



STEP Manual Series

- No. 3 -

**TEVET STAFF HANDBOOK: CREATING A SAFE AND
SUPPORTIVE LEARNING ENVIRONMENT**

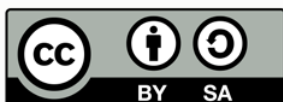
STEP Manual Series - No. 3

TEVET STAFF HANDBOOK: CREATING A SAFE AND SUPPORTIVE LEARNING ENVIRONMENT

TEVET Staff Handbook: Creating a Safe and Supportive Learning Environment.

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Table of Contents

Foreword	vi
1. Introduction	1
1.1. What is Positive Discipline?	1
1.1.1. Discipline vs Punishment	2
1.1.2. Benefits of using a positive discipline approach	2
1.2. How to use this Handbook	3
2. Promoting Positive Discipline through the whole college	5
2.1. Modelling positive conduct through positive staff conduct	5
2.2. Institutionalising Staff Codes of Conduct	5
2.3. Fostering a Gender Responsive Institution	7
2.4. Promoting high expectations for trainee behaviour	9
2.4.1. Having clear and agreed college rules and regulations	9
2.4.2. Institutionalising Trainee Codes of Conduct	11
2.4.3. Conducting orientation of new trainees	12
2.5. Environmental Planning for Positive Behaviour	13
2.5.1. Designing and arranging corridors and common areas to promote positive behaviour	13
2.5.2. Designing and arranging boarding houses to promote positive behaviour	13
2.6. Responding to incidents of minor misconduct around the college campus	14
2.6.1. Strategies for responding to minor disruption	14
2.6.2. Strategies for responding to discrimination	14
2.6.3. Strategies for responding to sexual abuse, exploitation and sexual harassment	14
2.6.4. Strategies for responding to misconduct involving drugs/alcohol	14
2.6.5. Strategies for responding to mild/moderate misconduct in the college campus	15
2.6.6. Strategies for responding to repeated moderate/severe misconduct in class	15
3. Promoting Positive Discipline in the Classroom	19
3.1. Fostering a positive classroom environment	19
3.1.1. Designing and arranging classrooms to promote positive behaviour	19
3.1.2. Setting and agreeing on clear ground rules	20
3.1.3. Promoting high expectations for positive behaviour	21
3.1.4. Developing positive, respectful and appropriate relationships with trainees	21
3.1.5. Using praise effectively	22
3.1.6. Promoting Gender Responsive Classroom or Workshop Environments	23
3.2. Positive Classroom and Workshop Management	24
3.2.1. Effective planning for positive behaviour	24
3.2.2. Strategies to keep trainees 'on task'	27
3.2.3. Strategies for responding to minor disruption to classroom activities	28
3.3. Responding to misconduct in the classroom	29

3.3.1. Strategies for responding to mild/moderate misconduct in class	29
3.3.2. Strategies for responding to repeated moderate/severe misconduct in class	29
4. Referring Case to the Disciplinary Committee	33
4.1. Referring a case to the Disciplinary Committee	33
4.1.1. Who are the Disciplinary Committee?.....	33
4.1.2. What forms of misconduct should be referred to the Disciplinary Committee?.....	34
4.1.3. How to refer a case to the Disciplinary Committee	38
4.1.4. How to document an informal complaint	39
4.2. Principles guiding decisions of disciplinary committee	39
4.3. The Disciplinary Committee Process	39
4.3.1. How does the Disciplinary Committee work	39
4.3.2. What form of sanctions can be imposed	40
4.3.2. How are cases resolved	44
4.3.3. Special considerations for cases involving sexual violence	46
5. Appeals	53
5.1. Appealing a Disciplinary Action taken against a Trainee	53
5.2. Appealing a Disciplinary Action taken against a Staff Member	53
6. Keeping Records	55
6.1. Keeping accurate records of misconduct	55
6.1.1. Trainee Records	55
6.1.2. Staff human resource files	55
6.2. Recording and Filing Informal and Formal Complaint Opening Reports	55
6.3. Recording and Filing Closing Reports	56
6.4. Review of files by TEVET Inspection Team	56

Foreword

The Government of Malawi is committed to ensure that all students have access to safe and high-quality education, regardless of their gender. It is the obligation of all players in skills development, including administrators, faculty, and staff, to create a conducive environment within the colleges to enhance equality among students. Amongst the core values that should be respected by all TEVET players are respect, integrity, care, trust and impartiality.

The TEVET staff handbook “Creating a Safe and Supportive Learning Environment” provides guidance to create a safe and supportive learning environment. It promotes the use of positive discipline as an approach to model and commend appropriate behaviour of students and to inspire like-minded action. The handbook also outlines the steps required to follow in handling any cases of misconduct.

This handbook comes at an important time as the Government is expanding the number the TEVET colleges, as a result more students are enrolling, and new instructors and staff are being hired. Overtime, we have increased the number of women entering trades that are male dominated. This is a sign that we are slowly breaking gender stereotypes and creating a more inclusive learning environment. As we evolve into this phase of growth in the TEVET system, standards of behaviour need to be set and followed by both staff and students.

Working together, we can create a safe and supportive learning environment for all.



Esmie T. Kainja, PhD.

Principal Secretary, MINISTRY OF LABOUR, SKILLS, and INNOVATION

1. Introduction

1.1. What is Positive Discipline?

Discipline can be described as guiding, encouraging, and helping a person to learn what acceptable behaviour is, what it looks like, and how it is done, in a way that respects the person's dignity, wellbeing, and rights.

Positive Discipline is a form of discipline that focuses on the positive points of behaviour. It is based on the idea that there are no bad people, just good and bad behaviours. Good behaviour can be modelled, taught, and reinforced, while bad behaviour can be discouraged in a respectful way without hurting or humiliating a person.

Ask Yourself

Think of a time when you 'got in trouble' with a teacher/instructor. What had you done? Did you know that it was against the rules? How did the teacher/instructor respond? Was the teacher/instructor angry or calm? Did they shout at you, or did they speak to you calmly and directly? Did they make you feel like you were a bad child/student, or did they explain to you about how your behaviour had affected your education or other people? If you received a punishment, did you feel that the punishment was fair? Was it proportionate to what you had done? How did you feel about that teacher/instructor at the time? How do you feel about that teacher/instructor now? Now that you are an instructor, would you respond the same way if one of your trainees showed this behaviour, or would you do something different? Why?

Colleges must ensure high standards of discipline to promote and support:

1. Behaviour and conduct which promotes academic achievement and standards, and the personal integrity and welfare of trainees and instructors alike
2. The mental and physical health and safety of members of its community
3. Protection of property
4. Concern for preserving the peace for ensuring orderly procedures and for maintaining trainee morale
5. Responsibility for character development for maintaining standards of decency and respect, and for providing an appropriate moral climate on the campus
6. Protection of its good relations with the community
7. Prompt and immediate response to misconduct
8. Disciplinary processes that ensure that processes are transparent, impartial, evidence-based and, therefore, fair
9. The TEVET trainee and TEVET staff Codes of Conduct

1.1.1. Discipline vs Punishment

Discipline and Punishment are often considered as similar, but they are not. The table below lays out some of the differences between punishment and discipline:

Punishment	Discipline
<ul style="list-style-type: none"> is a short-term strategy that stops the behaviour right away, but doesn't stop it from happening in the future 	<ul style="list-style-type: none"> is a long-term process which aims to build trainees' ability to make good judgments
<ul style="list-style-type: none"> involves associating pain with misbehaviour rather than an understanding of what is wrong with the behaviour 	<ul style="list-style-type: none"> is focused on helping trainees to learn from their mistakes
<ul style="list-style-type: none"> presents no opportunity for learning from the mistake 	<ul style="list-style-type: none"> is gradual and cumulative and involves learning and changing over time
<ul style="list-style-type: none"> is associated with fear and shame 	<ul style="list-style-type: none"> does not create fear or shame
<ul style="list-style-type: none"> reduces confidence 	<ul style="list-style-type: none"> builds confidence and skills
<ul style="list-style-type: none"> is about being told what not to do rather than what to do 	<ul style="list-style-type: none"> recognises effort and good behaviour
<ul style="list-style-type: none"> encourages trainees to follow rules because they are scared 	<ul style="list-style-type: none"> provides consistent rules
<ul style="list-style-type: none"> humiliates trainees 	<ul style="list-style-type: none"> is respectful of the trainee, not humiliating
<ul style="list-style-type: none"> is controlling, shaming, ridiculing 	<ul style="list-style-type: none"> allows the trainee to make choices about their behaviours
<ul style="list-style-type: none"> has consequences that are illogical 	<ul style="list-style-type: none"> has logical consequences
	<ul style="list-style-type: none"> is proportional to the offense
	<ul style="list-style-type: none"> involves listening to trainee
	<ul style="list-style-type: none"> focuses on correcting the behaviour, not judging the trainee

Ask Yourself

1. What would the classroom/workshop atmosphere be like in a classroom/workshop that usually uses negative forms of punishment?
2. What would the classroom/workshop atmosphere be like in a classroom/workshop that usually uses positive forms of discipline?
3. Which classroom/workshop would you prefer to learn in?
4. Which classroom/workshop would you prefer to teach in?

1.1.2. Benefits of using a positive discipline approach

Using a positive discipline approach not only promotes good behaviour and conduct, prevents and responds to negative behaviour in the short-term, but is also effective in the long-term as it ensures that the trainee understands why their behaviour was wrong, what its impacts were and how they should change their behaviour.

It teaches trainees important life skills of respect, concern for others, problem solving, and cooperation. It is mutually respectful and encouraging. This does not mean it is somehow 'soft' or allows trainees to get away with bad behaviour. Rather it is firm but fair. Trainees also gain a sense of responsibility, understanding that they have the power and autonomy to take responsibility for their own performance in college.

When dealing with misconduct, an instructor who practices positive discipline makes it clear that they still respect and value the trainee as a person, but that they disapprove of the specific behaviour that caused a problem and makes it clear that the behaviour must change. As the trainee feels respected and valued, they are more willing to change and will want to regain the instructors' approval. Positive Discipline builds strong, supportive, and respectful relationships between instructors and trainees, while firmly dealing with instances of misconduct.

Ask Yourself

1. *What kind of discipline do you usually use in your classroom/workshop?*
2. *Do trainees feel respected and listened to in my class? Do they enjoy learning in my lessons?*
3. *What positive discipline approaches am I already using? How can I do more of this?*
4. *What negative punishment approaches do I currently use? Are they effective? How do these affect the way that I interact with trainees?*

1.2. How to use this Handbook

This handbook has been written for staff of National Technical Colleges, Community Technical Colleges, and Community Skills Development Centres that fall under the Ministry of Labour, Skills, and Innovation (MoLSI). It has also been written for private and semi-private training institutions registered with TEVETA. Its purpose is to guide and support them to maintain good conduct and high academic standards, and a safe and conducive learning environment through using Positive Discipline.

Chapter 1 provides an introduction to what Positive Discipline is to all TEVET staff members.

Chapter 2 describes how to use Positive Discipline around campus and is aimed at college management and administrators.

Chapter 3 describes how to use Positive Discipline in classrooms and workshops and is aimed at TEVET instructors and heads of departments.

Chapter 4 gives all TEVET staff a background in how to refer a case to the college Disciplinary Committee and how the Disciplinary Committee works.

Chapter 5 gives all TEVET staff a background on how disciplinary records should be written and recorded.

Chapter 6 gives all TEVET staff an understanding of how the appeals process works.

“Ask Yourself” sections provide reflection questions that you can ask yourself to help you to think about how and why you can use Positive Discipline techniques in your college or classroom/workshop.

This handbook can be used for self-study, or you can form peer discussion groups with a small group of trusted colleagues with whom you can discuss your experiences of trying out Positive Discipline in your college or classroom/workshop.

2. Promoting Positive Discipline through the whole college

2.1. Modelling positive conduct through positive staff conduct

When learning what are the norms and acceptable behaviours of a particular environment are, in this case, a TEVET college, young people look to those in charge to see what is the accepted way of doing things. Trainees look to their instructors as role models, and will mimic the behaviours that they see instructors and staff members doing. 'Do as you do, not as you say' is very true in a college, if you tell your trainees the rules, but do the opposite yourself, it is unlikely that those rules will be followed, as the trainees will be copying what you do, not what you say. As such, instructors and staff members must act as role models, demonstrating and modelling the positive behaviour and conduct that we want from trainees

2.2. Institutionalising Staff Codes of Conduct

The TEVET staff Code of Conduct is a document that describes the values and principles of behaviour that instructors and staff are expected to uphold. It highlights the values of; Integrity, Respect, Care, Trust, and Impartiality as being the core values that instructors and staff should promote through their conduct. It also lays out 4 key principles of professional behaviour that will mark them as role models for the trainees; to have professional relationships with all staff and students; to act with professional integrity at all times; to conduct ourselves professionally; and to keep our professional practice to a high standard.

