

## Student Disciplinary Procedure

- The College is committed to providing a **supportive** culture and environment in which we can all study, live and work.
- The College is committed to **inclusiveness** and being **responsible** for the **care** of each other and all individuals, irrespective of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- As a student of Global College Malta you are expected to behave responsibly and respectfully to others, whether they are students, members of College staff, visitors or members of the local Maltese community.

### What is the College's Disciplinary Procedure?

- When you enrolled at the College you agreed to abide by all relevant policies and regulations of the College including the College's *Student Charter* and *Student Code of Conduct*.
- If you breach the College's *Student Charter* and *Student Code of Conduct* you will be subject to the College's disciplinary process (the *Student Code of Conduct* is attached as an annex to this document).

### Who is responsible for dealing with disciplinary issues at the College?

- **YOU** are responsible for making sure that you abide by the College's *Student Charter*.
- If the College receives an allegation about your behaviour, then a small panel will be established comprising one member from each of the College's Admissions Team, Academic Team and Student Life Team. This panel will be known as the Investigation Panel.
- The Investigation Panel has a responsibility for student safety and the investigation of alleged student misconduct within the College. The Investigation Panel will investigate all issues in a fair and impartial way.
- The Investigation Panel will ensure that you are supported throughout the process.

### What happens if the College receives an allegation or complaint about my conduct?

- The majority of students progress through their time at College without having any issues raised about their conduct.

- If an allegation is made about you, the Investigation Panel will invite you to a meeting to discuss it. This invitation will tell you, briefly, what it's about and you will be given more information during the meeting.
- To prepare for the meeting you should think carefully about the allegation and note any important points that you may want to raise.
- You can bring someone with you to the meeting. We advise that you ask for support from the College's designated student 'Bubble Buddies'. If you have someone with you they will be able to support you at the meeting and provide you with any ongoing support you may need.
- In serious cases or where there is a potential risk of harm to you or others, you may be suspended or excluded from the College. This is not intended as a punishment but rather to protect you or others as necessary.

### **What should I expect during the first meeting?**

- The Investigation Panel will introduce themselves and explain why you have been asked to attend the meeting.
- You are allowed to have a 'Companion' with you during the meeting. This may be a student who isn't involved in the case and/or an appointed College 'Bubble Buddy'.
- The role of the Investigation Panel is to get a clear picture of what is alleged to have happened. You can expect to be asked a number of questions so that the Investigation Panel is able to do this. You will be able to raise any points that you may have and you will also be able to ask questions of the Investigation Panel.
- A record of the meeting of the Investigation Panel will be made so that everyone has an accurate minute of the meeting and what was discussed. You are entitled to copy of these minutes of the discussion. In addition, the Investigation Panel meeting will be video and audio recorded and this record of the meeting will be kept in strict accordance with GDPR requirements. As with the minutes of the discussion, you are entitled to see the audio and video recording of the meeting.
- At the end of your first meeting, the Investigation Panel will consider what might be the appropriate next steps.
- Sometimes the matter can be informally resolved at the first meeting but it may be necessary for the Investigation Panel to make further enquiries by speaking to other people and considering other material which might include written records, statements or CCTV footage. You will be told about this at the end of your meeting.
- If the matter can be resolved at this more informal stage, then the Investigation Panel will seek to do this.

- In communicating its decision to you, the Investigation Panel may provide you with advice about your future conduct, you may receive a warning or a fine or your the case may be sent to a formal College Disciplinary Panel.

