance will normally be considered more serious than the one which is not;
 - 9.7.2 Extent: an act which is sustained and/or repetitive will normally be considered more serious than an act which is committed on a single occasion;
 - 9.7.3 Impact: an act which has an impact on other student(s) will be considered more serious than an act which affects only the perpetrator;

- 9.8 The Investigator shall either:
- 9.8.1 dismiss the allegation; or
 - 9.8.2 determine that a breach(es) may have occurred and either refer to the appropriate panel or impose one or more penalties as set out in Section 11 below;
- 9.9 If the Investigator believes that the breach(es) are of serious nature and should be considered by the Disciplinary Panel, they shall make such a recommendation to the Discipline Master/Supervisor or his/her nominee and the provisions of Section 5 shall apply.
- 9.10 If the Investigator believes that the student should be suspended whilst the procedure is carried out, they shall make such a recommendation to the Manager or his/her nominee and the provisions of Section 6 shall apply.
- 9.11 A breach of discipline considered by the Investigator will be one for which the penalty would not require permanent or temporary exclusion from the Institute, nor any compensation above Rs 1,000/.
- 9.12 If the student fails or declines to attend, without good reason, the Investigator shall proceed to consider the matter in accordance with this regulation, but in the student's absence and on the basis of the written evidence provided.

10 Disciplinary Panel composition

- 10.1 Where an alleged breach is referred to the Disciplinary Panel, the panel shall consist of at least three members and shall comprise:
- 10.1.1 a Chair, appointed by the Discipline Master/Supervisor or his/her nominee;
 - 10.1.2 a member of the academic staff from the School/College as that of the student;
- 10.2 The student can be accompanied by a friend and can seek advice from the school at any stage of the process. The student is not allowed legal representation.
- 10.3 The Discipline Master/Supervisor shall nominate a member of staff to act as Secretary to the Panel. The Secretary is responsible for advising the Panel on the Regulations. In the event of the Panel being divided over a decision to be taken, the Chair shall have a second and casting vote to determine the decision.

11 Disciplinary Panel Hearing

11.1 The Disciplinary Panel meetings shall be held in closed session.

- 11.2 The Chair of the Panel shall have authority to act on behalf of the Panel, with their express agreement, in making a decision on the case where a student admits or does not deny an offence.
- 11.3 Prior to the hearing and as part of an investigation, a student shall be asked to present a statement of their version of events which is to be submitted to the Secretary of the Disciplinary Panel before the date of the hearing for their consideration.
- 11.4 Should a student notify the Secretary of the Disciplinary Panel in advance of the hearing that he/she is unable to attend the hearing on the scheduled date, and has provided a satisfactory reason for their non-attendance; the Discipline Master/Supervisor or nominee will consider whether in all circumstances the hearing should be rescheduled. Under such circumstances, only one further attempt to reschedule the hearing will be made.
- 11.5 If the student fails to attend this meeting, or to contact the Secretary of the Disciplinary Panel to make alternate arrangements within five working days of notification of the allegation, the Panel may decide to progress with the deliberations if the student has submitted written evidence.
- 11.6 On completion of the hearing, the Discipline Master/Supervisor or nominee has the responsibility for notification in writing of the outcome of any hearing to all relevant parties within 5 working days.
- 11.7 The standard of proof to prove the breach is on the balance of probabilities.

12 Conduct of Disciplinary Panel Hearing

- 12.1 The hearing shall be conducted as follows:
- 12.1.1 The Chair will open the proceedings;
 - 12.1.2 The Chair will explain the purpose of the hearing and the extent of his/her delegated powers in taking decisions on behalf of the Institute;
 - 12.1.3 The Chair will explain the penalties which are possible outcomes of the hearing if the allegation of misconduct is upheld as set out in Section 11;
 - 12.1.4 The Chair will establish names and identities of everyone present at the hearing and confirm the names of all witnesses who will be supplying evidence;

