



STUDENT DISCIPLINARY PROCEDURES

APRIL 2009

Institute Student Disciplinary Procedures

1. Purpose

1.1 The purpose of this document is to describe student disciplinary procedures.

2. Scope

2.1 This document applies to all students of the Institute, including apprentices.

2.2 These procedures relate to all aspects of student behaviour **except** those covered by the General Assessment Regulations which are available at http://www.dit.ie/DIT/registrar/regs/gen_assess_reg/index.html.

2.3 For example, the Institute has policies including those dealing with bullying and harassment, use of IT and Internet resources, consumption of alcohol and library regulations. It is expected that any breaches of such policies and regulations by a student would be dealt with by these procedures.

2.4 See the Appendix for some examples of misbehaviour. These are indicative only.

3. Definitions

| | |
|--------------------|--|
| Complainant | Student, staff or other person who makes a complaint of misconduct by any Institute student |
| Respondent | A student who responds to a complaint that has been made against them |
| Appellant | A student who appeals against a decision of a Disciplinary Board |
| Decision | A ruling of whether or not an offence is deemed to have taken place |
| Penalty | An action imposed on a respondent when an offence is deemed to have taken place |
| Outcome | A combination of decision and penalty |

4. Principles

4.1 The Institute shall endeavour to operate these procedures in good faith at all times.

4.2 To ensure equity, equality and natural justice, disciplinary measures will be applied in a fair and consistent manner.

- 4.3 As part of its duty of care, the Institute shall endeavour to protect the interests of all parties involved in the application of these procedures.
- 4.4 No disciplinary penalty will be imposed upon a student (hereafter known as the Respondent) until the case has been investigated fully. Where appropriate, efforts shall be made to resolve a case informally before formal procedures are invoked. The Institute shall endeavour to inform the Respondent, Complainant(s) and any others deemed appropriate at every stage of these procedures.
- 4.5 The Respondent will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made. If the nature of the complaint changes during the process of investigation, the Respondent will be informed of this.
- 4.6 At all stages of the Disciplinary Procedures the Respondent will have the right to be accompanied by a third party. Prior notification of the person to accompany them and their status will be given to the Disciplinary Officer. Students shall be encouraged to seek advice from the Dublin Institute of Technology Students' Union.
- 4.7 The Respondent will have the right to appeal against any outcome of the Disciplinary Board.
- 4.8 When determining penalties to be imposed, the need must be borne in mind of satisfying the test of reasonableness in all the circumstances. Account should be taken of a student's disciplinary record (if any) and any other relevant factors.
- 4.9 The identity and circumstances of all parties involved shall remain confidential, unless disclosure is necessary to progress an investigation. In this case the identity of any party involved shall only be disclosed to those directly involved in the matter.
- 4.10 A student shall not be disadvantaged because they contribute to an investigation.
- 4.11 The Institute adheres to the provisions as laid down by Data Protection and any other relevant legislation. Any records kept will be used for disciplinary purposes only.
- 4.12 The Institute will disclose to the parents or guardians of a Complainant / Respondent under 18 the existence and content of any complaint made by or against such Complainant/Respondent and details of any resultant disciplinary procedures. This will be at request of the parents or guardians. The institute may of its own volition make such disclosures without request.
- 4.13 Where the Disciplinary Officer considers that a complaint (if established) involves an offence of a **criminal nature**, the Disciplinary Officer or their nominee shall inform An Garda Síochána. The Institute shall be entitled to process the case under these procedures, pending the outcome of the Garda inquiry and any resulting criminal prosecution. It will not be obliged to do so.
- 4.14 If a respondent is convicted of a criminal offence which (in the opinion of the relevant Head of School or their nominee) renders him or her unsuitable for continued registration as a student at the Institute, the matter shall be dealt with in accordance with Section L of these procedures. In these circumstances, it will not be necessary, to consider the evidence on which the conviction is based.