### **What is a formal College Disciplinary Panel?**

- A formal College Disciplinary Panel consists of up to 3 people including two members of the College and a member of the College's student body.
- The formal College Disciplinary Panel will be asked to consider the case and if the allegation(s) are upheld as they are found to have been more likely to have happened than not, they will consider an appropriate sanction.
- You will be told if your case is being referred to a formal College Disciplinary Panel hearing.
- Whilst every effort will be taken to ensure that the matter is dealt with swiftly, you need to be aware that the formal College Disciplinary Panel hearing may not take place immediately after your meeting with the Investigation Panel. The College would hope to conclude both the Investigation Panel and, as necessary, the formal College Disciplinary Panel events within no more than a week to ten days following the reported incident.
- You will be informed by email of the time and date of the formal College Disciplinary Panel meeting and you will be provided with a copy of all of the evidence and any associated information which the Panel will be asked to consider at the Panel meeting.
- Serious allegations, such as physical or sexual misconduct or hate incidents, will always be sent to a formal Disciplinary Panel for consideration.
- You are allowed to bring someone with you to the formal hearing in addition to any support which may have been provided by the College 'Bubble Buddy' scheme.
- During the formal College Disciplinary Panel meeting you will be asked questions regarding the allegations that have been made against you. You will be allowed the opportunity to provide a statement and you will also have the opportunity to put forward relevant information and ask questions of the formal College Disciplinary Panel.

### **Who will sit on the formal College Disciplinary Panel?**

- Depending on the nature of the disciplinary matter the formal Disciplinary Panel will be chaired by either the College's Chief Operating Officer or the College's Academic Dean.
- Where the matter under consideration relates to a non-academic matter the third member of the formal Disciplinary Panel, in addition to the Chief Operating Officer and a College student, will come from either the Admissions Team or the Academic Team.
- Where the matter under consideration relates to an academic matter the third member of

the formal Disciplinary Panel, in addition to the Academic Dean and a College student, will come from either the Admissions Team or the Student Life Team.

- No members of the formal College Disciplinary Panel will have previously been involved with the activities of the Investigation Panel.
- You may have seen some of the members of the formal Disciplinary Panel around the College. However, they are selected to provide an independent and balanced assessment and will not normally know you or be directly associated with your teaching.
- A secretary will provide administrative support to the formal College Disciplinary Panel and will produce a written record of the discussions. You are entitled to copy of the written record of the discussions. In addition, the formal College Disciplinary Panel meeting will be video and audio recorded and this record of the meeting will be kept in strict accordance with GDPR requirements. As with the minutes of the formal College Disciplinary Panel's discussion, you are entitled to see the audio and video recording of the meeting.

### **Outcome of the Formal Disciplinary Panel**

- Having listened very carefully and objectively to all the evidence the College Disciplinary Panel will meet to consider the case and to decide whether the allegation(s) made against you is (are) true.
- If the College Disciplinary Panel uphold the allegation(s) they will give you clear reasons for their decision which will be detailed in an outcome letter to you.
- The College Disciplinary Panel will then look at an appropriate penalty considering any factors that might make the case worse (for example being under the influence of drugs, use or threatening and bullying behaviour likely to give rise to severe distress, etc).
- The College Disciplinary Panel will consider any factors that could reduce the level of penalty for example showing remorse or admitting responsibility for the matter under investigation. At this point in the process the College Disciplinary Panel will also be made aware of any previous misconduct that you may have had.
- The outcomes of the College Disciplinary Panel can vary: it could be that no further action is needed. However, it could also include warnings, advice and guidance about attitudes and behaviours, a fine, suspension or in the most serious cases, expulsion from the College.

### **Can I appeal?**

- You can request a review of the decision of the College Disciplinary Panel if you consider that due process hasn't been followed by the College or if you believe that there has been

a material misunderstanding (deliberate or otherwise) of the evidence presented to the College Disciplinary Panel.

