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SECTION A: GENERAL INFORMATION				
1	Document category	Procedure		
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All MCAST employees can access current, controlled and approved documents related to the Quality Management System from the College SharePoint system URL <http://eportal.mcast.edu.mt/Main/Pages/DocumetControl>.

Document users who do have access to SharePoint are therefore encouraged **NOT** to retain printed hard copies of the Quality Management System documents.

If however a hard copy of the document is required, the user is to ensure that the printed document is the current revision.

Continuous Improvement

Procedures are meant to be 'living' documents that need to be followed, implemented and maintained. If the procedure does not reflect the current, correct work practice, it needs to be updated! Contact your Document Controller on Ext 7121 **today**. !

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These regulations apply to all MCAST students attending study programmes at all MCAST institutes and any extensions thereof.

Irrespective of where the training is taking place, authorisation in writing of the Institute Director shall always be sought with regard to any disciplinary action which is being contemplated against an MCAST student.

1. Student behaviour

1.1 Students are expected to comply with MCAST regulations and behave respectfully towards all members of the College community and visitors. When MCAST rules and regulations are contravened, the College shall be constrained to implement measures to rectify matters, ensure conformity and safeguard the interest of the community.

2. Petty misconduct

2.1. Cases of petty misconduct, which are to be considered as minor offences, such as, but not limited to, isolated incidents of unruly behaviour, are dealt with by members of staff who are directly in contact with students. A record shall be kept.

2.2. Repeated instances of petty misconduct, signifying that there is no improvement in the student's behaviour, even after admonition by members of staff, shall be followed by an official, recorded, verbal warning by the Deputy Director of the Institute. The warning shall make it clear that further misbehaviour shall lead to disciplinary action. The student shall also be advised what repercussions may ensue.

2.3. Cases of continual petty misconduct which occur on premises which are to be considered as extensions of MCAST, such as the Private Training Providers or on other third party premises, are to be reported in writing to the relative Director of Institute within five college days of the latest incident occurring. The director shall deal with such cases in the same manner as indicated in para. 2.2.

2.4. Although the warning (see para. 2.2) is verbal, it shall be recorded in writing and a copy placed in the student's file as proof of the occurrence. If no further misconduct occurs during the semester when the warning was issued, the record is removed from the file.

2.5. Where instances of petty misconduct or minor breaches of regulations keep recurring, in spite of the issue of the said recorded verbal warning, the student will be requested, through a standard formal letter (refer to Doc 284 'Summons for the Institute Disciplinary Board Form) signed by the Deputy Director, to attend a disciplinary hearing with the Deputy Director, not later than five college days from the latest incident. The Deputy Director and two lecturers representing teaching staff, which lecturers are not in any way connected with the case/s under investigation, shall form part of the Board. The Board shall be referred to as the Institute Disciplinary Board (IDB).

2.6. If the misconduct referred to in para. 2.5 happens at the Private Training Providers, or on any extension of the MCAST institute premises, for example the MCAST central library, Student House, etc., the Programme Manager (in the case of PTPs) or, if elsewhere, the person directly responsible for the student at the time of the incident, shall submit a report in writing to the Director of Institute not later than five college days after the latest incident of misconduct has occurred. The Director shall instruct the Institute Disciplinary Board (IDB) to be convened within five college days after the report is received. The Director of Institute or the Deputy Director shall call the Programme Manager or person responsible for the student's training or welfare to testify before the Institute Disciplinary Board (IDB).

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- 2.7. If the student is under eighteen years of age, the Deputy Director, as Chairman of the Institute Disciplinary Board (IDB), shall inform the parents or legal guardian that they may accompany the student during the hearing.
- 2.8. A student shall be allowed to call a maximum of three students who he/she may wish to support him/her by testifying in his/her favour before the Institute Disciplinary Board.
- 2.9. The Institute Disciplinary Board (IDB) may decide to interview anyone the Board deems fit in connection with a student's recurring incidents of minor misconduct.

3. Procedure for formal disciplinary hearing by the Institute Disciplinary Board (IDB) for recurring cases of petty misconduct.