5. Obligations and Responsibilities

- 5.1 The Institute is concerned that all its students should be aware of their obligations with regard to conduct and discipline, and of the likely consequences of the failure to meet these obligations.
- 5.2 The Institute has an obligation to ensure, so far as is reasonably practicable, that the Regulations of the Institute and information on its expected standards of behaviour are available to all students.
- 5.3 Students have a responsibility to observe, in addition to the laws of the State, the Regulations, policies and procedures of the Institute as amended from time to time and to conduct themselves properly whether on Institute premises or otherwise, when engaged in Institute-related activities.

6. Need for Procedures

- 6.1 The maintenance of an atmosphere conducive to a positive student experience within the Institute requires that discipline is maintained by all students.
- 6.2 Procedures are necessary to provide a framework that enables the Institute to maintain the highest standards.
- 6.3 Such procedures seek to reassure students that any alleged failures to comply with those standards will be addressed fairly, sensitively and in a timely manner.
- 6.4 The procedures shall be implemented at any time if a student's alleged misconduct warrants such action.

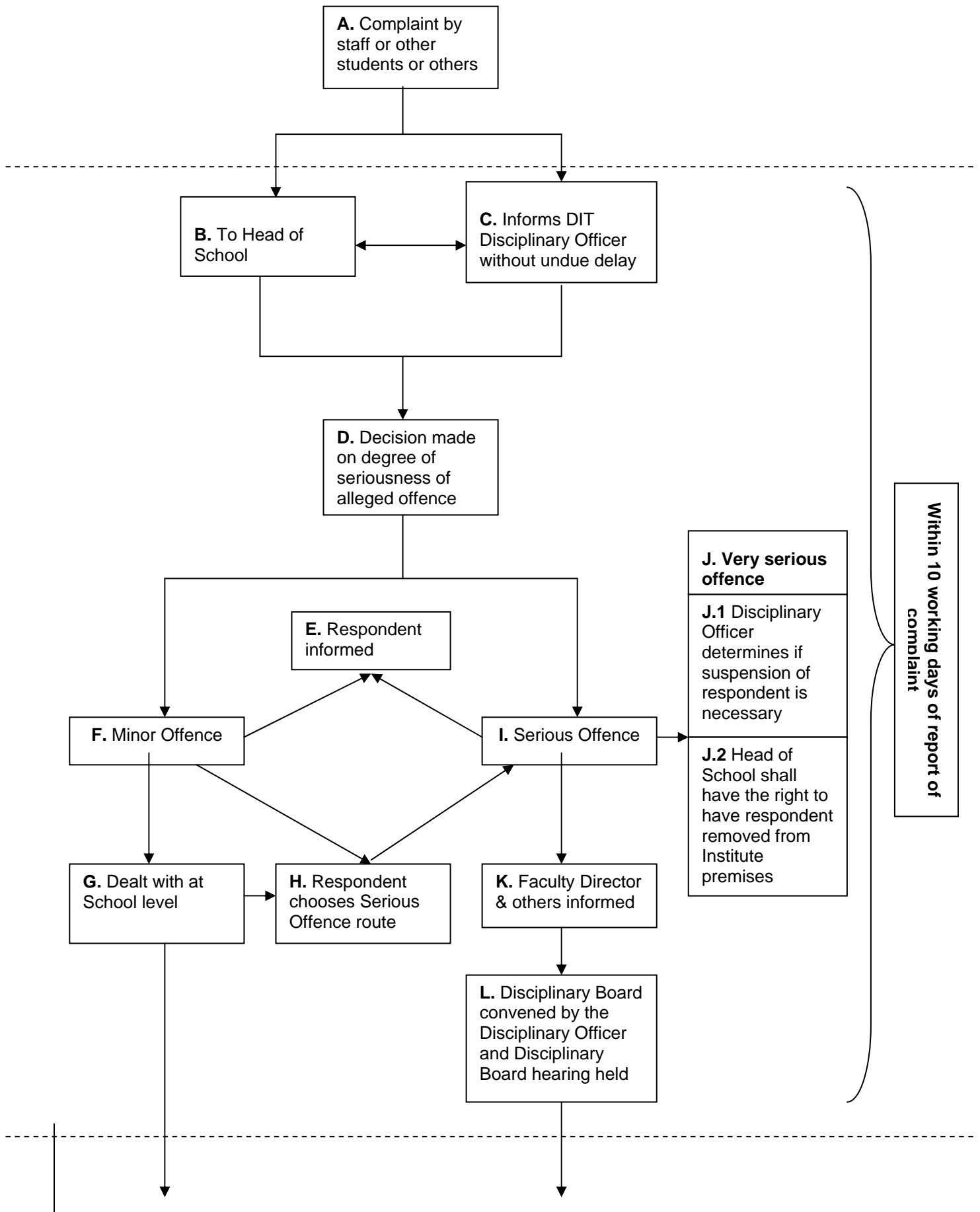
7. Record Retention

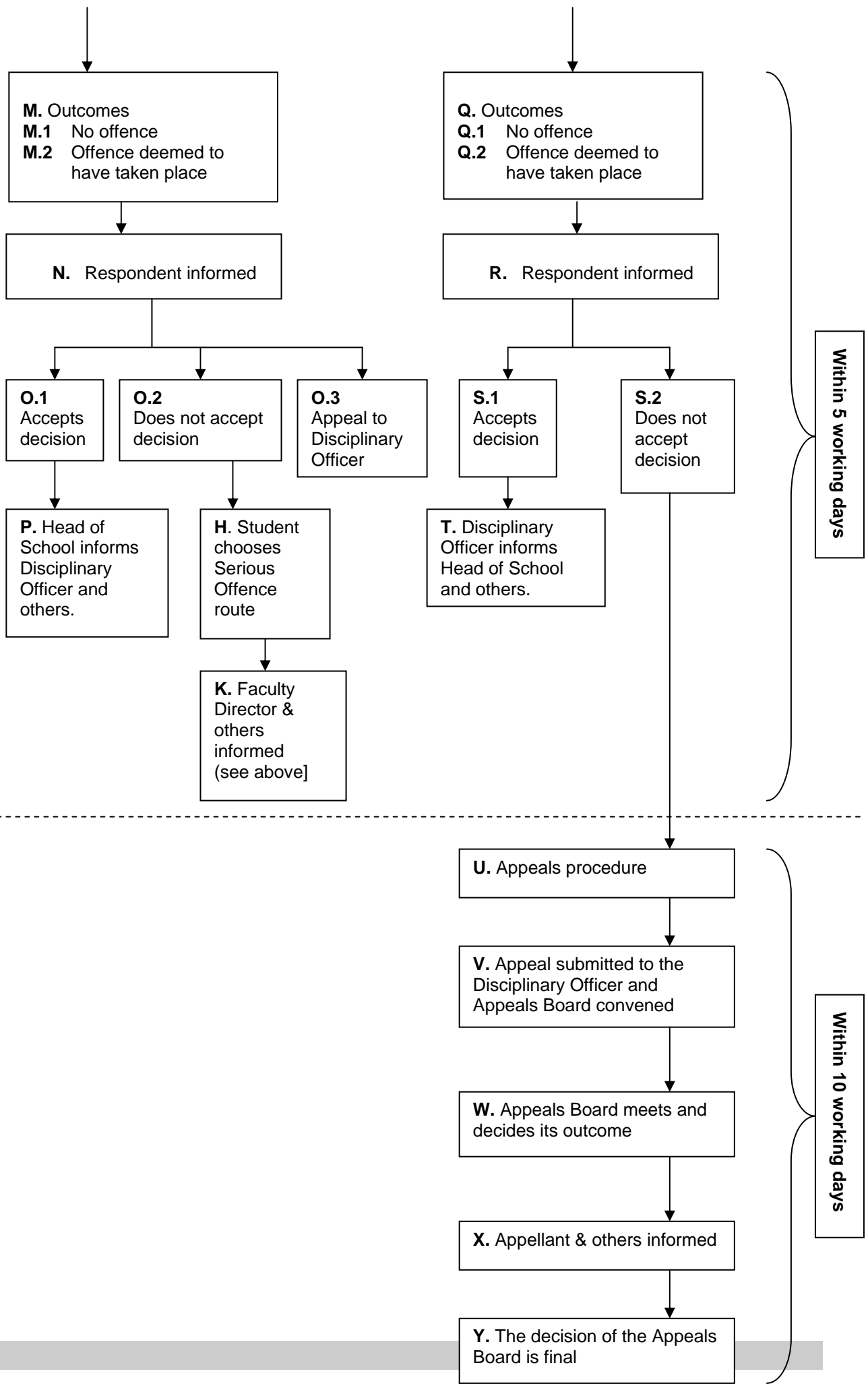
Complaint forms, notes of the Head of School's/Disciplinary Board's deliberations, and other relevant materials shall be retained according to Institute policy on record retention, as follows:

- 7.1 In the case where a minor offence is **not** deemed to have taken place, the Head of School shall retain the Complaint Form(s), notes of the outcomes of the investigation and all other relevant material until the investigation is completed. He/she shall then forward the materials to the Disciplinary Officer who shall destroy same.
- 7.2 In the case where a serious/very serious offence is not deemed to have taken place, the Disciplinary Officer shall destroy the Complaint Form(s), notes of the outcomes of the investigation and all other relevant materials.
- 7.3 In the case where an offence is deemed to have taken place, the Head of School shall retain the Complaint Form(s), notes of the outcomes of the investigation and all other relevant material until the investigation is completed and shall then forward to the Disciplinary Officer who shall retain same for the period of the Respondent's and Complainant's registration within the Institute.
- 7.4 In the case where the Respondent appeals against the decision of the Disciplinary Board, the Disciplinary Officer shall retain the Disciplinary Appeals Form, notes of the Board's deliberations and all other relevant material until the investigation is completed, except for 7.5 below.

- 7.5** If, as a result of the appeal, it is deemed that no offence took place, the Disciplinary Officer shall destroy the Complaint Form(s), the Disciplinary Appeals Form and notes of the outcomes of the investigation of the Disciplinary Appeals Board's deliberations, and all other relevant materials.

8. Student Disciplinary Procedures: Flowchart





9. Student Disciplinary Procedures: Stages

The Procedures below outline the sequential stages to be followed in any case of apparent misconduct by any student of the Institute **except** where the General Assessment Regulations take precedence.

A flowchart is included to help explain the written Procedures. The written text takes precedence in all cases.

Terms of Reference and membership of the various Panels and Boards are included also (see Appendices 1 and 2).

- A.** Any staff or student member of the Institute or others who become aware of apparent misconduct on the part of a student shall report this without undue delay.
- B.**
 - B.1** A Complaint Form shall be completed with any available evidence attached (see Appendix 3) and forwarded to the relevant Head of School and/or to the Institute's Disciplinary Officer. All Complaint Forms must be signed by the Complainant(s).
 - B.2** Where the Head of School or Disciplinary Officer is absent from the Institute, Complaint Forms are forwarded to and dealt with by the Director of the Faculty with which the student is most closely connected or his/her nominee.
- C.** The Head of School shall forward the Complaint Form to the Disciplinary Officer without undue delay.
- D.** The Disciplinary Officer and the Head of School shall decide whether or not there is a case to answer. If it is deemed that there is a case, it may be investigated by the Head of School (minor offence) or referred to a Disciplinary Board (serious offence). The ultimate authority to decide how a case should be dealt with rests with the Disciplinary Officer. A list of sample behaviour constituting minor or serious offences is provided in Appendix 4.
- E.** At this stage the Respondent shall be informed that a complaint has been reported and of the nature of the complaint against them.