Living the Values

Ask Yourself

1. *What are the values that you consider important in your life?*
2. *What are the values that you would like people to associate with you?*
3. *Why are these values important to you?*
4. *If your trainees were asked, would they be able to name times that you have shown these values?*
5. *If yes, what behaviours would they be able to pinpoint that shows these values?*
6. *If no, how does that make you feel? What would you need to change in order to change people's perception of the values you represent?*



Following the Principles

Ask Yourself

1. *What are the things that you do, or the ways that you go about your job that make you proud?*
2. *What are the things you do at work, or the ways that you go about your job that don't make you feel proud?*
3. *What sort of relationships do you have with trainees? With your fellow staff? Do any of these relationship go beyond professional and become inappropriate? If yes, what would you need to change to make them professional?*
4. *Do you handle college finances honestly and with integrity? Do you grade your trainees fairly and with impartiality? Do you feel that you have professional integrity? If not, what could you change about the way you behave that would make you feel that you show integrity in your work?*
5. *Do you attend all your classes on time? Do you keep deadlines? Do you keep the promises you make to your trainees and colleagues?*
6. *Do you feel that your skills and knowledge of your sector is up to date? If not, what can you do to improve or upgrade your professional skills?*

2.3. Fostering a Gender Responsive Institution

Gender-responsiveness is a practice aiming at promoting equality between women and men and ensuring that all men and women can meet their potential. It aims to address barriers and challenges that lead to a disparity in men and women's achievement in TEVET. Improving your college's gender responsiveness will also help to reduce misconduct in you college as it will reduce or prevent misconduct relating to discrimination, harassment or sexual violence. Making your colleges gender-responsive will also increase both male and female trainees positive engagement with the college, and their sense of belonging in the college, reducing the likelihood of misbehavior. This section looks at gender responsiveness around the campus and in college policies and procedures, while Chapter 3 looks at gender responsiveness in classrooms and workshops. There are a number of ways in which colleges can be gender responsive including;

Mainstreaming gender throughout all policies and procedures

Gender mainstreaming is an institutional strategy that has developed to advance equality for women. It is a process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels. It is a way to make women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. Very simply, it means that gender must be considered in all aspects of college life; in official structures, policies and procedures and in all activities that take place in the college, as well in the ways that people interact with each other.

Gender mainstreaming should be considered when examining all college policies and procedures. The following questions can help to ensure that gender is being main-streamed;

- What are the different needs of men and women that may influence how this policy or procedure is implemented?
- Are there any factors that might act as a barrier to men or women from fulfilling what is laid out by this policy/procedure?
- What additional procedures or considerations can we put in place to ensure that both men and women can get what is required from this policy/procedure?

Gender responsive career guidance within colleges

Policies relating to attachments and career guidance should encourage and motivate female trainees to take advantage of the opportunities available, and should not reinforce stereotypes by subtly or overtly encouraging female trainees towards careers that are traditionally considered feminine. Colleges should also work to advocate for prospective employers to take on female trainees for attachments and female graduates for employment.

Provision of appropriate Sexual and Reproductive Health (SRH) and Gender -based Violence (GBV) and GBV services

UNESCO (2017) reports that students in TEVET institutions lack adequate SRH information, and lack access to family planning services and SRH services. Colleges should address the needs of male and female trainees for appropriate sexual and reproductive health services, including access to contraceptives and access to STI and HIV testing and counselling, as well as responsive services for trainees who experience gender-based violence such as health services, counselling services, and support in obtaining justice through college discipline committees and police Victim Support Units (VSUs).

Secure and hygienic infrastructure and facilities

A UNESCO (2017) study found that 43% of TEVET trainees found their campuses to be unsafe and unsanitary, describing “a lack of sufficient and functioning toilets, no sanitary bins, and poor security in toilets and hostels, especially a lack of door locks and missing windows, screens or bars”. In this way, accommodation facilities are not meeting female trainees’ physical needs e.g. for clean toilets and sanitary facilities, particularly important during menstruation, as well as their security needs to protect them from possible instances of GBV. Improving the accommodation options of female trainees, making them more secure and appropriate would not only reduce the rate of female drop out, but would also reduce the likelihood of GBV.

Ask yourself

- What examples of hygiene or security rules and regulations that address the needs of male or female trainees already exist at your institution?
- How could your institution better meet the hygiene or security needs of male or female trainees?

2.4. Promoting high expectations for trainee behaviour

2.4.1. Having clear and agreed college rules and regulations

Rules governing expected behaviour

If your trainees are to follow the rules while moving around your college, they must be aware of what the rules are. The Trainee Code of Conduct provides clear and understandable guideline of the behaviour that is expected throughout the college. The beginning of term is the right time to reinforce the 'Principles of Conduct' laid out in the Trainee Code of Conduct, reminding your trainees that you expect them to abide by these rules.

These rules are, that trainees are expected to;

- Attend class and be on time
- Dress professionally, practically, and appropriately
- Act with honesty and integrity
- Act with respect, care and consideration

Trainee Code of Conduct posters can be displayed throughout the college campus providing a constant reminder of the standards of behaviour expected of trainees.

TEVET CODE OF CONDUCT FOR TRAINEES



WE PROMISE TO UPHOLD THE CORE VALUES OF:

INTEGRITY:	RESPECT:	RESPONSIBILITY:
HONESTY HONOUR RESPECT FOR THE TRUTH 	EQUALITY DIVERSITY HUMAN DIGNITY 	FOR OUR ACTIONS FOR OUR PERFORMANCE FOR OUR FUTURE 

WE PROMISE TO:

ATTEND CLASS & BE ON TIME 

DRESS PROFESSIONALLY, PRACTICALLY & APPROPRIATELY 

ACT WITH HONESTY & INTEGRITY 

ACT WITH RESPECT, CARE & CONSIDERATION 

WE PROMISE TO ACT PROFESSIONALLY & BECOME PROFESSIONALS



Trainees sign here:








Rules for accommodation

Colleges should develop clear rules and guidelines for accommodation and boarding houses and should apply them consistently. Guideline may consider some of the following issues;

- At what times are visitors allowed in the boarding houses?
- Which visitors are allowed to enter?
- What rules and guidelines exist around cooking facilities?
- What rules and guidelines exist around toilets and washing facilities?

Academic policies and regulations

Trainees need to be oriented clearly on policies relating to academic activities, including those relating to plagiarism, during orientation. Issues relating to academic misconduct are included under the principle of behaviour mentioned in the Trainee Code of Conduct stating that trainees should “Act with Honesty and Integrity”. Staff should ensure that Trainees understand what plagiarism is and how to avoid it.

2.4.2. Institutionalising Trainee Codes of Conduct

The Trainee Code of Conduct is a guiding framework to encourage positive conduct and behaviour, high academic standards, and a harmonious college environment. It tackles sexual abuse, sexual exploitation, sexual harassment, discrimination and indecent conduct. In addition, it outlines the core values and key principles that a TEVET trainee should embody in their professional and personal dealings at TEVET institutions.

The values stated in the Code of Conduct are:

- 1. Integrity:** Trainees should exemplify honesty, honour and respect for the truth in all of their activities.
- 2. Respect:** Trainees should uphold human dignity and respect for equality and diversity, especially gender equality and respect for fellow trainees with disabilities.
- 3. Responsibility:** Trainees should accept a high level of responsibility for their actions on and off-campus, including their conduct and performance as trainees and their ability to finance their course, to identify and complete meaningful attachments and get TEVET certified.

Living the Values and Following the Principles

Ask Yourself

1. What can I do to encourage my trainees to abide by the code of conduct?
2. How can I model the values and behaviours of the trainee code of conduct?
3. What will be the result on my teaching if the trainees don't follow the code of conduct?
4. What will be the result on my teaching if the trainees do follow the code of conduct?

Encourage buy-in from trainees on the values and principles of the Code of Conduct

Orientation is a good opportunity to develop buy-in from trainees on who are then responsible for holding their peers accountable. Class monitors can be elected by the classmates, who will then have responsibility for ensuring that all trainees in their class uphold the values and principles of the Code of Conduct. Being elected by their peers gives these class monitors the mandate to monitor behaviour and support their classmates to adhere to the rules. This is much more effective than a few authoritative figures telling people what to do and what not to do. Having collective buy in from all trainees results in them holding themselves to account.

2.4.3. Conducting orientation of new trainees

Starting a new learning experience can cause anxiety for trainee. While it is exciting for new trainees to envision the year, it can also be overwhelming. They will need to learn to navigate a new environment with different modes of behaviour, ways to interact with instructors and their peers, new systems and processes, and engage with new information and differing perspectives. Developing and delivering a solid trainee induction programme can ease the transition for new trainees, giving them the time, support, and relationships they need to succeed. Induction goes beyond understanding instructors, classes and curriculum. It can also reduce the attrition rate of the new female trainees who are struggling to decide whether to remain in what are considered male dominated trades or to quit. Information about the systems and processes that guide the workplace, as well as college norms, are integral for trainees to settle in and feel confident.

Induction aims at integrating new trainees into the institution and help them understand the systems and procedures that the institution follows. It helps the trainees to settle down quickly in the new environment. The trainees are empowered and develop a sense of belonging to the institution.

Systematic trainee induction aims to create a positive environment that supports the needs of both male and female trainees, clarify expectations and address new trainees' concerns and questions, increase new trainees' knowledge of key college policies, procedures and programmes, and increase new trainees' comfort levels and instil a sense of belonging.

Through a thorough and gender responsive induction and orientation new trainees receive a warm welcome to the college and are made to feel respected and valued. The trainees are made aware of what is expected of them makes them more comfortable and motivated in the institution. A well planned and delivered induction programme provides the trainees with information on how to conduct themselves at the institutions, and what behaviour they can expect from their trainers and fellow trainees. The trainees are made explicitly aware of the college's policies and procedures, and informs them to whom they may report in case they experience violence or harassment. The trainees will also be provided with alternative ways of reporting in case person about whom they are making the report is the one to whom they were supposed to report.

Ask yourself

- *What are the most important things that you feel new trainees should be made aware of when they enter the college?*
- *What would be the best way to make new trainees aware of the behaviour that is expected of them in the college?*
- *How can you ensure that the needs of groups such as female trainees, or trainees with disabilities are addressed through the trainee induction?*

2.5. Environmental Planning for Positive Behaviour

The way in which building and the environment is designed can influence trainee behaviour. Trainees can be nudged or gently encouraged to behave in the desired way by a college that it designed well.

2.5.1. Designing and arranging corridors and common areas to promote positive behaviour

In order to minimise the chances of disruption or misconduct in corridors and common areas, you should consider the following;

- Keep corridors and walkways free of blockages. Furniture or large items placed in a busy corridor can lead to a 'bottle neck' in movement, where people cannot pass each other easily. This may lead to pushing or jostling causing disruption and possibly contributing to altercations.
- Ensure that common areas and corridors are visible with no 'hidden corners'. Hidden corners in corridors, or bushy or obscured parts of common areas may provide a location which trainees intent on misconduct can exploit and use for smoking or other forms of misconduct.
- Ensure that there are clear procedures of where trainees can wait for a class, or where they can congregate if they have a free period. Trainees who are idle waiting for an instructor to open a classroom, or who may have a free period, may be tempted to engage in misconduct such as, preventing other trainees from passing and getting to their class, catcalling on engaging in sexual harassment of passing trainees, or making noise and disrupting nearby classes. Providing trainees with a common room, or open visible area, away from other classrooms, where they can congregate between classes or if they have a free period may prevent them from disruption on-going lessons. Colleges should also have clear guidelines for trainees about expected behaviour while trainees wait for a class, while at the same time encouraging staff to start classes on time to prevent trainees from waiting in the first place.

2.5.2. Designing and arranging boarding houses to promote positive behaviour

In order to ensure the safety, wellbeing, and good conduct in boarding houses, colleges should consider the following;

- Provide adequate sheltered space for cooking to avoid trainees trying to cook in their rooms
- Design boarding houses with one clear entrance and exit so that boarding masters/mistresses can easily monitor who comes and goes.
- Avoid having any 'dark corners' where an intruder with ill-will may be able to hide, putting the residence at risk of violence or sexual violence
- Provide a secure common area within boarding houses where residents can socialise and study in a safe and secure environment.
- Place large visible noticeboards in boarding houses where boarding masters and mistresses can post messages to trainees reinforcing the boarding house rules and procedures.

2.6. Responding to incidents of minor misconduct around the college campus

2.6.1. Strategies for responding to minor disruption

Instances of minor disruption that occur in corridors or common areas within the college may be dealt with by asking the people involved to disperse, or calling the names (if known) of the people involved and giving them a brief verbal warning.