- You are entitled to request a review against any decision of the College Disciplinary Panel so long as you can demonstrate one or more of the following grounds for review. You need to be aware that you **cannot** request a review just because you disagree with the decision of the College Disciplinary Panel and your request for a review does **not** mean that there will be re-hearing of the case.
- The grounds for requesting a review of the College Disciplinary Panel's decision are:
  - the emergence of significant additional evidence not available at the time of the panel hearing which could reasonably have affected the College Disciplinary Panel's decision if disclosed at the panel hearing, including that you have new material evidence that you were unable, for valid reasons, to provide earlier in the process;
  - the emergence of evidence to show that there has been maladministration in the conduct of the proceedings, including: that the procedures were not followed properly; that there has been bias or a reasonable perception of bias during the disciplinary procedure; and that the decision maker(s) reached an unreasonable decision;
  - the emergence of evidence which demonstrates that the measures determined by the College Disciplinary Panel implemented are too severe, or disproportionate or not permitted under the procedures.
- As the most senior member of College management not having had any previous involvement with the matter, any request to review the decision of a formal College Disciplinary Panel will be considered by the College's Chief Executive Officer.
- In reaching their decision on the outcome of an appeal against the decision of the formal College Disciplinary Panel, the College's Chief Executive Officer will take guidance from the Chair of the formal College Disciplinary Panel, as appropriate.

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## **Global College Malta**

### **The Student Code of Conduct**

### **Responsible, Reasonable and Respectful Conduct**

The College recognises that it is a community with a significant part to play in the wider communities in which it is located and that its obligations to its own staff and students extend to these wider communities. The College therefore believes that it should both promote a high level of responsibility within the student body and further the development of good relationships between the College and these wider communities and beyond.

In doing so, the College reminds students that in any situation, in any part of the College or when involved in any activities associated with the College including those undertaken away from College premises, students must:

- behave responsibly and with consideration, courtesy and respect towards others;
- not act in a way that could endanger, or cause harm or any form of distress to any other person;
- not engage in behaviour which causes offence or distress because of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation;
- use the College's facilities or services with care;
- act within Maltese law;
- behave in accordance with the College's rules and regulations including, but not limited to, those relating to:
  - the College's Academic Regulations
  - Health and Safety
  - Equal Opportunities and treatment and respect for others
  - Use of College facilities;
- not interfere with the normal working of the College or any of its facilities or services
- not bring the College into disrepute by any of their actions.

Students as members of the College and the wider Maltese community must also comply with Maltese government and/or College rules, requirements, protocols or guidance that are put in place with a view to ensuring public health and safety and/or the safeguarding of others including taking reasonable preventative measures designed to ensure the health and safety of others.

Under no circumstances will the College tolerate any behaviour that amounts to an offence against a person including, but not limited to, assault, sexual assault or sexual violence, domestic violence or discrimination or harassment of any kind, whether verbal or physical and

in any form or medium, including in any online space or context; such misconduct will be dealt with severely.

Individual students are responsible for ensuring that they are aware of any such regulations or standards and that they comply with them.

Examples of behaviour that will be regarded as misconduct are set out below.

### Illustrative examples of Misconduct

The defining and grading of the misconduct in the procedures is intended to give an indication as to the severity of the measure to be imposed. Misconduct graded solely as serious misconduct and/or any misconduct involving the (mis)use of alcohol and/or any other substances or against a person would normally be considered under the formal College Disciplinary Panel phase. Moreover, any person who engages in any form of violence, assault, misconduct or sexual misconduct against another person or who is found guilty of a criminal offence will be liable to the most severe measures permissible by the College.

Any misconduct graded as general misconduct may be considered at the 'Informal Phase' (investigation by the designated member of the College's Academic Team) and progressed to the Formal Phase (College Disciplinary Panel) if or as necessary.

The examples listed below are **illustrative** only and are neither comprehensive nor exhaustive.

Misconduct against People	Serious	General
<i>Under this procedure 'Misconduct against People' should normally be regarded as Serious misconduct in all circumstances</i>		
. Acts of disturbance that threaten the rights and privacy of any member of the College, whilst on College premises or engaged in College activity, or resident in College owned or managed accommodation	✓	✓
Serious abusive behaviour which may be regarded as aggravated which includes acts that may be regarded as sexual, violent, disorderly, threatening, intimidating or offensive; including the use of such language (whether expressed orally or in writing, including electronically)	✓	
Abusive behaviour which includes acts that may be regarded as disorderly, threatening, intimidating or offensive; including the use of such language (whether expressed orally or in writing, including electronically)		✓
Any act of discrimination, or any bullying, harassment, intolerance or victimisation.	✓	