- 3.1. The Deputy Director in the presence of the student (and parents or guardian if the student is under 18 years of age), shall start by outlining the case. The student will then be asked to respond. The secretary to the Board (e.g. the institute clerk or the institute officer) shall be responsible to keep the minutes of the hearing.
- 3.2. If any witnesses are present, they shall be normally called to testify one by one.
- 3.3. Depending on the outcome of the hearing, if the Institute Disciplinary Board (IDB) feels that a written warning is not warranted, the Deputy Director may decide to simply give a further formal verbal warning. A record of the verbal warning and circumstances leading to it shall be appropriately filed for future reference.
- 3.4. If the Institute Disciplinary Board (IDB) decides to issue a formal written warning, the Deputy Director must ensure that the student fully understands the implications of the written warning vis-à-vis any future misconduct. The Deputy Director shall also give appropriate advice to the student. The intervention of the Director of Information and Student Support Services may also be sought.
- 3.5. The written warning shall be signed by the Deputy Director and shall be passed on to the student within five college days. The format (Refer to Doc 287 'Formal Warning Following Disciplinary Hearing for Recurring Minor Cases of Misconduct Form') shall be standard for all Institutes and shall briefly state the circumstances leading to the warning. The warning also states that further misconduct shall result in disciplinary action and unpleasant consequences.
- 3.6. A copy of the warning shall be placed in the student's file. A copy shall also be sent to the parents/guardian in the event that the student is under eighteen years of age. Where applicable, the Deputy Director shall also send a copy of the warning to the Private Training Provider or the person lodging a report in case the student is undergoing a work placement.

4. Student's Appeal following a decision by the Institute Disciplinary Board (IDB)

- 4.1. If a student wishes to appeal the board's decision, he/she is to write to the Director of Institute not later than five college days from receiving the written warning, explaining the reasons and grounds for the appeal. The letter should be handed in to the institute clerk or institute officer in a sealed envelope and addressed as follows: The Director (Chairman) Institute Students' Appeals Board (ISAB).
- 4.2. The appeal may or may not be accepted. If accepted, one further hearing will be held, within five college days, before the Institute Students' Appeals Board (ISAB), which shall be made up of the Director of Institute as Chairman, and one member nominated by the MCAST Deputy

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Principal after consultation with the Director of Institute. The secretary to the board shall keep the minutes of the hearing.

- 4.3. Students under eighteen years of age may be accompanied by a parent (or parents) or guardian.
- 4.4. The board shall reach a decision within five college days. The decision shall be final and shall be communicated to the student in writing by the Secretary of the Board within a further five college days.
- 4.5. A copy of the communication shall be sent to the parents/guardian if the student is under 18 years of age.

5. Persistent inappropriate behaviour

- 5.1. Persistent misconduct such as, but not limited to, regular reports of minor disruptive behaviour during lessons, shall not be tolerated and the Institute Disciplinary Board shall be solely responsible to resolve such cases and to recommend to the Deputy Principal what measures it intends to adopt to curb such indiscipline.
- 5.2. The Institute Disciplinary Board shall note that no suspension or exclusion is to be imposed on a student without the prior authorisation in writing of the Principal and CEO.

6. Serious misconduct: MCAST Corporate Disciplinary Board (MCDB)

- 6.1. Cases of serious misconduct, such as, but not limited to, theft, vandalism, bullying, intimidation, academic dishonesty, etc., shall be heard before the MCAST Corporate Disciplinary Board (MCDB) after a report in writing detailing the case is drawn up by the Director of Institute and submitted to the Deputy Principal in his capacity as Chairman of the MCAST Corporate Disciplinary Board (MCDB) within five college days.
- 6.2. If the MCAST Corporate Disciplinary Board feels that a particular case of serious misconduct may still be heard and dealt with at Institute level by the Institute Disciplinary Board, it shall inform the Director of Institute accordingly.
- 6.3. The MCAST Corporate Disciplinary Board (MCDB) shall normally be made up of the Deputy Principal (Chairman), the Registrar and one member appointed by the Principal. A Secretary to the Board shall keep the minutes of the proceedings. The Principal may appoint different persons, including the Chairman, to sit on the MCDB, if necessary.
- 6.4. The date for the disciplinary hearing before the MCAST Corporate Disciplinary Board (MCDB) shall be agreed upon by the Director of Institute and the Deputy Principal.
- 6.5. The Deputy Principal shall ensure that the MCAST Corporate Disciplinary Board (MCDB) hears the case within five college days from the date the report is received.
- 6.6. Sufficient written notice of the referral to appear before the MCAST Corporate Disciplinary Board (MCDB) shall be given to the student by the Director of Institute as early as possible after the incident. The student should be informed of the right to bring evidence and/or witnesses to support his/her case.
- 6.7. If the student is under eighteen years of age, the Director is to inform the parents or legal guardian that they may accompany the student during the hearing.