2.6.2. Strategies for responding to discrimination

When instances of discrimination happen in and around the campus, and not in a classroom or workshop, it may be possible to use it as a 'teachable moment' to directly address and counter the discrimination, explaining to the person who has discriminated what is wrong with their behaviour. However, if on assessing the situation, you can see that there are too many people moving around, or it will otherwise be difficult to gain everyone's attention to directly and publicly address the issue, as you would in a classroom/workshop, an appropriate response may be to take the person who has discriminated aside for 'a quiet word' explaining what they have done wrong and/or reporting the incident to that trainee's Head of Department. In addition, it is important to have a conversation with the subject of the discrimination to, first of all, check that they are ok, and secondly, to assure them that what they experienced was wrong and that the behaviour on campus is not allowed. They need to understand that their rights were violated and the person(s) committing the discrimination were in the wrong.

2.6.3. Strategies for responding to sexual abuse, exploitation and sexual harassment

Sexual violence including sexual abuse, sexual exploitation, or sexual harassment are very serious examples of misconduct. If you witness any form of sexual violence, you can take action immediately to protect the student physically, emotionally, by removing the perpetrator from the classroom, and having a conversation with the victim; checking that they are ok, and assuring them that what they experienced was wrong and that the behaviour they experienced will have consequences for the perpetrator. All instances of sexual abuse and exploitation should be referred directly to the college principal and the disciplinary committee immediately. Mild forms of sexual harassment including making sexually suggestive comments or gestures may be dealt with by referring the issue to the Head of Department or to the Vice Principal. In serious cases of sexual abuse, the perpetrator needs to be removed from the campus for the safety of the students.

2.6.4. Strategies for responding to misconduct involving drugs/alcohol

The College is an alcohol and drug free environment. This includes the whole campus environment, facilities, buildings and properties, and at no time or event can alcohol or other intoxicating substances be served.

All members of the College community and their guests are expected to observe national law, to take personal responsibility for their conduct, and to comply with this alcohol policy. Failure to comply will result in disciplinary actions that may include probation, suspension or dismissal from the College. Violators may be required to undertake counselling with any recognized professional Counsellor within or outside the College.

Alcohol-related misconduct will not be tolerated. Individuals will be disciplined if their use of alcohol causes disorder, public disturbance property damage and/or danger to themselves or others. This may include referral to the Disciplinary Committee.

Alcohol consumption is NOT allowed during any College related travel or function, and trainees (and staff) should be reminded of this prior to any travel or function.

2.6.5. Strategies for responding to mild/moderate misconduct in the college campus

Developing and using Conduct Improvement Plans

A Conduct Improvement Plan is a document developed to correct misconduct by indicating defined actions and behaviour which a trainee/staff member must follow. In other words, it's a plan that states what kinds of behaviours that a trainee is supposed to show, along with spaces for monitoring and recording by staff members that the trainee is following the plan. An improvement plan should be signed by the subject, and should be monitored with weekly meetings with a staff member (senior management member in the case of a staff member being the subject) for a pre-defined period, usually 1 month.

2.6.6. Strategies for responding to repeated moderate/severe misconduct in class

Giving Warnings

Warnings are a useful response to misconduct. In order for warnings to be effective, the warning must be clear about what the trainee did wrong, and clearly state what steps will be taken if the behaviour happens again.

An ineffective warning is unclear as to what is the consequence if the warning is not heeded; *"You have been caught smoking cigarettes on campus. This is unacceptable. This is a warning, you must not do this in future"*

An effective warning clearly states what will happen if the warning is not followed; *"You are smoking cigarettes on campus. This is against the rules. This is a warning. I will be recording this warning on my record, if you are caught again, I report you to the Head of Academics, and you will be referred to the Disciplinary Committee"*.

The most important thing about using warnings is that you MUST follow through on them if the trainee doesn't heed the warning i.e. if the above trainee is caught smoking again, you MUST report it to the Head of Academics and you MUST refer them to the Disciplinary Committee. If you fail to carry out the action, trainees will not heed your warnings in future as they will not believe them. Warnings should be used the first time that a trainee misbehaves. If warnings are used repeatedly if the trainee does the same thing again, your warnings will cease to be effective, as the trainee will not believe that their action will result in any serious consequence.

Imposing appropriate sanctions

When deciding on an appropriate sanction for misconduct. Consider the following principles;



Sanctions can have a number of purposes. These can be;

Corrective: The purpose of the sanction is to promote reflection on the misconduct and its consequence and to change future behaviour. In this case it is recognised that the trainee has made a mistake, they have shown remorse and they should be given the opportunity to correct their behaviour and continue with their education/job.

Corrective sanctions: Verbal warning, Timeout Reflection, Letter writing, Conduct Improvement Plan, Oral apology, Withdrawal of privileges (e.g. use of college facilities, representing the college in sports teams or clubs), community service (maintenance or cleaning).

Reparation: The misconduct had negative consequences on another person(s) and the aim of the sanction is to make amends to them and minimise the negative consequences felt. Note: This form of sanction is NOT appropriate in response to sexual violence.

Reparation sanctions: Community service, replacement of stolen/damaged property, calling parents, oral or written apology.

Creating a credible deterrent: The misconduct in question must be dealt with very firmly in order to reduce any sense of impunity and dissuade others from engaging in such behaviour.

Deterrent sanctions: Withdrawal of Privileges, Suspension, Financial sanction (replacement or reimbursement for damage or loss caused)

Last Resort: The misconduct is serious, or the trainee has been sanctioned on at least two other occasions, yet the misconduct persists, or the trainee engages in other forms of misconduct, or the trainee is a danger to others in the college.

Last Resort Sanctions: Meeting with parents, Expulsion

When to involve management

If a warning or mild sanction is not effective on moderate or mild misbehaviour, you should report the behaviour to the bursar, the head of academics, or the college vice-principal. If a trainee misbehaves seriously, you should immediately report it to the bursar, the head of academics, or the vice principal. Here are some examples of misconduct that could be dealt with directly by you, or could be dealt with by your head of department or the vice-principal.

Category of Misconduct	Examples of misconduct that can be dealt with by the instructor or referred to Head of Department or Vice-Principal
Failure to fulfil academic or professional commitments and duties	<ul style="list-style-type: none"> • Lateness or absenteeism without good reason • Failure to wear practical, professional, and appropriate clothing • (Trainees) Failure to sit exams or submit required assignments or coursework by agreed deadlines • (Staff) Failure to attend and deliver classes/workshops/tutorials/required staff meetings, or submit required documentation such as examination/coursework grades, lesson plans etc. (when occurring for the first time). • (Staff) Failure to keep adequate records as required by college management (when occurring for the first time).
Disruption of the college environment or the learning of others	<ul style="list-style-type: none"> • Littering within the college campus, or damaging college property with graffiti • Disruption of teaching, administration, or other technical college activities, including the use of phones in class or during practical exercises. • Offensive or disorderly conduct, which causes interference or annoyance • Use of foul or offensive language, including language which could be considered sexist or racist.

Category of Misconduct	Examples of misconduct that can be dealt with by the instructor or referred to Head of Department or Vice-Principal
Smoking, alcohol and gambling	<ul style="list-style-type: none"> Smoking tobacco in unauthorised areas including classrooms and workshops Use of alcohol on campus or drunkenness on campus (where no disruption is caused)
Disruption of the smooth running of the college	<ul style="list-style-type: none"> Refusal to display or provide identification upon demand by or to comply with other directions of College staff members or the staff of contractual affiliates of the College or other public officials acting in the performance of their duties, while on College property or at official College functions. Unauthorized use of College letterheads, logo, intellectual or physical property, facilities, e.g. transports, computers, notice boards etc. or facilities of members of the College community or College affiliates' or contracted service The misuse of telephone or communication equipment including electronic and non-electronic mail, and facilities such as notice boards and fliers. Unauthorised use of the College logo, facilities, premises or any other property for commercial purposes Trespass or unauthorised presence in a building or other premises.

When to refer to the Disciplinary Committee

Misconduct should be referred to the college Disciplinary Committee if it is repeated or severe. behaviour which contravenes the TEVET college Trainee Code of Conduct. It can include behaviour which seriously contravenes the Trainee's Code of Conduct, the Laws of Malawi, or a failure to adhere to the restrictions, conditions, or terms of a sanctions resulting from prior disciplinary action. See Chapter 4 on guidance of misconduct that should be referred to the Disciplinary Committee and the process that the Disciplinary Committee follows.

3. Promoting Positive Discipline in the Classroom

3.1. Fostering a positive classroom environment

Ask Yourself

Imagine your ideal classroom or workshop. Look around. What does your room look like? What is in it? Is there anything on the walls? How is the furniture arranged? What are the students doing? What noises do you hear? What are you doing? What sort of learning is happening? Close your eyes and try to imagine the scene.

We all have different ideas of what an ideal classroom or workshop would look like in terms of furniture, equipment, and location. But most of us, when imagining our ideal classroom or workshop would have imagined a room in which trainees are engaged and interested. Maybe you imagined your trainees as they engage in practical activities, with all trainees dressed in their PPE, and a hum of activity in the room as they practice their skills and quietly discuss their work in pairs or groups, while you circulate the room offering support and guidance where needed. Or maybe you imagined a theory class, where you demonstrate a procedure or provide a theoretical background while trainees listen carefully and raise their hands to ask questions when they do not understand. Positive Discipline will help you to foster a positive learning environment in your classroom or workshop ensuring that your trainees have good conduct, are motivated to learn, and reach high standards.

3.1.1. Designing and arranging classrooms to promote positive behaviour

The classroom environment can influence how trainees behave in that classroom. A classroom that is dirty, messy, and cramped can de-motivate students and make them believe that standards and expectations in this classroom are low, while a poorly ventilated classroom can result in trainees who will lose focus. Take the following considerations into account when preparing your classroom/workshop;

- Ensure that the classroom is clean and that there is no rubbish lying around
- Ensure that the tables and chairs are arranged in a way all students can see you
- Arrange tables and chairs so that trainees can see and hear one another as well as the instructor as this allows greater trainee participation and questioning in the classroom.
- Ensure that tables, chairs, and/or workbenches are well spaced out, so that trainees have room to move between them easily, and so that instructor has room to move easily around to monitor conduct and trainee's progress during lessons.
- Check that furniture is safe to use, and does not have loose nails that can injure trainees as they move around.
- Ensure that the workshop or classroom is well-ventilated. If the room is stuffy or hot, ensure that windows and doors are open to allow air circulation.
- Ensure that trainees' bags or equipment is neatly placed on shelves or under tables to avoid causing someone to trip or fall.

- Ensure that classroom/workshop windows are clear so that people outside can easily see into the classroom. This will dissuade trainees from misbehaving as they will be aware they could be seen by an outside observer or a passing member of the college administration or management.
- Ensure that the Trainee Code of Conduct and classroom rules are displayed on the classroom walls.

Ask Yourself

1. *What changes can I make to my classroom/workshop environment to make it more conducive to learning?*
2. *Is there any unnecessary, old, or broken furniture that I could remove to give my trainees more space, or could repair to make it safer?*
3. *Is there anything covering the windows that I could remove to make it easier to see into the classroom/workshop from outside?*
4. *How can I make sure that air easily circulates through my classroom? Could I leave the door or window open during lessons?*



Try it Out

Make some of the changes suggested in the guidelines above. Does it make any difference to your lessons? Is it easier to manage behaviour? family, through schooling, through religion and through the mass media.

3.1.2. Setting and agreeing on clear ground rules

If your trainees are to follow the rules in your classroom or workshop, they must be aware of the rules. The first day of term is a good time to reinforce the 'Principles of Conduct' laid out in the Trainee Code of Conduct, reminding your trainees that you expect them to abide by these rules. These rules are, that trainees are expected to;

- Attend class and be on time
- Dress professionally, practically, and appropriately
- Act with honesty and integrity
- Act with respect, care and consideration

It is also a good time to clearly define any additional rules you may have for the smooth running of your classroom. Such rules may include;

- Mobile phone should be on silent and not answered during class
- Trainees should come to class prepared with any homework completed
- Trainees should follow all safety procedures as directed by the instructor

These rules should be written down and displayed on the classroom/workshop wall where trainees can be periodically reminded of them. Having them displayed openly allows you to point to the rules and remind your trainees about them if any rule is broken.