Minor offence

- F.**
 - F.1** Where it is determined that the nature of the complaint, if established, would constitute a minor offence, the case shall be investigated by the Head of School.
 - F.2** In the investigation of a minor offence the Head of School shall at all times act with sensitivity towards all involved in this process.
- G.**
 - G.1** The Head of School shall consider the Complaint Form, examine the facts and may consult with staff, students or others as appropriate.
 - G.2** The Head of School shall have the discretion to meet with the Complainant and other relevant parties in establishing the facts of the case and shall have the right to conduct searches of Institute property and/or equipment.

- G.3** The Head of School will meet with the Respondent to discuss the complaint and seek to conclude this stage of the process within 10 working days of receipt of the original Complaint Form.
- H.** At any time in this process, the Respondent has the right to have the complaint considered by a Disciplinary Board (see Serious Offence procedures below).

Serious offence

- I. I.1** Where it is determined that the complaint, if established, would constitute a serious offence the Disciplinary Officer will refer the case to a Disciplinary Board for investigation.
- I.2** The Respondent shall, without undue delay, be notified by the Disciplinary Officer of the complaint. This notification will be by registered post.

Very serious offence

- J. J.1** Where the Disciplinary Officer considers the complaint, if established, would be of a very serious nature, the Disciplinary Officer may recommend to the President of the Institute or their nominee that the Respondent be suspended with immediate effect from the Institute, pending the outcome of the investigation (ie, Investigatory Suspension).
- J.2** Where the actions of a Respondent appear to constitute an **immediate threat** to staff, students or others, the Head of School or nominee shall have the right to have the Respondent removed from the Institute premises with immediate effect and until further notice. The Disciplinary Officer shall be informed immediately.

- K.** The Complainant and Faculty Director or their nominee shall be informed by the Disciplinary Officer of the complaint.
- L. L.1** The Disciplinary Officer shall convene the Disciplinary Board which will meet and seek to conclude this stage of the process within 10 working days of receipt of the original Complaint Form.
- L.2** The Board shall have the right to conduct searches of Institute property and/or equipment.
- L.3** The Respondent shall be notified by the Disciplinary Officer of the date of the hearing at least 5 working days prior to that date. A summary of the complaint and any other relevant information shall be forwarded to the Respondent at the time of notification. This notification will be by registered post.
- L.4** The Respondent shall be given every opportunity to state their case and shall have the right to call witnesses and to be accompanied by a third party. They shall also be encouraged to seek advice from the Dublin Institute of Technology Students' Union.

- L.5** Where the Respondent intends to bring a lawyer as a third party, the Disciplinary Officer must be notified at least 3 working days before the hearing, and where prior notification is not given the Disciplinary Officer reserves the right to refuse the lawyer access to the proceedings at the Disciplinary Board.
- L.6** If the Respondent does not attend the hearing and does not offer sufficient or any extenuating circumstances for not so attending, then the Disciplinary Board shall proceed with the hearing as stated above.

Outcomes

Minor offence

- M.** The Head of School, having considered the case, shall decide on one of the following:
 - M.1** No offence is deemed to have taken place. No further action will be taken.
 - M.2** An offence is deemed to have taken place. The Head of School imposes a penalty (see Appendix 5), having regard to the nature of the misconduct and taking into account the student's prior disciplinary record (if any) and any extenuating circumstances.
- N.** The Head of School shall inform the Respondent of the outcomes of the investigation.
- O.** The Respondent shall, within 5 working days of this communication, communicate a response to the Head of School:
 - O.1** The Respondent accepts the decision of the Head of School and the penalty imposed.
 - O.2** The Respondent does not accept the decision. The complaint shall be referred to a Disciplinary Board via the Disciplinary Officer (see Serious Offence procedures above).
 - O.3** Where the Respondent does not accept the penalty imposed by the Head of School, they have the right to appeal directly to the Disciplinary Officer who will adjudicate on the matter. The Disciplinary Officer may raise or lower or overturn the penalty imposed by the Head of School or leave it unchanged.
- P.** If no response is received from the Respondent within 5 working days from the date of communication then it shall be deemed that the Respondent accepts the decision and the penalty.