The sending, posting or display by any means and in any form or medium of sexual, intimate, harmful, cruel or offensive text or images	✓	
Sexual misconduct including engaging or attempting to engage in an intimate or sexual act, touching or other offence without consent, the inappropriate showing of sexual organs to another person and the making of unwanted remarks of a sexual nature (whether expressed orally or in writing, including electronically).	✓	
Failure to respect the rights of others including those relating to: freedom of speech and expression, freedom of belief, thought, conscience and religion, confidentiality and privacy.	✓	✓
Jeopardising the health and safety of oneself or of any other person.	✓	
Conduct that may incite, fund, promote or lead to acts of violent or non-violent extremism.	✓	
Possession of an offensive weapon (including replica weapons) and /or ammunition on College premises or whilst engaged in any activity associated with the College.	✓	
Possession or use of illegal substances or New Psychotic Substances whilst on College premises or whilst engaged in any activity associated with the College	✓	✓
Inclusion on one or more of the barred lists maintained under the Maltese Safeguarding Vulnerable Adults Act (2006), Maltese Care Act (2014) and Maltese Mental Capacity Act (2005) or any act that would lead to investigation or deregistration by an appropriate professional body	✓	
Conduct which constitutes a criminal offence	✓	✓
<b>Misconduct against Property</b>	<b>Serious</b>	<b>General</b>
Failure to comply with any aspect of the Health and Safety Procedures, rules or duties of the College or of any other organisation to which a student may be subject	✓	✓
Misuse or unauthorised use of College premises or items of property, including computer misuse and the communications network.	✓	
Damage to, or defacement of, College property or the property of other members of the College community caused intentionally or recklessly, and misappropriation of such property.	✓	✓

Unauthorised taking or use of property belonging to either the College or another person without permission	✓	✓
Unauthorised entry into, or unauthorised use of College premises and property or the premises and property of other members of the College community.	✓	✓
Unauthorised publication or transmission to any third party of a College activity and/or the unauthorised use of any form of recording equipment during a College activity.	✓	✓
<b>Misconduct against the College</b>	<b>Serious</b>	<b>General</b>
Conduct which brings the College into disrepute.	✓	✓
Conduct which disrupts, or improperly interferes with, the academic, administrative, sporting, social, or other activities of the College, whether on College premises or elsewhere	✓	✓
Conduct which obstructs, or improperly interferes with, the functions, duties or activities of any student, member of staff or other employee of the College, or any authorised visitor to the College, whether on College premises or elsewhere	✓	✓
Failure to uphold or pursue the standards expected of any relevant professional or vocational bodies, which awards qualifications to students in relation to the care, welfare or education of the public	✓	✓
Conduct during assessment and examination which does not constitute Unacceptable Academic Practice or Academic Misconduct, for which separate rules and procedures apply	✓	✓
Dishonesty or the supply of false or misleading information in relation to the College or its staff or students in connection with the holding of any office in the College, or in relation to being a student at the College, or in circumstances which the College reasonably considers affect professional suitability.	✓	
The submission to the College of false data, documents or documents containing false information/data and/or elements, such as signatures, including for the purposes of admission, recording attendance (whether manually or electronically), work, assignments, timesheets or other documents including evidence to explain absence, claims for mitigating circumstances or academic appeal, etc.	✓	
The fraudulent production of, and/or the submission to a third party of, any document purporting to be issued by the College containing false	✓	

or fraudulent information and/or elements; including, but not limited to, grades, marks, confirmation of student status, confirmation of attendance, or signature or any associated matter.		
Breach of the provisions of any rules or regulations of the College or of any other organisation to which a student may be subject	✓	✓
Failure to disclose your name and other relevant details to an officer or employee of the College, in circumstances when it is reasonable to require that such Information be given	✓	✓
Failure to comply with a previously-imposed penalty or implemented action under College procedures	✓	
Knowingly encouraging, permitting or assisting any individual to engage in any of the above.	✓	✓
Any other behaviour which may reasonably regarded as constituting misconduct or unprofessional conduct	✓	✓