Ask Yourself

1. What additional rules do I need to make clear to my trainees, to ensure my classes run smoothly?

3.1.3. Promoting high expectations for positive behaviour

Hold high expectations for your trainees in terms of performance and behaviour. Trainees will fulfil the expectations that you have of them, if you expect them to do well and conduct themselves with integrity, respect, and responsibility, they will do so. If you expect that they will perform poorly and misbehave, they will fulfil that negative expectation. Compare the following responses of an instructor to trainee misconduct;

"John, you are late to class. You're always late. You can never arrive on time. You're unreliable and will never succeed in this college"

"John, you're late to class. You and I both know that if you arrive on time and concentrate that you will do well. You are letting yourself down by arriving late. Next time, be the good student that I know you can be and arrive on time"

Ask Yourself

1. Which of the above responses to John's lateness is likely to result in him changing his behaviour for the better? Why do you think that?

3.1.4. Developing positive, respectful and appropriate relationships with trainees

As an instructor you are 'in loco parentis' for your trainees. This is a Latin term that means you take the position of a parent for them. Many of the trainees who come to your college have only recently left school and their communities, and may be away from their parents for the first time. An instructor should have a respectful, caring, and professional relationship with trainees, having concern for their academic progress, and health and wellbeing, but maintaining social distance. Instructors should maintain a professional distance from trainees in order to maintain authority and respect in the classroom, as such it is important not to socialise outside of college with your trainees as you would your friends or peers. It is also important to note that sexual relationships between instructors and trainees are absolutely forbidden and may result in harsh disciplinary procedures. As instructors are in a position of power and authority over the education of their trainees, a sexual relationship that happens between an instructor and a trainee is an abuse of power and is a form of sexual exploitation.

3.1.5. Using praise effectively

Praise is a powerful way of motivating students to continue to work hard and perform well, as well as pointing out desired behaviour and conduct which you wish other trainees to model. Praise that is not specific, not genuine, or delivered too late can be ineffective at encouraging positive behaviour. Here are some guidelines on how to use praise effectively to promote good conduct and high performance in your classroom;

1. Ensure that you praise different trainees, and not only a few trainees in your class. Trainees who never receive praise can become demotivated.
2. Public praise can be effective when you are using it to encourage other trainees to model this behaviour; *"Well done Gloria, for submitting a well-researched assignment on time"*
3. A 'quiet word' with a trainee as they exit the classroom/workshop, or as you circulate the classroom during individual work can be effective in showing a trainee that you recognise and appreciate hard work or an improvement in conduct/performance; *"John, I notice that you've stayed on task and completed all your work quickly today. This is great."* A 'quiet word' can also be an effective way of delivering praise if the trainee is shy and may get embarrassed if you draw attention to him/her in class.
4. Praise students who are genuinely investing time and energy into their work. Do not praise students who are going about their work in a half-hearted way.
5. Be specific in your praise. Vague comments such as *"good job"* or *"excellent work"* do not help students to understand what behaviours and/or skills helped them to achieve success. Instead, say something such as, *"Your use of videos in the class presentation helped to engage the audience."*
6. Praise students for using effective strategies and skills, even if they ultimately arrive at incorrect conclusions or do not fully complete the task correctly; *"Mary, you have cut the plank of wood to the wrong length, but I saw that you were holding your saw correctly, and that you cut smoothly and cleanly"*.
7. Sometimes you can praise without using words, with a smile, a nod, or a thumbs up.

Ask Yourself

1. What ways of praising trainees do I currently use in my lessons? Are these methods effective?
2. How could I make my use of praise more effective?



Try it Out

Give 3 trainees specific and effective praise in your next lesson. Then think about how trainee responds. Are they pleased? Does it encourage the good behaviour to continue? Does it have any influence on the other trainees?

3.1.6. Promoting Gender Responsive Classroom or Workshop Environments¹

Gender Responsiveness is about recognising that men and women have different needs and experiences, due to the gender norms that control their behaviour and the traditional gender roles that they hold.

Gender responsiveness is also about taking action to ensure that these gender norms and roles do not limit men or women's opportunities or access to resources.

By being gender responsive in our classrooms and workshops, we can ensure that all our trainees can excel and become professionals. In gender responsive classrooms, instructors recognise and address the different needs that men and women have based on their societal roles and also support men and women to step beyond their traditional roles, transforming unequal gender relations to promote shared power, control of resources, decision-making, and support for women's empowerment.

You as an instructor can ensure that your classroom or workshop is gender-responsive and inclusive by establishing clear and consistent classroom rules, by making sure that women and men participate equally in your lessons, by interrogating your own biases and those of your trainees, by personally connecting with your trainees, by being aware of the ways in which gender norms shape men and women's experiences and abilities and making allowances, by addressing offensive, discriminatory and/or insensitive remarks, by using a variety of teaching methods, by making sure that your classroom/workshop environment is gender-responsive, and by ensuring that you use appropriate gender responsive language.

Strategies for responding to discrimination or sexual harassment

Establish clear and consistent classroom rules

You should establish clear classroom expectations for appropriate behaviour from the first day of college. This can be done in conjunction with your trainees, as rules developed and agreed upon together are more likely to be respected and followed. It is very important to include rules that deal with respecting instructors, respecting the trainees and participating in class. You can explicitly tell the trainees that discrimination and/or harassment will not be accepted in your classroom or workshop. You should model respectful behaviour at all times to encourage such behaviour from the trainees. Rules must be enforced fairly and impartially without favouritism, in line with the Staff Code of Conduct.

Ask yourself

1. What are the rules by which you manage your classroom/workshop?
2. Do you apply these rules fairly to all trainees, or are there some trainees who are given leeway? If so, who are these trainees, and why do you allow them to display some behaviours which others cannot?

¹ Adapted from STEP (2019) STEP Manual Series No. 2: Gender responsive and Inclusive TEVET Training Course"

Address offensive, discriminatory and insensitive comments

Trainee negative behaviour including bullying, intimidation, and sexual abuse and harassment is prohibited by the Trainee Code of Conduct. It is your role as the instructor to prevent such behaviour. If this is observed, it is your responsibility to stop the trainee from behaving this way and possibly removing the trainee from the classroom or workshop. When such behaviours are seen, this is a teachable moment. By swiftly reprimanding the trainee, explicitly stating that the behaviour is not allowed, and openly standing up for the trainee(s) who were victims, you teach the whole class about appropriate behaviour. By taking this swift action, you are acting as a role model for the trainees.

The negative consequences of taking no action, joking about the incident, or even encouraging the behaviour are profound. Firstly, you have broken the Instructor Code of Conduct by not adhering to professional conduct. Secondly, you have taught the perpetrator of the misconduct that his/her behaviour is acceptable. Thirdly, you have taught the whole class that the behaviour is acceptable and they can assume that you support it, practice it and that it can be practiced in the college and work setting.

Similarly, if you notice the negative behaviour and requests the perpetrator to meet after the class, this misses out on teaching the trainees how to openly stop the negative behaviour. It is better to stop the class, and address the negative behaviour immediately, openly, and transparently.

Ask yourself

1. *Have you ever had a situation in a classroom where you have witnessed sexist or bullying behaviour from a trainee against another trainee?*
2. *What did you do? In hindsight, was this the best way to respond?*
3. *What action could you take and what words could you use when you observe or suspect intimidation and bullying behaviours used in your class?*
4. *What action could you take and what words could you use when you observe violence experienced by one of your trainees?*

3.2. Positive Classroom and Workshop Management

3.2.1. Effective planning for positive behaviour

Planning for trainee engagement

When planning your lessons, think about how you can ensure that trainees are actively involved. A lecture style lesson that involves the instructor standing at the front of the class telling the trainees about the topic is likely to result in trainees losing interest, and sleeping or misbehaving. Your planning should think how to make sure that your trainees are involved and interested in the lesson. Think about;

- What questions you can ask to engage trainees? Who will you ask questions of? (Make sure you do not just ask the same people and ignore others)

- What parts of the lesson will the trainees be active and moving?
- If materials are in short supply, how will you ensure that some trainees are not sitting idly?
- Will you include any individual, pair, or group work so that trainees are active and not just passive?

Planning for effective questioning

Questioning is perhaps the most powerful tool we possess as teachers. Asking the right question of the right student at the right moment may inspire new vision and insight. A question can also be used to regain the attention of a trainee who is daydreaming or not involved in the lesson, without disrupting the flow of the lesson by directly chastising them for inattention. Questioning is also essential for checking understanding and monitoring progress.

When planning lessons, think about what questions you would like your trainees to be able to answer. Plan for a mixture of the following types of questions²;

- Closed Questions are factual and focus on a correct response. They can be used to check if trainees can recall basic facts, or to assess trainees' prior knowledge in a topic. They should not be the only type of question used, as they do not encourage deep thinking of learning e.g. *"Do you remember what this fabric is called?" "Who can tell me what are the steps involved in developing a business plan?"*
- Open Questions will have a variety of answers depending on the depth of the trainees' thinking. They require the trainees to do more than remember, some higher order thinking will be required to give a response. They usually require longer to answer than closed questions as the person needs to consider it e.g. *"What might be some of the challenges an entrepreneur experiences when first starting their business?" "Why do plants wilt?"*
- Surface questions can be answered with a straight forward response that requires little processing or thinking. They generally require some level of understanding to be answered well e.g. *"How would you check a car's oil level?"*
- Deep thinking questions look at relations between ideas and extended ideas. Higher level thinking skills will be needed to give a response to the question. These types of questions are good for engaging their critical thinking, and engaging the trainees interest, making them better grasp the course content while also minimising the risk of behaviour problems; *"What if a customer came to your garage and told you that their car is making a strange sound. How would you investigate to find out the problem?"*

Some other tips for good questioning that engages trainees' interest and promotes learning and positive behaviour include;

- Plan your questions as you plan your lesson. It can be difficult to come up with good questions while you are busy teaching, so being prepared is key.
- Ask a variety of questions; closed, open, surface, and deep-thinking questions.
- Pause for a few seconds after you ask a question to give trainees time to think of an answer.
- Make sure you ask questions of all trainees, and not just direct your questions at a selected few.

² Adapted from British Council "Connecting Classrooms: An introduction to core skills for leaders. Facilitator notes"

- Actively engage your trainees in thinking, rather than just remembering facts.
- Use trainees' answers to prompt further questioning e.g. *"Peter has told us why he would use this type of fabric when designing trousers. Can you think of any other fabrics that would also work?"*
- Try to follow the line of thought of a trainee who gives a wrong answer e.g. *"I can see why you would think we should use a hammer to insert a screw, because we use a hammer to insert a nail, and a screw looks like a nail, but instead we will use a drill for the following reasons...."*
- Involve other trainees in the discussion after one trainee has given an answer e.g. *"Do you agree with what Patrick has said? Does anyone have a different opinion?"*

Ask Yourself

1. What type of question do I usually ask in my class? Open or closed? Why do I tend to ask that type of question?
2. How can I increase the number of deep-thinking questions that I can? How can I promote learning and positive behaviour through my questioning?



Try it Out

Before your next lesson, plan 3 surface questions and w deep-thinking questions that you will ask. After the lesson, think about how the trainees responded. Did their answers surprise you? How did the questions promote learning?

Planning for varied methodologies

Using a variety of teaching methodologies will make your lessons more interesting and keep trainees more engaged. If trainees are interested and engaged in the lesson, they are more likely to learn and less likely to engage in misconduct. If you notice that your trainees are not focussed on the lesson and look bored, you can try the following techniques to 'wake them up' and engage them in learning;

- Instead of asking a question and just calling on an individual to answer, ask the questions, then ask the trainees to turn to the person beside them to discuss it. Give them a minute to discuss the question and then call on one pair to give the answer. This methodology is sometimes called 'Think, Pair, Share'
- Give your trainees a practical activity to engage in that gets them to move around.
- Place the trainees in groups and give them all a different task to work on. Have the groups report back to the whole class.
- Make 'stations' or 'bus-stops' on different tables in the classroom/workshop. Put the trainees in groups and have them spend 5 – 10 minutes at each station before moving on to the next station. By the end of the lesson, all of the trainees should have visited each station. This approach could be used for example; to introduce several different tools (putting a different tool on each table and asking each group to describe the tool, or identifying the characteristics or different types of bricks.

3.2.2. Strategies to keep trainees 'on task'

Using trainees' names effectively

Knowing all your trainees' names is essential for good classroom management and positive discipline. An easy way to stop minor indiscipline such as talking while you are speaking, using a mobile phone, or not paying attention is to call that person's name. You can even do this while you are speaking to the class as a whole, without interrupting what you are doing, as hearing their name inserted into the middle of a sentence directed the whole class will grab the trainee's attention; it also reminds them that you are watching them and are aware that they are not participating as you would like; (Speaking to whole class) *"Everybody, please turn to page 15 of their workbook.... Kondwani!... and look at the first diagram".*

Use of Proximity

If a trainee is engaged in minor misconduct (not concentrating, doing other work when they should be participating in class, engaging in a 'mini-meeting' with a classmate), moving through the classroom and standing near that person can often be enough to stop the behaviour from escalating.