The Head of School shall inform the Disciplinary Officer, Complainant, Faculty Director and Faculty Administrator of the outcome of the investigation.

Serious offence

- Q.** The Disciplinary Board, having considered the case, shall decide on one of the following:
 - Q.1** No offence is deemed to have taken place. No further action will be taken.

- Q.2** An offence is deemed to have taken place. The Disciplinary Board imposes a penalty (see Appendix 5), having regard to the nature of the misconduct and taking into account the student's prior disciplinary record (if any) and any extenuating circumstances.
- R.** The Disciplinary Officer shall notify the Respondent of the decision of the Board. This notification will be by registered post.
- S.** The Respondent shall, within 5 working days of this communication, communicate a response to the Disciplinary Officer:
- S.1** The Respondent accepts the decision.
- S.2** The Respondent does not accept the decision and submits a Disciplinary Appeals Form to the Disciplinary Officer (see Appendix 6).
- T.** If no response is received from the Respondent within 5 working days from the date of communication then it will be deemed that the Respondent accepts the decision.
- The Disciplinary Officer shall inform the Head of School, Complainant, President of the Institute, Faculty Director and Faculty Administrator of the outcome of the Disciplinary Board.

Appeals against decisions of Disciplinary Boards

- U.** Appeals against decisions of Disciplinary Boards can only be made by the Respondent (hereafter known as the Appellant) on a Disciplinary Appeals Form (see Appendix 6) on one or more of the following grounds:
- U.1** New information that was not available to the Disciplinary Board has now come to hand.
- U.2** The procedures of the Institute in relation to Student Discipline have not been followed properly.
- U.3** The penalty imposed by the Disciplinary Board is considered too severe.
- V.** A Disciplinary Appeals Board shall be convened within 5 working days of an appeal being communicated to the Disciplinary Officer or their nominee.
- W.** The Disciplinary Appeals Board shall meet and seek to conclude this stage of the process within 5 working days of being first convened.
- W.1** The Appellant shall be notified by the Disciplinary Appeals Board of the date of the hearing of the Board at least 5 working days prior to that date. This notification will be by registered post.
- W.2** The Appellant shall be given every opportunity to state their case and shall have the right to be accompanied by a third party. They shall also be encouraged to seek advice from the Dublin Institute of Technology Students' Union.
- W.3** Where the Appellant intends to bring a lawyer as a third party, the Disciplinary Officer must be notified at least 3 working days before the hearing, and where prior notification is not given the Disciplinary Officer reserves the right to refuse the lawyer access to the proceedings at the Disciplinary Appeals Board.

- W.4** If the Appellant does not attend the hearing and does not offer sufficient or any extenuating circumstances for not attending then the Disciplinary Appeals Board shall proceed with the hearing as stated above.
- X.** The Chair of the Disciplinary Appeals Board shall inform the Appellant, Complainant, President of the Institute, Faculty Director, Faculty Administrator of the decision of the Disciplinary Appeals Board.
- Y.** The decision of the Disciplinary Appeals Board shall be final.

Dublin Institute of Technology

Disciplinary Panel and Boards

Terms of Reference

The Disciplinary Panel shall comprise 8/10 members of the staff of the Institute. It shall include a Chairperson and a Vice-Chairperson. Members of the Panel shall be appointed by Academic Council for a period of three years.

A Disciplinary Board shall be constituted from the Disciplinary Panel to investigate a complaint deemed to be a serious offence.

A Disciplinary Board shall be chaired by either the Panel Chairperson or Vice-Chairperson and shall comprise at least two other Panel members. *Note:* in cases where the Respondent is registered on a programme leading to a joint award of the Institute and another awarding institution, one of the two other members shall not be from the Panel but from the partner awarding institution.

Any member of the Disciplinary Panel who is an interested party in a specific case shall not be appointed to the Disciplinary Board to investigate that case.