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6.8. Prior to the date of the hearing, the secretary of the MCAST Corporate Disciplinary Board (MCDB) shall see to it that both present and past report/s concerning the student who is to appear before the MCDB are readily available.

6.9. The secretary shall also ensure that Board Members, director, student/s involved in the incident/s, parent/s or guardian if the student is under 18 years of age, witnesses, PTP representative/s have been notified in good time.

7. Procedure for disciplinary hearing by the MCAST Corporate Disciplinary Board (MCDB) for Serious misconduct:

7.1. The Chairman (Deputy Principal) of the MCDB will start by outlining the case in the presence of the student (and parent/s or guardian, if the student is under 18 years of age) and the Director of the Institute.

7.2. The Director (or PTP manager or his representative or any person responsible for the student, if the incident happens at a 'learning' extension of the College), shall present his/her version of the case.

7.3. The student will then be asked to respond.

7.4. Any witnesses for the student are then heard individually, in the presence of the student. Minutes of the proceedings shall be kept by the secretary to the Disciplinary Board who shall also prepare a report.

7.5. Within five college days, and provided no exclusion is envisaged, the Secretary of the MCDB will advise the student by means of a standard notification which shall be used for all cases (Refer to Doc 286 'MCAST Disciplinary Decision Following Disciplinary Board Hearing Form') about the outcome of the hearing, including any disciplinary action, if applicable.

7.6. At no point are any suspensions or exclusions to be imposed on students unless authorisation in writing is obtained beforehand from the Principal and CEO.

7.7. Provided the disciplinary action does not entail any suspension or exclusion, a copy of the letter shall be sent to the Institute Director and another copy to the parents/guardian if the student is under eighteen years of age.

7.8. Copies of all communications are to be kept in the student's file.

7.9. The student shall also be informed of his right to appeal.

7.10. Any student who, following the Principal's authorisation, is placed under suspension or exclusion, shall continue to attend the Institute until he/she receives written notice of the suspension/exclusion. The letter of suspension or exclusion shall clearly indicate the dates when the student is not allowed to attend the Institute. It shall also clearly show the date when the student is to return to the Institute and report at the Director's office. A copy is to be sent to the Director of Institute (and Private Training Provider if applicable) and parent/parents or guardian if the student is under 18 years of age. All communications in this regard are to be prepared by the secretary to the Board and signed by the Principal.

7.11. Any student who, following the Principal's authorisation, is placed under suspension or exclusion is entitled to receive, without penalty, any assignments issued during the student's absence, on condition that a request in writing is submitted by the student to the Director of

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Institute within three (3) days after his/her return to the institute.

7.12. In no way shall this entitlement provide any guarantee that the student shall be allowed any special concessions in connection with (i) the teaching and guided learning delivered during the student's absence, (ii) the quality and volume of work which the student is expected to submit for assessment purposes, (iii) previously established deadlines.

7.13. A student shall not normally be suspended when assignments are due or when there is an examination. In all instances, directors shall ensure that harm to the student's academic performance is as limited as possible.

8. Student's appeal against a decision by the MCDB for serious misconduct. Appeal hearing by the MCAST Corporate Senior Appeals Board (MCSAB).

8.1. The student has the right to appeal to the Principal against any decision taken by the MCAST Corporate Disciplinary Board (MCDB).

8.2. If a student decides he/she has sufficient reasons and grounds for an appeal, it is in his/her interest to appeal in writing and as early as possible if an MCDB decision results in a suspension or exclusion. It is strongly recommended that the student's letter of appeal reaches the Secretary of the MCAST Corporate Senior Appeals Board (MCSAB) within one day of the MCDB's communicated decision. The student must always give the reasons and grounds for his/her appeal in the notice.

8.3. The MCSAB shall normally be made up of the Principal as Chairman and one director nominated by the Principal. The director shall not come from the same institute as the student.

8.4. In case an appeal is accepted, the student shall also be informed of the date, time and venue of the appeal interview.

8.5. If the student is under eighteen years of age, the secretary of the MCSAB shall inform the parents or legal guardian that they may accompany the student during the appeal hearing.