Use of voice and facial expressions

As well as standing near the person, you can use your facial expression to indicate that you have seen the trainees' minor misbehaviour and would like it to stop, without saying anything by;

- Raising your eyebrows and looking stern
- Tightening / pursing your lips
- Shaking your head
- Wagging a finger
- Spreading your hands with palms upwards to show an expression of 'what are you doing?'

Remember to use gender and culture-appropriate gestures to avoid offending your trainees. You can also vary your voice's tone and volume so grab the trainee's attention; *"When we are fitting a tap, the first stage is tooOOOoOOOo (elongating and singing the word) CHECK (increased volume on one word) that the water is....."*

Use of trainee movement

If there are several trainees not engaged or engaging in minor misbehaviour, you can start an activity which requires the trainees to move around to disrupt their misbehaviour; *"Now, everybody, please leave your seats and come to the front so that you can look at this picture in more detail"*



Try it Out

Test out all of the above strategies for keeping trainees 'on task'. What happened? Which strategy did you find the most effective?

3.2.3. Strategies for responding to minor disruption to classroom activities

Use of Class Monitors/Presidents

Assigning class monitors or class presidents can reduce your workload as an instructor as they can be made responsible for monitoring adherence to certain rules e.g. they can keep records of attendance and punctuality. These records can be kept initially by the class monitor, and should be checked for veracity and accuracy by the instructor at the end of the lesson.

Use of seating arrangements

Giving trainees assigned seating can help you to separate trainees who may misbehave if they are placed close to each other. It also allows you to place trainees who are likely to either be disruptive or to lose concentration very close to you so that you can monitor them more closely.

Providing effective feedback to change behaviour

Providing your trainees with effective feedback when they misbehave can help them to change their behaviour and improve their conduct. The EEC method can be used to clearly tell a trainee what they have done wrong, what the consequence of that behaviour was, and how they can improve in the future.

- E - Evidence: Begin with an example about the person's behaviour and/or actions that took place during a certain period. These could be positive or negative depending upon what needs to be addressed. Do not talk about their personality, only focus on the behaviour. *"On Tuesday and Thursday last week, you arrived 10 minutes late to my class"*
- E - Effect: Describe what has been the effect of their behaviour or action on you, on their own learning, on their classmates or on the college; *"This meant that you missed my instructions at the start of class so you didn't know how to complete the task I had set, and interrupted your fellow classmates learning to ask them what you should be doing"*
- C - Change: Provide suggestions on how they can change this behaviour. Offer them guidance and help them come up with their own ideas on how they can best tackle these problems; *"You need to find ways of making sure that you arrive on time to class. What can you do to ensure you arrive on time in future?"*



Try it Out

Next time you experience minor misconduct in your classroom, use the EEC technique to give the trainee feedback on what they did wrong, what the effect/impact of their behaviour was, and what needs to change in the future. How did the trainee respond? Did the feedback result in any changes?

3.3. Responding to misconduct in the classroom

3.3.1. Strategies for responding to mild/moderate misconduct in class

Developing and using Conduct Improvement Plans

A Conduct Improvement Plan is a document developed to correct misconduct by indicating defined actions and behaviour which a trainee/staff member must follow. In other words, it's a plan that states what kinds of behaviours that a trainee is supposed to show, along with spaces for monitoring and recording by staff members that the trainee is following the plan. An improvement plan should be signed by the subject, and should be monitored with weekly meetings with a staff member (senior management member in the case of a staff member being the subject) for a pre-defined period, usually 1 month.

3.3.2. Strategies for responding to repeated moderate/severe misconduct in class

Giving warnings

Warnings are a useful response to misconduct. In order for warnings to be effective, the warning must be clear about what the trainee did wrong, and clearly state what steps will be taken if the behaviour is repeated.

An ineffective warning is unclear what the consequence is, if the warning is not heeded; *"You haven't submitted your assignment. This is unacceptable. This is a warning, you must submit your assignment in future"*

An effective warning clearly states what will happen if the warning is not followed; *"You haven't submitted your assignment. This is unacceptable. This is a warning. I will be monitoring your submission of assignments until the end of term. If you fail to submit another assignment, I will report you to the Head of Academics, and you will receive a zero grade for this class"*.

The most important thing about using warnings is that you MUST follow through on them if the trainee does not heed the warning i.e. if the above trainee fails to submit another assignment, you must report them to the Head of Academics (or relevant office), and give them a zero grade. If you fail to carry out your threat, trainees will not heed your warnings in future as they will not believe them.

Warnings should be used the first time that a trainee misbehaves. If warnings are used repeatedly if the trainee does the same thing again, they cease to be effective, as the trainee will not believe that their action will result in any serious consequence.

Imposing appropriate sanctions

See Chapter 2.5.6. for the principles to consider when deciding on an appropriate sanction for misconduct.

The forms of corrective, reparation, credible deterrent, or last resort sanction that can be taken against misconduct that is mild, moderate or severe is listed Section 4.3.2.

When to involve management

If a warning or classroom/workshop-based sanctions are not effective on moderate or mild misbehaviour, you should report the behaviour to your head of department, or the college vice-principal. If a trainee misbehaves seriously, you should immediately report it to your head of department or the vice principal.

Here are some examples of misconduct that could be dealt with directly by you, or could be dealt with by your head of department or the vice-principal. Listed alongside each example is the level of misconduct; mild, moderate, or severe. Where the level is marked with an * (Asterix) it indicates that the misconduct also requires referral to the police. The forms of sanction that can be taken against misconduct that is mild, moderate or severe is listed Section 4.3.2.

Category of Misconduct	Examples of misconduct	Level of misconduct
Failure to fulfil academic or professional commitments and duties	• Lateness or absenteeism without good reason.	Mild
	• Failure to wear practical, professional, and appropriate clothing.	Mild
	• (Trainees) Failure to sit exams or submit required assignments or coursework by agreed deadlines.	Moderate
	• (Staff) Failure to attend and deliver classes/workshops/tutorials/required staff meetings, or submit required documentation such as examination/coursework grades, lesson plans etc. (when occurring for the first time).	Moderate
	• (Staff) Failure to keep adequate records as required by college management (when occurring for the first time).	Moderate
Disruption of the college environment or the learning of others	• Littering within the college campus	Mild
	• Damaging college property with graffiti.	Moderate
	• Disruption of teaching, administration, or other technical college activities, including the use of phones in class or during practical exercises.	Mild
	• Offensive or disorderly conduct, which causes interference or annoyance.	Mild
	• Use of foul or offensive language.	Mild
	• Use of language which could be considered sexist or racist.	Moderate

Category of Misconduct	Examples of misconduct	Level of misconduct
Smoking, alcohol	<ul style="list-style-type: none"> Smoking tobacco in unauthorised areas including classrooms and workshops. 	Mild
	<ul style="list-style-type: none"> Use of alcohol on campus or drunkenness on campus (where no disruption is caused). 	Moderate
Disruption of the smooth running of the college	<ul style="list-style-type: none"> Refusal to display or provide identification upon demand by or to comply with other directions of College staff members or the staff of contractual affiliates of the College or other public officials acting in the performance of their duties, while on College property or at official College functions. 	Mild/ Moderate
	<ul style="list-style-type: none"> Unauthorized use of College letterheads, logo, intellectual or physical property, facilities, e.g. transports, computers, notice boards etc. or facilities of members of the College community or College affiliates' or contracted service. 	Moderate
	<ul style="list-style-type: none"> The misuse of telephone or communication equipment including electronic and non-electronic mail, and facilities such as notice boards and fliers. 	Moderate
	<ul style="list-style-type: none"> Unauthorised use of the College logo, facilities, premises or any other property for commercial purposes. 	Moderate
	<ul style="list-style-type: none"> Trespass or unauthorised presence in a building or other premises. 	Mild/ Moderate

When to refer to the Disciplinary Committee

Misconduct should be referred to the college Disciplinary Committee if it is repeated or severe. behaviour which contravenes the TEVET college Trainee Code of Conduct. It can include behaviour which seriously contravenes the Trainee's Code of Conduct, the Laws of Malawi, or a failure to adhere to the restrictions, conditions, or terms of a sanctions resulting from prior disciplinary action. Specific examples of trainee misconduct that should be referred to the Disciplinary Committee can be found in Section 4.1.2. Chapter 4 describes the process that the Disciplinary Committee follows.

4. Referring Case to the Disciplinary Committee

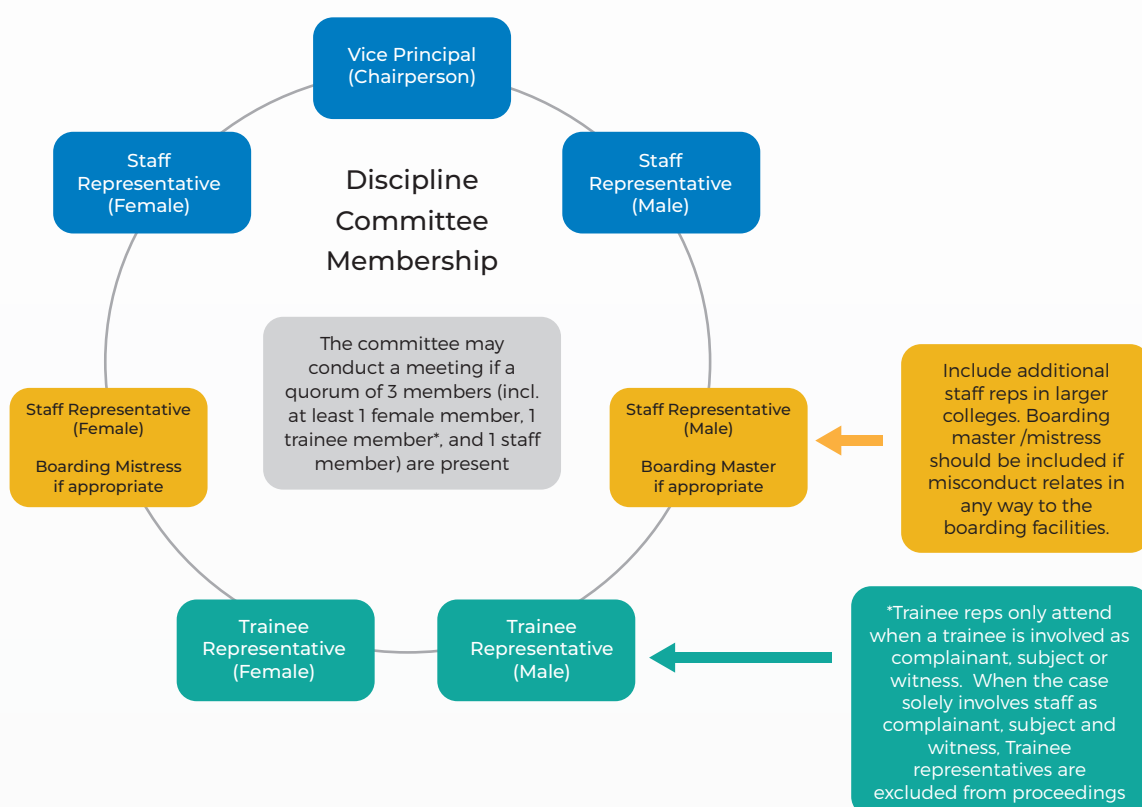
4.1. Referring a case to the Disciplinary Committee

This chapter gives you a background the procedures and processes of the Disciplinary Committee so that you will be aware of the process should you need to refer a case to the Disciplinary Committee.

4.1.1. Who are the Disciplinary Committee?

The Disciplinary Committee consists of persons of high integrity with a minimum of 40% and a maximum of 60% of either gender. The members will be appointed by the Principal and will compose of :

- Vice-Principal who will act as Chairperson of the Committee
- Either 2 or 4 staff representatives, depending on the size of the college, half of whom will be male staff and half of whom will be female staff. This may include the boarding master/ mistress.
- 2 Trainee representatives, 1 of whom should be male and 1 of whom should be female.
- The Disciplinary Committee may have a secretary. The secretary position will be the role of the College Bursar/HR Officer. It should be noted that the Committee's secretary is there to take minutes and records of decisions made. The secretary should not speak, contribute to decisions and should not vote on decision.



4.1.2. What forms of misconduct should be referred to the Disciplinary Committee?

Chapter 3 gave you a list of forms of misconduct that you could deal with either at classroom level, or by referring to a member of college management such as the Head of Department, the Head of Academics, or the Vice Principal. The below table describes more serious misconduct which requires intervention by the Discipline Committee;

- Any behaviour which contravenes the TEVET college Trainee Code of Conduct
- Any behaviour which contravenes the Laws of Malawi
- Violation of any of the restrictions, conditions, or terms of a sanctions resulting from prior disciplinary action.