The functions of a Disciplinary Board are to:

- investigate any complaint against a student of the Institute which is considered, if established, to be a serious offence
- impose penalties, as appropriate, where an offence is considered to have occurred
- investigate, where a Respondent so chooses, any complaint against a student of the Institute which, if established, is considered to be a minor offence.

The Disciplinary Panel shall maintain records on complaints received and prepare an annual report on its activities.

The Disciplinary Panel and Disciplinary Boards shall be supported and advised by the Disciplinary Officer.

Dublin Institute of Technology

Disciplinary Appeals Panel and Appeals Boards

Terms of Reference

The Disciplinary Appeals Panel shall comprise 8/10 members of the staff of the Institute. It shall include a Chairperson and a Vice-Chairperson. Members of the Panel shall be appointed by Academic Council for a period of three years.

A Disciplinary Appeals Board shall be constituted from the Disciplinary Appeals Panel to consider appeals referred to it by the Disciplinary Officer.

A Disciplinary Appeals Board shall be chaired by either the Panel Chairperson or Vice-Chairperson and shall comprise at least two other Panel members. *Note:* in cases where the Appellant is registered on a programme leading to a joint award of the Institute and another awarding institution, one of the two other members shall not be from the Panel but from the partner awarding institution.

Any member of the Disciplinary Appeals Panel who is an interested party in a specific case shall not be appointed to the Disciplinary Board to consider that case.

The Disciplinary Appeals Panel shall maintain records on appeals considered and prepare an annual report on its activities.

The Disciplinary Appeals Panel and Disciplinary Appeals Boards shall be supported and advised by the Disciplinary Officer.



APPENDIX 3

DRAFT STUDENT DISCIPLINARY COMPLAINT FORM

Notes

The Student Disciplinary Procedures state that any staff or student member of the Institute who becomes aware of apparent misconduct on the part of a student is expected and required to report this without undue delay. These and other Regulations are available to students at URL.

The form supported by evidence must be completed and submitted to the relevant Head of School as soon as possible after the event.

This form and any supporting evidence should be placed in an envelope and handed in to the relevant Head of School, ie the Head of the home school of the student against whom an allegation is being made. Complaint Forms may also be handed in to the Institute's Disciplinary Officer. The envelope should be clearly marked 'Student Disciplinary Complaint Form'.

Please complete this form **LEGIBLY** in **BLOCK LETTERS (using black ink)** or in **TYPESCRIPT**.

1. Complainant's name: _____
- Student Number:
(where applicable) _____
- Home address: _____

- Correspondence
address:
(if different from above) _____

- Telephone Number(s)
at which you may
be contacted: _____
- E-mail: _____
-
-

2. Name (if known)
of student against whom
the allegation is made: _____
- School/Department: _____
- Course: _____

Year / Stage: _____

3. DETAILS OF ALLEGATION

Please note that the Institute treats all information provided with strict confidence

Specify the nature of the complaint/allegation:

Date(s) on which alleged incident(s) occurred: _____

Location(s) at which alleged incident(s) occurred:

4. You should enclose any supporting evidence. List the evidence which you enclose. Please keep a copy of all supporting evidence you submit.

5. Please provide name(s) and contact details for any witnesses to the complaint/allegation:

Name:
Address:
Telephone no.

Name:
Address:
Telephone no.

Name:
Address:
Telephone no.

Name:
Address:
Telephone no.

6. Complainant's Signature: _____ Date: _____

For Official Use Only

Received by Head of School/Disciplinary Officer:

Date: _____

Signed: _____

Institute Student Disciplinary Procedures

Sample Behaviour Constituting Minor or Serious Offences

Not exhaustive and indicative only – examples for illustrative purposes

Save where otherwise indicated the conduct which may be considered by the Institute these procedures may occur on or outside of any Institute premises

| Minor Offence | Serious Offence |
|--|--|
| <ul style="list-style-type: none"> • Engage in disorderly conduct on Institute premises • Eating and/or drinking in areas where such activities are specifically prohibited • Consume alcohol at any time on Institute premises, except for special circumstances approved in advance • Remove, misuse, damage or use without authority Institute property or the property of any other student or member of staff (up to €150 replacement cost) • Enter off-limit areas without authorisation • Fail to identify oneself on request when properly and reasonably requested to do so • Littering the Institute premises | <ul style="list-style-type: none"> • Assault or abuse physically or verbally any other student or member of staff • Bully or harass, sexually or otherwise, any other student member of staff • Engage in conduct which disrupts or is likely to disrupt learning, teaching, research, examinations, practice / work placements, meetings, or the administration of the Institute • Remove, misuse, damage or use without authority Institute property or the property of any other student or member of staff (in excess of €150 replacement cost) • Contravene the DIT <i>Student Regulations Governing the Use of Computer Resources</i> • Falsify or misuse any Institute document, record, stamp, identification mark, seal or identification card • Interfere with fire fighting equipment or other safety equipment • Fail to comply with any reasonable instruction of a fire warden or other Institute officer • The consumption of alcohol or drugs so as to be incapable of exercising reasonable control • Smoking in unauthorised areas |

Institute Student Disciplinary Procedures

Suggested Penalties

Not exhaustive and indicative only – examples for illustrative purposes

| Penalty | Appropriate Response To |
|--|---|
| Reprimand or caution Written or verbal apology Withdrawal of privileges/limited access A fine of up to a maximum of €150 Reimbursement of the Institute for losses incurred through student misconduct The performance of unpaid community service to a maximum of 40 hours | <ul style="list-style-type: none"> • First minor offence • Breach of Student Regulations • Wilfully disobeying direction • Removal of/misuse of/damage to Institute property |
| Disciplinary Suspension | <ul style="list-style-type: none"> • Serious damage to Institute property or misuse of Institute facilities • Serious disruption to Institute activities and/or freedom to other persons • Repeat offences • Failure to comply with a previous penalty imposed for an offence |
| Expulsion | <ul style="list-style-type: none"> • Very serious offences, and repeat serious offences • Bullying or harassment, intimidation or interference with the freedom of a third party |



DRAFT STUDENT DISCIPLINARY APPEALS FORM

Notes

Appeals against decisions of Disciplinary Boards can be made on a Disciplinary Appeals Form on one or more of the following grounds:

- New information that was not available to the Disciplinary Board has now come to hand.
- The procedures of the Institute in relation to Student Discipline have not been followed properly.
- The penalty imposed by the Disciplinary Board is considered too severe.

The form must be completed, placed in an envelope marked 'Student Disciplinary Appeals Form' and submitted to the Disciplinary Officer within 5 working days of the communication of the decision of the Disciplinary Board.

Please complete this form in **LEGIBLY** in **BLOCK LETTERS (using black ink)** or in **TYPESCRIPT**.

1. Appellant's name: _____

Student Number: _____

Home address: _____

Correspondence address: _____
(if different from above) _____

Telephone Number(s) at which you may be contacted: _____

E-mail: _____

2. DATE AND DECISION OF DISCIPLINARY BOARD
Please note that the Institute treats all information provided with strict confidence

Date of Disciplinary Board hearing: _____

Decision of Disciplinary Board:

3. GROUNDS FOR APPEAL

Indicate the grounds upon which the appeal is made (tick as appropriate)

- (i) New information that was not available to the Disciplinary Board has now come to hand
- (ii) The procedures of the Institute in relation to Student Discipline have not been followed properly
- (iii) The penalty imposed by the Disciplinary Board is considered too severe.

4. STATEMENT OF APPEAL (may be continued on additional sheet(s))

5. Please specify the change you seek as a consequence of this Appeal?

6. The Appellant may, without prejudice, present his/her case to the Board.

Do you wish to present your case to the Disciplinary Appeals Board? Yes No

Do you wish to be accompanied by a third party? Yes No

Do you wish a third party to present your case? Yes No

7. Appellant's Signature: _____ Date: _____

For Official Use Only

Received by Disciplinary Officer:

Date: _____

Signed: _____

|