8.6. All copies of documentation and evidence from every previous disciplinary hearing and anything relating to the latest case must be appropriately filed and in possession of the secretary of the MCSAB before the appeal is heard. The secretary shall in turn submit the file to the chairman and copies to the other member of the MCSAB.

8.7. The MCAST Corporate Senior Appeals Board (MCSAB) may decide to confirm the decision taken by the MCAST Corporate Disciplinary Board (MCDB) or to change the disciplinary action to a penalty which is less than that recommended previously.

8.8. The secretary to the MCSAB shall communicate the board's final decision to the student in writing immediately when the outcome of the appeal is known. The secretary to the board shall send a copy to the parent/s or guardian if a student is under 18 years of age. Another copy shall also be sent to the director of the institute where the student attends.

8.9. If the board's recorded decision is reversed following a student's appeal, the secretary to the Board shall ensure that records of the case are amended as appropriate.

9. Persistent defiance, Very Serious offences and/or Gross Misconduct (MCDB)

9.1. Persistent defiance of regulations, continued insufficient response to disciplinary measures,

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very serious offences and/or gross misconduct all refer to misconduct which is often committed voluntarily and intentionally. The offender shall normally be aware that these forms of misconduct (such as, but not limited to, brandishing a weapon, drug offences) may lead to serious consequences. Ignorance of the consequences shall not be considered as an extenuating circumstance.

9.2. In the case of very serious offences and/or gross misconduct for which undisputed evidence exists, such as, but not limited to, persistent defiance of institute regulations, serious theft, serious vandalism, severe bullying, an act of violence, an act that endangers the safety or health of others, or an illegal or criminal activity, a student may be suspended immediately (but for a maximum of three days only) by the Director of the Institute without seeking any prior authorisation from the Principal.

9.3. The Principal's Secretary and the office of the Registrar should be immediately (i.e. on the same day) informed of the suspension so that the MCAST Corporate Disciplinary Board (MCDB) may be convened with urgency.

9.4. Whether or not the student returns to the institute after the suspension, the Director shall inform him/her in writing, after having consulted, during the student's suspension, with the Deputy Principal as Chairman of the MCAST Corporate Disciplinary Board (MCDB), of the date and time when he/she is to appear before the MCDB. On the same day, and if the student is under eighteen years of age, a copy of the summons shall be sent to the parents/guardian also informing them of their right for them to accompany the student.

9.5. The MCAST Corporate Disciplinary Board (MCDB) hearing shall be convened not more than five days after the last day of the student's suspension.

9.6. The notification, (refer to Doc 285 'Summons for the MCAST Corporate Disciplinary Board (MCDB) Hearing Form'), to appear before the MCAST Corporate Disciplinary Board (MCDB) shall be filled in by the Director and shall be standard for all institutes. It shall state:

- i. The nature of the misconduct for which the student has been asked to appear before the Board.
- ii. The date, time and venue of the hearing.
- iii. The entitlement to be accompanied by a college peer, parents or legal guardian in the event that the student is under eighteen years of age. It is in the Board's jurisdiction to decide whether to allow the accompanying person/s to express any opinion during the hearing of the case.
- iv. The right to bring evidence/witnesses that may support the student's case.

9.7. The secretary of the Board shall ensure that copies of all documentation and additional evidence relating to the case are appropriately filed and available to the MCAST Corporate Disciplinary Board (MCDB) marked for the attention of the Deputy Principal before the hearing is convened.

10. Procedure for the MCAST Corporate Disciplinary Board (MCDB) hearing for persistent defiance, very serious offences and/or gross misconduct

10.1 The MCAST Corporate Disciplinary Board (MCDB) shall normally be made up of the Deputy Principal (Chairman), the Registrar and one member appointed by the Principal. The Principal may appoint different persons, including the Chairman, to sit on the MCDB if absolutely necessary.

10.2. The Deputy Principal, in the presence of the student (and parent/s or legal guardian if under

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18 years of age) and the Director of the Institute where the student attends, will start by outlining the case.

10.3. The Director shall present his/her version of the case.

10.4. The student will then be asked to respond to the accusation and state his/her case, always in the presence of accompanying parent/s or legal guardian.

10.5. Any staff or student witnesses for the case should then be individually heard in the presence of the student and accompanying parent/s or legal guardian.