Specific examples of trainee misconduct which needs to be referred to the Disciplinary Committee include the following examples. Listed alongside each example is the level of misconduct; mild, moderate, or severe. Where the level is marked with an * (Asterix) it indicates that the misconduct also requires referral to the police. The forms of sanction that can be taken against misconduct that is mild, moderate or severe is listed Section 4.3.2.

Category of Misconduct	Example of Misconduct	Level of Misconduct
Negatively impacting learning of self and/or others	• Repeated lateness or non-attendance.	Moderate
	• Repeated failure to sit exams or submit assignments.	Severe
	• Disruption or obstruction of teaching, disciplinary proceedings or other College activities.	Moderate/ Severe
	• Offensive or disorderly conduct, which causes interference or annoyance or alarm, or recklessly creates a risk of harm.	Moderate
	• Disrespectful or offensive treatment of trainees or staff based on gender, spiritual or cultural values, ethnic background, socio-economic status, family status, HIV status, disability or stigmatising a victim of violence including sexual violence.	Moderate/ Severe
	• Unauthorised Possession or use of fireworks, or items that could be used as weapons including knives.	Severe
	• Forms of protest and/or political agitation that disrupt the normal activities of the College and interferes with the rights of other trainees (while respecting trainees right to protest injustice).	Moderate/ Severe
Involvement with alcohol, gambling, or illegal substances	• Refusal to display or provide identification upon demand by or to comply with other directions of College staff members or the staff of contractual affiliates of the College or other public officials acting in the performance of their duties, while on College property or at official College functions; or resisting or obstructing such officials in the performance of their duties.	Moderate
	• Use of alcohol during class times, drunkenness during formal college activities, or causing disturbance related to the use of alcohol.	Moderate
	• Supply of alcohol to others.	Severe
	• Participating in or facilitating illegal gambling.	Moderate
	• Use of illegal substances on campus.	Severe
	• Possession, sale, use, transfer, purchase, or delivery of drugs except as expressly permitted by law.	Severe*

Category of Misconduct	Example of Misconduct	Level of Misconduct
Academic Misconduct	<ul style="list-style-type: none"> Use and/or possession of unauthorised materials or technology during an examination which may be used for cheating. 	Severe
	<ul style="list-style-type: none"> Obtaining or furnishing assistance with, or answers to, an examination or written or oral work submitted for evaluation. 	Severe
	<ul style="list-style-type: none"> Taking an examination or any other written or oral work submitted for evaluation and/or grade in place of another person. 	Severe
	<ul style="list-style-type: none"> The falsification of any information or citation in an examination or other written/oral work submitted for evaluation. 	Severe
	<ul style="list-style-type: none"> Submitting another's published or unpublished work in whole, in part or in paraphrase, as one's own without fully and properly crediting the author with footnotes, quotation marks, citations, or bibliographical reference. 	Moderate
	<ul style="list-style-type: none"> Submitting as one's own original work material that has been obtained from an individual or agency without reference to the person or agency as the source of the material. 	Severe
	<ul style="list-style-type: none"> Submitting as one's own original work material that has been produced through unacknowledged collaboration with others, without release in writing from collaborators. 	Moderate
	<ul style="list-style-type: none"> Knowingly helping, procuring, encouraging or otherwise assisting another person to engage in any of the academic misconduct listed above. 	Severe

Category of Misconduct	Example of Misconduct	Level of Misconduct
Damage to or trespass on college property	<ul style="list-style-type: none"> Unjustified entry into a building or other premises 	Moderate
	<ul style="list-style-type: none"> Forcible entry into a building or other premises 	Severe*
	<ul style="list-style-type: none"> Unauthorised possession or use of firearms, dangerous weapons, or possession of authorized or possession or use of realistic looking toy weapons that can be used to threaten people 	Severe*
	<ul style="list-style-type: none"> Starting fires, or igniting fireworks, or any form of explosives, false reporting of a bomb, a device that can cause fires (incendiary device), or other explosive, or any false reporting of an emergency 	Severe*
	<ul style="list-style-type: none"> Tampering with fire or safety equipment. 	Severe*
	<ul style="list-style-type: none"> Damage, destruction, tampering or defacement of personal, public, College or College affiliates' property 	Moderate/ Severe*
	<ul style="list-style-type: none"> Participation in, or conducting an unauthorised gathering that threatens or causes injury to person or property 	Severe*
	<ul style="list-style-type: none"> Participation in, or conducting an unauthorised gathering that interferes with free access to college facilities 	Moderate
Theft, Fraud or Bribery	<ul style="list-style-type: none"> Participation in, or conducting an unauthorised gathering that is harmful, obstructive, or disruptive to the educational process or functions of the college 	Severe
	<ul style="list-style-type: none"> Misuse of College documents including, but not limited to forging, transferring, altering or otherwise misusing a student ID card, official letterhead or other College identifications, or committing any other acts of forgery; conniving to violate policy. 	Severe
	<ul style="list-style-type: none"> Making false statements in any application for admission, petition, request or other Official College document or record 	Severe
	<ul style="list-style-type: none"> Receiving or offering items, funds or services that can under surrounding circumstance be reasonably construed as a bribe, payoff or kickback 	Severe*
	<ul style="list-style-type: none"> Theft and/ or handling of stolen property 	Severe*

Category of Misconduct	Example of Misconduct	Level of Misconduct
Verbal or Physical Violence	• Behaviour or activities which endanger the safety of oneself and /or others, and /or property	Severe
	• Intimidation or bullying	Severe
	• Actual or threatened physical assault or intentional or reckless injury to self, persons or property.	Severe*
	• Physical fighting towards trainees or staff	Severe*
	• Mental or physical abuse including verbal or physical actions which threaten or endanger the health or safety of any individual.	Severe
Sexual Violence	• Sexual abuse including unwanted physical contact of intimate body parts such as patting buttocks or stroking breast, massaging any part or deliberately brushing against the body; unwanted attempted sex; physically forced sex; and pressured sex.	Severe*
	• Sexual Exploitation including demands for sex in exchange for gifts, money, employment or favours.	Severe
	• Sexual harassment including any unwanted sexual comment or gesture e.g. unwanted and repeated requests for sex; unwanted sexual texts, messages, emails, pictures, videos, comments, notes and letters; unwanted sexually suggestive gestures, facial expressions, catcalls and mimed sex acts.	Moderate/ Severe
	• Distribution of obscene or pornographic written or electronic material including distribution of provocative or pornographic images of an individual without that person's consent.	Severe*

The Disciplinary Committee also deals with issues of staff misconduct, which this Handbook does not address.

4.1.3. How to refer a case to the Disciplinary Committee

Complaints brought to members of the Discipline Committee can be either informal or formal.

A formal report always requires referral to the whole Disciplinary Committee, where it must follow the full Disciplinary Committee Process.

If you are the person making the complaint, you may choose to make an informal complaint, instead of an informal complaint. If you are reporting a complaint made by someone else, you can ask

them whether they would prefer their complaint to be formal or informal. The informal complaint does not require referral to the entire Disciplinary Committee, but can be dealt with informally through mediation/discussion and/or counselling by the member of the Disciplinary Committee who received the complaint.

4.1.4. How to document an informal complaint

- a. Both formal and informal complaints require an Opening Report to be written once the complaint has been received, and a Closing Report to be written once a decision and resolution has been reached.
- b. If you are the person who has referred the issue to the Disciplinary Committee, you may be asked to use the Opening Report Form provided by the Disciplinary Committee to provide all the necessary information about the misconduct
- c. You will then forward the Opening Report to the Disciplinary Committee for information and deliberation
- d. Upon deliberation the Disciplinary Committee will conduct its investigations, make its decision about the matter and communicate to both Complainant and Subject of the Complaint. The Committee will thereafter write a Closing Report and Follow-up on Progress.

4.2. Principles guiding decisions of disciplinary committee

Decisions of Disciplinary Committee upon receipt of either informal (verbal) or formal are based on the information provided by the person making the complaint upon questioning following the principles laid out below.

4.3. The Disciplinary Committee Process

4.3.1. How does the Disciplinary Committee work

The Disciplinary Committee is guided by the values and principles of the TEVET Codes of Conduct for Trainees and Staff which are discussed in Section 2.2. (Staff Code of Conduct) and Section 2.3.2. (Trainee Code of Conduct).

These values and principles form the foundation for discipline in TEVET colleges and are considered when acting to prevent or respond to instances of misconduct.

The College reserves the right to take necessary actions to protect the safety and well-being of the college community (both trainees and staff) and to protect its facilities and programmes. All trainees and staff are members of the academic community with the same basic rights and responsibilities. Staff have additional responsibility of enabling a safe and conducive learning environment. All should conduct themselves responsibly and be guided by the core values and principles laid out in the Codes of Conduct for Trainees and for Staff. Both staff and trainees must refrain from behaviour that does not uphold these values and principles.

Trainees and staff are required to abide by the Laws of Malawi and the policies and regulations of the College including the Codes of Conduct. Trainees and staff who violate the Laws of Malawi will incur penalties prescribed by civil authorities. Trainees and staff who violate the policies, rules, or regulations of the college will incur penalties prescribed by college authorities.

The Disciplinary Committee will consider cases against groups if a significant number of trainees

4.3.2 What form of sanctions can be imposed

Sanctions are imposed based on their purpose which is determined by the context that applies in the said situation. The purpose of the sanction could be corrective, reparation, restoration of harmonious relations, as a deterrent, last resort or as a removal of a risk to safety and/or well-being of members of the college community. The below table provides guidance on the form of sanctions that can be imposed considering both the purpose of the sanction, and the severity (level) of misconduct.

Table for Determining Appropriate Sanctions

How to use this table:

1. Identify the **Purpose of the sanction**. Is it to correct or change a certain behaviour (corrective)? Does it aim to make up for wrong-doing to any person who was affected by the misconduct (Reparation)? Is it to prevent or deter future misconduct (Credible deterrent)? Is it to remove someone who may cause harm to members of the college community (Removal of risk)? Is it a last resort, having attempted a number of corrective actions which had no effect (Last resort)? A sanction may have more than one purpose; i.e. it might be corrective and also might be a reparation as it aims to both change the behaviour and also make amends to the person(s) affected by the behaviour; or it might both be corrective while also trying to act as a credible deterrents to others who may consider engaging in such misconduct.
2. Check if this form of sanction is appropriate by checking that the issues mentioned under 'Context' apply to this situation.
3. Identify the **level of misconduct**; mild, moderate, or severe. Use the tables in section 1.4.1, 1.4.2., and 1.4.3. to help you

Select one or more than one of the recommended appropriate forms of sanction for either Trainees or Staff members for the level of misconduct; mild, moderate, or severe. Being ordered to make a public apology must always be combined with other sanctions.

Purpose of the Sanction	Context	Appropriate forms of sanction for TRAINEES More than 1 sanction may be applied
Corrective <i>The trainee has makes a mistake, they should be given the opportunity to correct their behaviour and continue with their education/job</i> <i>The purpose of the sanction is to promote reflection on the misconduct and its consequence and to change future behaviour.</i>	<u>This form of action is appropriate when:</u> The trainee is not a danger to the safety or wellbeing of other people at the college. The trainee expresses remorse. The misconduct was not repeated. The misconduct was <i>mild or moderate.</i> The misconduct did not have lasting negative impacts on other members of the college community.	<u>Mild:</u> Oral Warning and/or Written Warning <u>Moderate:</u> Written Warning and/or Development of Conduct <u>Improvement Plan</u> to be monitored by a designated Staff member over a certain period and/or Ordered to make a public apology (must be combined with another sanction)
Reparation <i>The misconduct had negative consequences on another person(s) and the aim of the sanction is to make amends to them and minimise the negative consequences felt.</i>	<u>This form of action is appropriate when:</u> The trainee shows remorse. The losses that the victim experienced are replaceable. The misconduct did NOT involve sexual violence. When combined with corrective or credible deterrent forms of sanction	<u>Mild:</u> Oral Warning and/or Written Warning <u>Moderate:</u> Meeting with parents and/or Development of <u>Improvement Plan</u> to be monitored by a designated Staff member over a certain period and/or Ordered to make a public apology (must be combined with another sanction) and/or Ordered to compensate the aggrieved party <u>Severe:</u> Ordered to compensate the aggrieved party combined with Suspension for a fixed period but a maximum of 10 learning days or Expulsion