- 12.1.5 The Secretary will keep a record of all persons attending the hearing and whether or not the student has elected to be accompanied by a friend or representative in accordance with these regulations; or if the student has failed or declined to attend the hearing and the Chair's decision, including the reasons for it;
- 12.1.6 If the allegations involve several students, the Chair may decide to hear the allegations at one hearing subject to there being no reasonable objection from the student(s) or their representative(s);
- 12.1.7 The Chair shall invite all parties, except witnesses, into the room, the witnesses will be reminded of their duty towards maintaining confidentiality and asked to be present only for the duration of their own evidence;
- 12.1.8 The Panel will not have access to the student's previous record unless and until the allegation has been upheld;
- 12.1.9 The Chair will request the Senior Academic, responsible for investigating the case, to present the case against the student, including submission or written or oral statements from witnesses;
- 12.1.10 Any witness submitting a written statement should normally be in attendance to answer any questions unless there are exceptional circumstances or the parties agree otherwise. The witnesses will only be present for the presentation of their evidence.
- 12.1.11 The Chair will request the student or their representative to respond to the allegations, including their submission of written or oral statements from witnesses;
- 12.1.12 The Chair and Panel members may ask questions, through the Chair, of anyone present at the hearing at any time for the purposes of clarification;
- 12.1.13 The Chair will invite the Senior Academic to make a final statement;
- 12.1.14 The Chair will invite the student or his/her friend or representative to make a final statement;
- 12.1.15 The Chair will ask everyone except the members of the Panel to withdraw from the room for deliberations to begin.
- 12.2 The Chair is responsible for ensuring that the hearing is conducted in a fair manner but that the hearing does not replicate a court of law.

- 12.3 The Chair will inform the Panel that their reasons leading up to the final decision will be informed in writing to the student at the end of the proceedings.
- 12.4 The Chair may amend this procedure depending on the nature of the case and the persons present at the hearing and may adjourn or defer the hearing at any time.
- 12.5 If the Panel has reached a decision, where the allegation against the student has been upheld and the application of penalties is to be considered, the Chair of the Panel may convene immediately a second meeting to determine the penalties to be applied. The Chair may decide to inform the student of the Panel's decision in writing.
- 12.6 Where an allegation has been upheld the student's file/record will be made available to the Panel at this stage along with a short summary of the student's current academic position. In arriving at a decision on disciplinary penalties to be applied, the Panel will take account of any previous penalties on record and shall impose the penalties on an individual basis.
- 12.7 The record of the hearing and all proceedings will be kept by Academic Registry and a copy will be placed on the student's file. This will normally be retained for six years after graduation but may be retained for longer in more serious cases.
- 12.8 The student will be informed in writing of the decision of the Panel within five working days.
- 12.9 Where a disciplinary case has been brought against a student as the result of the complaint of another student, the student bringing the complaint may be informed of the outcome of the disciplinary provided that this does not breach data protection legislation.

13 Penalties for breaches of Student Code of Conduct under Student Disciplinary Regulations

- 13.1 Where the Disciplinary Panel find that a breach of discipline has been committed by the student or the student has admitted a breach the Panel will consider applying the penalties set out below. In imposing a penalty, the Panel will consider the seriousness of the breach and the proportionality of the penalty:

13.1.1 No further action in respect of the breach of discipline;

13.1.2 Oral reprimand from the Chair of Disciplinary Panel;

13.1.3 Formal warning and a record of the warning will remain on the student's file for a period of 12 months;

- 13.1.4 Repair or restitution by the student to the property or equipment damaged or compensation to be payable of up to Rs 1000/ (the amount imposed to be proportional to the damage suffered);
- 13.1.5 Removal or restriction of Institute benefits/facilities/privileges;
- 13.1.6 Requirement for written undertakings that the Student Code of Conduct and Institute Regulations will be observed for the remainder of the student's studies by way of a contract for good behaviour/conduct;
- 13.1.7 Report concern to the student's accommodation provider in Institute managed residential property if any;
- 13.1.8 Suspension either from the student's course of study and related academic privileges, for a specified period of time or until specified conditions have been met;
- 13.1.9 Withdrawal from the student's course of study and related academic privileges;
- 13.1.10 Expel the student from the Institute, which means that the student will not receive any credits achieved during their time and will not be allowed to return as a student to the Institute;
- 13.1.11 Recommend to the VTI Assessment Board /External awarding body the withholding, delay or rescinding the award or other qualification from an individual where there has been fraud or misrepresentation.

13.2 If a student fails to comply in whole or in part with any order of the Disciplinary Panel, the Discipline Master/Supervisor may refer that non-compliance back to the Disciplinary Panel for further consideration. The Panel is entitled to escalate the sanction within the options under Section 11 above.

13.3 All cases will normally be concluded within one month of the receipt of the case by the Discipline Master/Supervisor or his/her nominee.

13.4 The outcome of all cases and full written reasons shall be communicated to the student in writing.

14 Appeal

14.1 The **Appeal Regulations** under Section 2.44 of the *Academic Regulations* provide a single process for a student who wishes to appeal against outcomes arising from the

decisions made under the Student Disciplinary Regulations. Following an appeal the Institute will issue the student with a Completion of Procedures letter. If a student has made an appeal and is still not satisfied with the outcome of the Appeal procedure, they may refer their case to the other appropriate Office.