10.6. Any witnesses for the student are then heard individually in the presence of the student and the accompanying person/s.

10.7. Minutes of all proceedings shall be kept by the secretary of the MCDB.

10.8 After the meeting, the Principal is notified in writing, through the secretary of the board, of the outcome of the hearing. This notification shall also include the Board's recommendations. The Principal shall decide whether to endorse the Board's decision.

10.9. The secretary of the board shall send copies of the Principal's decision to:

- The student
- Parents/Guardian
- The Director of the Institute where the student attends
- The Registrar

10.10. Through the same communication, the student shall also be informed of his right to appeal.

11. Appeal against a decision by the MCDB following gross misconduct: Appeal hearing by the MCAST Corporate Senior Appeals Board (MCSAB).

11.1. The student has the right to appeal to the Principal against any decision taken by the MCAST Corporate Disciplinary Board (MCDB). Notice of appeal must be given in writing to the Principal's Secretary within five college days from the date of the MCDB's communicated decision. The student must give the reasons and grounds for the appeal in the notice, for the appeal to be considered in the first place.

11.2. Receipt of the appeal will be acknowledged by the Principal within five college days and the student will be informed whether the appeal has been accepted for a hearing. If in the affirmative, the student will be advised of the date when the appeal is to be heard.

11.3. In case an appeal is accepted, the secretary of the MCSAB shall inform the student of:

- (i) The date, time and venue where the appeal is to be heard.
- (ii) The student's entitlement to be accompanied by his/her parent/s or legal guardian in the event that the student is under eighteen years of age.

11.4. Copies of all documentation and evidence from every previous disciplinary hearing and anything relating to the case must be appropriately filed and in possession of the secretary of the MCAST Corporate Senior Appeals Board (MCSAB) before the hearing takes place.

11.5. The MCAST Corporate Senior Appeals Board may decide to confirm the decision taken by the MCAST Corporate Disciplinary Board (MCDB) or to change the disciplinary action to one

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which is less than that recommended previously.

- 11.6. The secretary shall communicate in writing the final decision to the student within five college days from the meeting when the appeal was heard. A copy will be sent to the parents/guardian in the event that the student is under eighteen years of age. A further copy shall be sent to the director of the institute where the student attends.
- 11.7. Any student who, following the Principal's authorisation, is placed under suspension or exclusion is entitled to receive, without penalty, any assignments issued during the student's absence, on condition that a request in writing is submitted by the student to the Director of Institute within three (3) days after his/her return to the institute.
- 11.8. In no way shall this entitlement provide any guarantee that the student shall be allowed any special concessions in connection with (i) the teaching and guided learning delivered during the student's absence, (ii) the quality and volume of work which the student is expected to submit for assessment purposes, (iii) previously established deadlines.
- 11.9. A student shall not normally be suspended when assignments are due or when there is an examination. In all instances, directors shall ensure that harm to the student's academic performance is as limited as possible.

12. Notes to the Procedures

- 12.1. During any hearing the use of electronic recording devices by any party is prohibited.
- 12.2. In exceptional cases, time lapses stated in the above procedures may be changed, e.g. if they are not appropriate to the case, or if a holiday period disrupts proceedings.
- 12.3. Notifications to the Board must state that time periods had to be changed to accommodate the case or for the benefit of the student, or for any other non-frivolous reason. The student must also be informed of any changes in time lapses, giving a reason for the change.
- 12.4. When a student is dismissed or withdraws from College, all officers concerned, namely, the Registrar, the Course Coordinator, the Counsellors and Grants Office personnel, should be formally informed of the student's status by the Director of the Institute.
- 12.5. In all cases of students leaving the College for whatever reason, they are to be requested to return all College property such as the Student Card, library books, textbooks and anything else belonging to the College and which the students may have in their possession.
- 12.6. If an underage student fails to appear with one of the parents or guardian, the student shall be asked to make a written statement to explain the absence. A copy of this statement will be forwarded to the parents/guardian concerned.

REFERENCE DOCUMENTS:

- Doc 284 : Summons for the Institute Disciplinary Board Hearing Form
Doc 285 : Summons for the MCAST Corporate Disciplinary Board (MCDB) Hearing Form
Doc 286 : MCAST Disciplinary Decision Following Disciplinary Board Hearing Form
Doc 287 : Formal Warning Following Disciplinary Hearing for Recurring Minor Cases of Misconduct Form