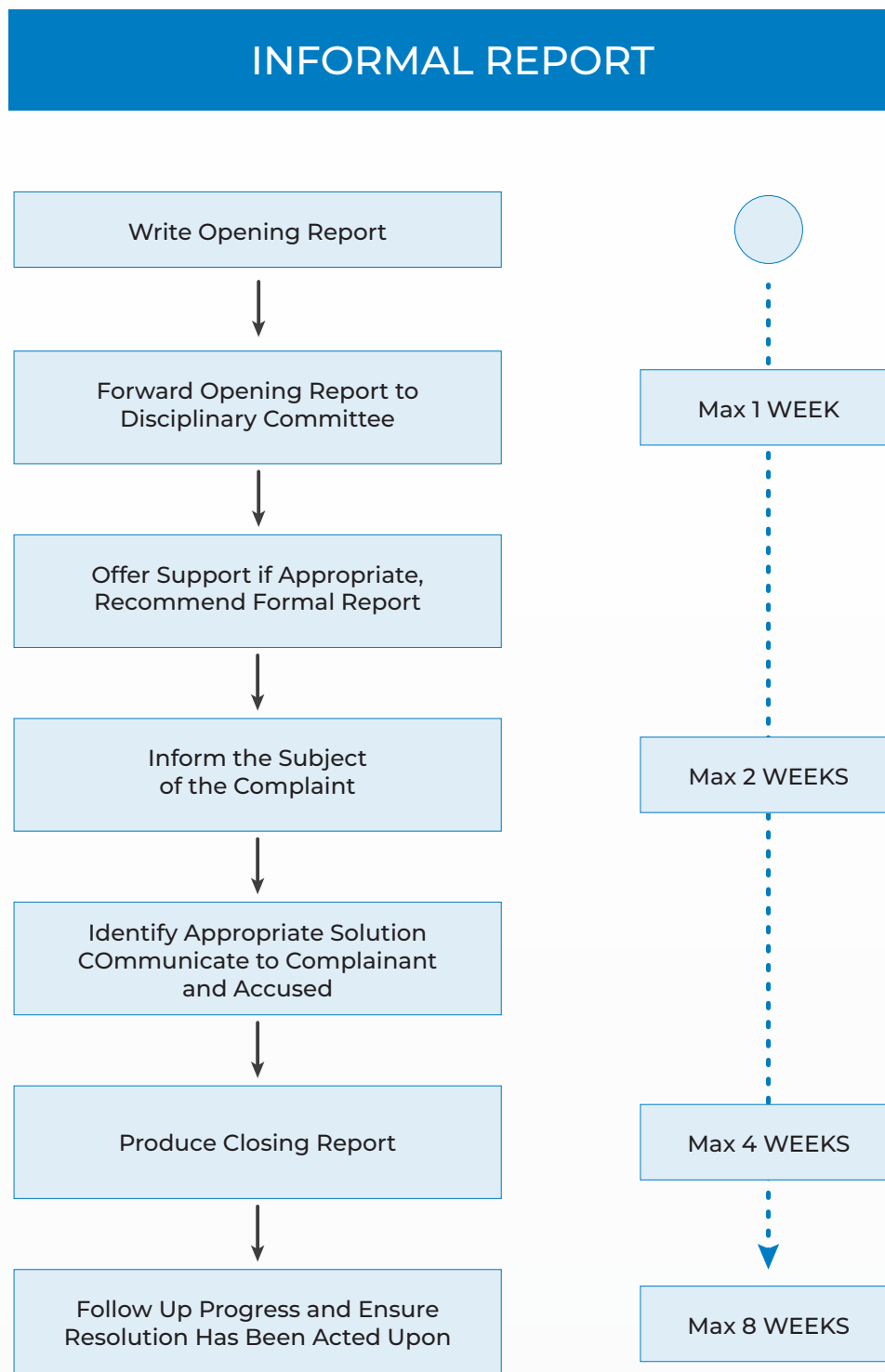
Purpose of the Sanction	Context	Appropriate forms of sanction for TRAINEES More than 1 sanction may be applied
Creating a credible deterrent <i>The misconduct in question must be dealt with harshly in order to reduce any sense of impunity and dissuade others from engaging in such behaviour</i>	<u>This form of action is appropriate when:</u> This form of misconduct is widespread The trainee has engaged in this form of misconduct with a sense of impunity	<u>Mild:</u> Oral Warning and/or Written Warning <u>Moderate:</u> Meeting with parents and/or Development of <u>Improvement Plan</u> to be monitored by a designated Staff member over a certain period and/or Ordered to make a public apology (must be combined with another sanction) and/or Ordered to compensate the aggrieved party <u>Severe:</u> Ordered to compensate the aggrieved party combined with Suspension for a fixed period but a maximum of 10 learning days or Expulsion
Last Resort <i>The Trainee has been sanctioned on at least two other occasions yet the misconduct, or other forms of misconduct, persists.</i>	<u>This form of action is appropriate when:</u> Milder sanctions have proven ineffective The misconduct is severe The Trainee has been given several (two) opportunities to change their behaviour but has not done so	<u>Severe:</u> Suspension for a fixed period but a maximum of 10 learning days or Expulsion

Purpose of the Sanction	Context	Appropriate forms of sanction for TRAINEES More than 1 sanction may be applied
Removal of a risk to the safety and/or wellbeing of members of the college community <i>The trainee has engaged in behaviour that harmed or may have harmed members of the college community physically, psychologically, or emotionally. This may be through physical force, through coercion, or through exploitation</i>	This form of sanction is appropriate when: The trainee has engaged in violent (including sexual violence) behaviour The misconduct is severe A staff member has abused their position, demonstrating negligence for the wellbeing of trainees through sexual exploitation including having sexual relationships with students	<u>Severe:</u> Expulsion and Where the violence in question contravenes the Laws of Malawi, reporting to the police

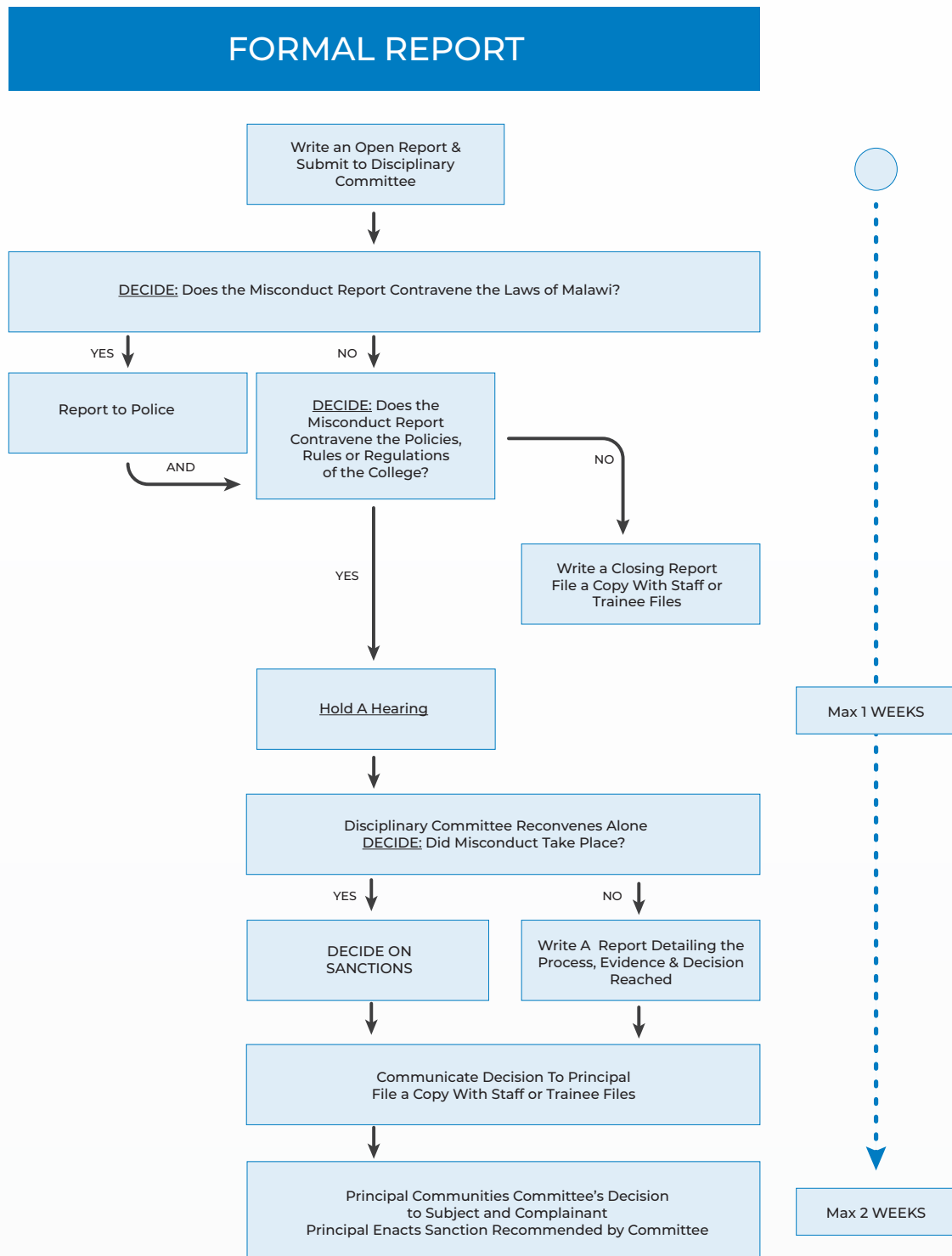
4.3.2. How are cases resolved

Below is a Flow Chart indicating the steps involved in case resolution.

a. Informal Report



b. Formal Report



4.3.3. Special considerations for cases involving sexual violence

The College forbids sexual misconduct between members of the College community, including between students, or between students and College employees. Forms of sexual misconduct include:

- i. *Sexual abuse*: Unwanted physical contact of intimate body parts such as patting buttocks or stroking breast, massaging any part, or deliberate brushing against body; unwanted attempted sex; physically forced sex; and pressured sex. Pressured sex refers to sex that a person has been pressured to engage in against their will through threats or harassment. Sexual abuse takes place without the consent of the victim: where the assailant uses physical force, threat or intimidation to overpower and control the victim; where the victim fears that self or another will be injured if he/her does not submit; where the victim is prevented from resisting due to alcohol or drugs administered by the assailant; or where consent is not freely given. Sexual abuse also includes rape, acquaintance rape, date rape, gang or group rape, forcible fondling, or any involuntary sexual act in which a person is threatened, coerced, or forced to comply against his/her will.
- ii. *Sexual exploitation*: Demands for sex in exchange for gifts, money, grades, employment or academic favours.
- iii. *Sexual harassment*: Unwanted verbal or non-verbal conduct, which is sexually suggestive, harassing, offensive, or intimidating. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating hostile or offensive environment.

TEVET COLLEGES DO NOT TOLERATE ANY FORM OF SEXUAL VIOLENCE
COMMITTED BY, OR AGAINST, STAFF OR STUDENTS!

SEXUAL ABUSE
IS ANY PHYSICAL
SEXUAL CONTACT
WITHOUT CONSENT.

SEXUAL EXPLOITATION
IS DEMANDING
SEX IN EXCHANGE
FOR SOMETHING.

SEXUAL HARASSMENT
IS ANY UNWANTED
SEXUAL COMMENT
OR GESTURE.

**WHAT TO DO
IF YOU EXPERIENCE
SEXUAL VIOLENCE:**

SAY NO, SPEAK OUT, REPORT!

The college has two open reporting procedures for sexual violence. You can make an informal or a formal complaint. You will be supported and your dignity will be respected.

You can make an informal or a formal complaint, and you can remain anonymous if you prefer.

You can also call these numbers **FREE OF CHARGE** for support:
• PSB: 4432 Airtel/4400 TNM
• VONECO: 3600 • Village Reach: 34747
Or you can download the **Tilthandzone** Helpline App on any android device.

stop
TECHNICAL EDUCATION

step
TECHNICAL EDUCATION

TECHNICAL EDUCATION

TECHNICAL EDUCATION

Sexual misconduct is unacceptable in the college environment and in other college-related settings such as college-sponsored activities or College related social events. Any student who feels that he or she has been subjected to sexual harassment by any College employee or other College student should let the offender know immediately and firmly that the student is rejecting the advance or invitation and that the employee's/other student's behaviour is unwelcome.

No individual will suffer any reprisals for reporting any incidents of sexual harassment or making any such complaints, or participating as a witness in the investigation. Any incidents or further harassment or retaliation should be reported immediately.

If an individual is accused of sexual harassment but then it is not proven, a **warning letter** will still be sent to him/her stating that should this occur again, disciplinary action, including termination are possible. A record of the incident will be kept for future reference.

The College will not tolerate sexual abuse in any form. Sexual abuse is a violent crime and includes all forms of sexual contact carried out against the will and without the consent of the victim or the consent is obtained by force or by means of threats or intimidations of any kind. In any case of reported rape, the trainee or staff member accused should be immediately suspended from college/ duties pending investigation, to avoid exposing other trainees/staff members to a potential risk.

The College is dedicated to providing timely and appropriate response when a sexual assault occurs on campus. We also recognise the need of sexual assault victims to maintain anonymity in the face of such an adverse experience. The highest level of anonymity and confidentiality will be maintained at all times, consistent with national reporting requirements, and college staff including the Disciplinary Committee are required to handle the case in a sensitive manner to avoid further traumatising this victim. This includes;

- The victim shall not be required to unnecessarily and repeatedly recount the events complained of, as recounting the experience of sexual abuse, harassment, or exploitation is difficult and may damage the person's personal dignity.
- The victim shall not be required to be in the same room at the same time as the accused.
- A friend, colleague, or advocate may accompany the victim to any hearings or investigations.

Even if the criminal justice authorities choose not to prosecute, the College can still pursue disciplinary action, determining if the actions taken contravened the TEVET Codes of Conduct. An example of this may include a situation where a staff member has had sexual relations with a trainee, which the police decide not to prosecute due to the difficulties involved in proving a lack of consent. The college may still pursue disciplinary actions against that staff member, as although consensual sexual relationships with adult trainees are not illegal, it does contravene the Code of Conduct and is considered misconduct. Disciplinary action that could be taken in this case includes dismissal.



What is Consent?

Consent is when there is complete and explicit agreement between both people about what is to happen, it can also be referred to as positive cooperation, agreement or willingness. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction. A person may be incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. To constitute lack of consent, the act must be committed whether by force, threat of force, intimidation, or through use of the victim's mental helplessness which the accused was aware or should have been aware. Mental helplessness includes incapacitation by alcohol or other drugs.

There is a difference between consent and submission out of fear. If you fear for your life, your physical safety, or for the life safety of a loved one, you may sincerely believe that you have no other alternative than submit to a sexual act. This does not mean that you have consented to it; submission is not consent.

What should you do if you are a victim of sexual violence or if someone reports to you that they have been the victim of sexual violence?

Many victims of sexual assault do not know where to turn for help, or what to do. They may be afraid or ashamed to talk to anyone, or they may try to act as if nothing has happened.

If a trainee reports to you that they have experienced sexual violence, it is important to have a conversation with the subject of the discrimination to, first of all, check that they are ok, and secondly, to assure them that what they experienced was wrong and that the behaviour on campus is not allowed. They need to understand that their rights were violated and the person(s) committing the discrimination were in the wrong. Once you have sensitively comforted the victim, find out as much specific information relating to the complaint as possible in order to write a comprehensive Opening Report. The key information required for an Opening Report is:

- a. Name of the subject (person who the complaint is about)
- b. Name and address of the complainant (where issues of confidentiality are not compromised such as in the case of sexual violence)
- c. Date of the report
- d. Time and place of each incident
- e. The conduct and words involved in the incident
- f. The victim/complainant's response
- g. The names of any witnesses; and
- h. Any other relevant matter concerning the incident

The Opening report should then be submitted to the Malawi Police Service and the Disciplinary Committee immediately.

The below image provides some guidance for trainees or staff members who experience violence on the steps that they can take to make a formal or informal report.

WHAT TO DO IF YOU EXPERIENCE SEXUAL VIOLENCE: SAY NO, SPEAK OUT, REPORT!

SAY NO: Tell the person to stop what they are doing. Be confident.

SPEAK OUT: Talk to a friend or a person you trust. It can help.

REPORT: The college has two open reporting procedures for sexual violence. You can make an informal or a formal complaint, and you can remain anonymous if you prefer. You will be supported and your dignity will be respected.

INFORMAL REPORT

STEP 1 Talk or write to someone you trust who is a member of staff or a student representative.

STEP 2 The member of staff or student representative will inform the accused of the accusation.

STEP 3 The member of staff or student representative will find a resolution of the issue and inform you and the accused of the outcome.

STEP 4 The member of staff or student representative will write a report of the incident and submit to the Disciplinary Committee (DC). The report will be kept on file.

You can always turn an informal report into a formal report!

FORMAL REPORT

STEP 1 Talk or write to any member of the Disciplinary Committee (DC).


STEP 2 The member of the DC will write-up your complaint and forward it to the DC.

You will be invited to a hearing. You will not be asked to be in the same room at the same time as the person who has hurt you. You can bring a friend and you are not required to answer repeated questions on the incident.

STEP 3

STEP 4 The DC will investigate the case and vote on a resolution.

STEP 5 You will be told what the resolution is 1 week after it has been reached at the latest.



You can report the incident to the police Victim Support Unit at any time.

You can also call these numbers FREE OF CHARGE for support:

- PSI: 4422 Airtel/4400 TNM
- YONECO: 5600
- Village Reach: 54747

Or you can download the Tithandizane Helpline App on any android device.

The below table provides some additional advice that you can give to a victim of sexual violence if they report it to you immediately after it has taken place;



What to do if you have been raped or sexually assaulted.

Step 1

Ensure your personal safety by going to a safe place.

Step 2

- Do not take a shower or bath; do not clean your genitalia, as this will destroy the evidence.
- Do not throw away your clothes. Preserve evidence; if you change clothes wrap them in a brown paper bag/newspaper (not a plastic bag).
- Avoid passing urine; if you have to, put the urine in a bottle and carry it to a hospital.
- Do not brush your teeth or cut your nails.

Step 3

Seek medical assistance at the nearest hospital or health facility. The medical examination has several purposes, which include caring for your needs (check for internal and external trauma/injuries and test for sexually transmitted diseases) collecting medical evidence, which will be used in court when an arrest has been made. It is essential that the examination be performed as soon as possible after the assault.

- Get preventive treatment for HIV/AIDs, sexually transmitted infections, pregnancy within 72 hours.
- Ensure that the victim gets a medical report to be used as evidence from a Government or CHAM Hospital.

Step 4

Report the matter to the police, even if you do not want to press charges.

Step 5

It is important that you seek psychological support (counselling) to help you deal with the impact of the assault on your life

Step 6

Seek legal redress

5. Appeals

5.1. Appealing a Disciplinary Action taken against a Trainee

If either party is dissatisfied with the outcome or resolution, that party has the right to appeal the decision. Trainees wishing to appeal the determination by the Disciplinary Committee may request for a mediation session. The persons involved in mediation shall be the Principal, staff representative and the student (s). The student may bring a friend or family member for support, but a legal counsel is not permitted.

If no acceptable solution is reached in the mediation, the Principal shall, upon request from the affected student(s), appoint an appeal board to hear the appeal as expeditiously as possible. An appeal board shall consist of a faculty member, an administrator, and two students. One member of the board is appointed by the Principal to chair the hearing and ensure that proper procedures are followed.

As expeditiously as possible, the board will review the case and schedule a hearing in which the student(s) accused of misconduct will have the right to ask questions of the instructor and witness if any. The appeal board will submit a report of its findings to the Principal within five (5) working days of the end of its deliberations. The decision of the appeal board and the sanction(s) imposed is final.

An appeal must be based upon one of more of the following conditions:

1. Errors in interpretation or implementation of procedures for conduct violations were so significant as to effectively deny the student a fair hearing.
2. New and significant evidence, which could not have been discovered by diligent preparation for presentation at the initial hearing, is now available.
3. Lack of substantial evidence in the record to support the outcome

The dismissal should also be reported to TEVETA is that trainee was originally selected as a TEVETS trainee.

5.2. Appealing a Disciplinary Action taken against a Staff Member

The appeal procedure for Staff member is dependent on:

1. If the staff member is directly employed by the college, it can be dealt with by the Principal and College Board of Directors/Governors
2. If it involves a civil servant it falls under the Director of the Department for Technical and Vocational Training (DTVTV) at the Ministry of Labour, Skills and Innovation If the staff member is employed directly by the college:
 - o If either party is dissatisfied with the outcome or resolution, that party has the right to appeal the decision. However, this procedure provides for the internal resolution of complaints and is not a legal forum. Consequently, representation of parties by legal counsel is not permitted.

- The dissatisfied party should submit written comments and request for appeal to the Principal no later than 10 working days after receipt of the decision.
- The Principal will refer the matter for hearing if necessary. Where a hearing is required, it will be held within 10 working days before a three-person panel comprising of Deputy Principal, two staff members appointed by the Principal. A student maybe involved if the misconduct was towards a student. The panel will conduct a thorough review of the investigation report.
- The parties will be given written notice, within a reasonable time to appear before the hearing. This notice will include a brief statement of the factual basis of the complaint, the time and place of the hearing, and the names of the panel members. Before the hearing, the parties may reject any panel member on ground of conflict of interest, or the member can recuse themselves.
- The parties will have the opportunity to present documents and witnesses. The panel will make an adequate record of the hearing by written memorandum, tape recording or otherwise.
- The panel will have the discretion to establish procedures for matters not set forth here. For example:
 - Relevant evidence be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil action;
 - Witness be excluded from the hearing room except while testifying; or
 - Independent testimony is sought from experts whether or not the parties presented testimony from experts at the hearing.

All proceedings of the panel will be closed to public, except by written consent of each party and the Principal.

The Principal will issue a decision within 10 working days after receipt of the panel's recommendation. The Principal's decision is final.

If within the Disciplinary committee mandate:

If it falls under the Director of the Department for Technical and Vocational Training (DTVTV) at the Ministry of Labour, Skills and Innovation.

The necessary procedures governing Appeal hearing will be applied.

6. Keeping Records

6.1. Keeping accurate records of misconduct

6.1.1. Trainee Records

For recording and filing, the Closing Report should be attached to the Opening Report and filed in the following places;

- With all Disciplinary Committee records held by college administration, accessible to the TEVET Inspectorate Team when they visit the college.
- In the Trainee Record File within the college
- In the case of a Trainee who is expelled, a copy of both reports should be filed with MoLSI and TEVETA
- In the case of staff misconduct in a private college, a copy should be shared with the Board of Governors or Board of Trustees.

6.1.2. Staff human resource files

For recording and filing, the Closing Report should be attached to the Opening Report and filed in the following places;

- With all Disciplinary Committee records held by college administration, accessible to the TEVET Inspectorate Team when they visit the college.
- In the HR file of a staff member within the college
- In the case where the staff member is a civil servant, a copy should be shared with Department of Technical and Vocational Training and the Human Resource department of MoLSI.
- In the case of staff misconduct in a private college, a copy should be shared with the Board of Governors or Board of Trustees.

6.2. Recording and Filing Informal and Formal Complaint Opening Reports

Once the Informal and Formal reports are written, they need to be maintained on file with all Disciplinary Committee records under the college administration. The College can consider maintaining a ledger of the complaints received as a summary record. These files are confidential and should be kept in a locked filing cabinet or a password protected file accessible only by college senior management.

These files should be made accessible to members of the MoLSI and TEVETA inspection team on inspection visits.

6.3. Recording and Filing Closing Reports

When disciplinary measures are taken, the Opening and Closing reports should be filed and secured by the Disciplinary Committee. Any documentation relating to the case e.g. copies of statements, attendance records, receipts etc. should be held between the Opening and Closing report.

Misconduct relating to staff lateness should be backed by the Master file maintained by the Head of Academics.

The Reports pertaining to students should be kept in a different file from those of staff, and maintained on file for the number of years as outlined by the Government of Malawi.

All relevant documents should be attached to the Closing Report and can be shared with the relevant Department or other Government Agencies in certain circumstances as may be outlined, for example, if requested by a judicial order, or Court of Law, (upon request), colleges which a student seeks to enrol/ staff to join, to parents or legal guardians, authorised Government entities. These files should also be made accessible to members of the MoLSI and TEVETA inspection team on inspection visits.

6.4. Review of files by TEVET Inspection Team

Opening and Closing Reports of cases dealt with by the Disciplinary Committee must be kept in a secure and locked location ensuring that they are not accessible to unauthorised persons. However, the files must be accessible for review by the TEVET inspection team (from MoLSI, Ministry of Education Department of Inspection and Advisory Services, and TEVETA) when they come for planned or unplanned inspections. The inspection team plays an oversight role ensuring that the Disciplinary Committee is functioning properly and recording cases appropriately.

Funded by the EU and partially implemented by UNESCO in collaboration with the Government of Malawi, the Skills and Technical Education programme (STEP) is dedicating to reinforcing Technical, Entrepreneurial and Vocational Education and Training (TEVET) in Malawi. The programme will run from 2016-2020 and aims to improve TEVET at post-secondary level with focus on equal access to enrolment, with particular focus on female learners; improving quality in the sector; and establishment of clear governance structures.

STEP is supporting a number of user-friendly resources to strengthen the TEVET system. This handbook is the third document in the STEP Manual series.

The Tevet Staff Handbook - Creating a Safe and Conducive Learning Environment promotes the use of positive discipline as an approach to model and commend appropriate behaviour of students and to inspire like-minded action. The handbook also outlines the steps required to follow in handling any cases of misconduct. It is intended for all staff working in the TEVET system to support the creation of an enabling learning environment.

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