

DkIT Code of Conduct and Disciplinary Procedures

Code of Conduct and Disciplinary Procedures

Staff members are bound by the Staff Discipline Code. As a student member, you must observe the Student Code of Conduct. You need to inform yourself about the regulations that concern the use of particular Institute facilities, laboratories, procedures (including those relating to examinations and assessment) and equipment. Authorised members of the Institute can enforce these regulations under this Code.

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Code of Conduct

1 Introduction to the Code of Conduct

- 1.1 Dundalk Institute of Technology is an institution established by the Regional Technical Colleges Act, 1992.
- 1.2 The members of the Institute are
 - a the members of the Governing Body
 - b the members of the Academic Council
 - c the members of staff
 - d the registered students
 - e the graduates
 - f such other persons as the Governing Body may appoint as members.
- 1.3 The President is the Chief Officer of the Institute. The President, the Governing Body and the Academic Council perform the functions prescribed by the 1992 Act, and as may be directed by the Minister from time to time.
- 1.4 The Governing Body has overall responsibility for the regulation of Institute affairs. The Academic Council is responsible, subject to the approval of the Governing Body, for making the Academic Regulations of the Institute. The responsibility for controlling and directing the activities of the Institute and controlling the conduct and actions of the students rests with the President and with the Institute's delegated officers. These include the Registrar, Heads of School, Heads of Department, Librarian, Academic Administration & Student Affairs Manager, Computer Services Manager, Restaurant Manager and other duly authorised persons.
- 1.5 The Code of Conduct consists of the code published in this document and its appendices and any detailed regulations that relate to, or are published for specific areas or activities, for example, examinations, laboratories, workshops and the library. The Code also includes the regulations of HETAC and other relevant awarding authorities. When the Institute makes changes to the Code, they are approved by the Academic Council. Changes to other regulations are notified to the Academic Quality Sub-Committee and published in notices to students.
- 1.6 Copies of this Code are published annually and are available from the Academic Administration Office. You get a copy at registration and it will be on view in the Library, in School/Departmental Offices and at the Students' Union.

2 General Principles

- 2.1 All members and committees of the Institute shall observe natural justice and fair procedures in respect of this Code of Conduct, and no penalty will be imposed on you as a member of the Student Body except in accordance with this Code.
- 2.2 You should act in accordance with this Code of Conduct and with the published regulations of the Institute, and you should maintain acceptable standards of behaviour and act in a law-abiding, mature and honest fashion.
- 2.3 You should treat others with respect for their person and their rights, whether in the Institute or elsewhere, and avoid conduct which infringes upon the rights or lawful activities of others, or which brings the Institute into disrepute. You should treat Institute property and/or facilities with respect and not use them when you are not authorised to do so. This includes all property and/or facilities being used by or under the control of the Institute.
- 2.4 When you report for a class, laboratory, workshop session or if you seek to use any other Institute facility, the Institute staff member in charge has the right to exclude you, if in his or her opinion, you appear to be under the influence of alcohol, drugs, or other substances and/or if your behaviour represents a threat to yourself or others. In all such cases you may be required to produce medical certification confirming that you are fit to resume classes/activities. If you dispute this opinion, you must appeal in writing, outlining the grounds or reasons for the appeal within 5 working days to the appropriate Head of School/Department/Section. See Appendix C: Appeals C.1.
- 2.5 This Code applies:
 - * To all registered students of the Institute both on and off campus.
 - * To students on work experience where that is part of their programme of study.
 - * To students on exchange programmes in other Institutes.
 - * To students on off-campus assignments which are part of their programme of study.

* To acts or omissions of students when they are representing the Institute, or at any Club or Society, which would violate this Code if done in the Institute.

3 Student Identity Cards

- 3.1 A Student Identity Card is issued to you following registration. It is non-transferable and if you lose it or it is stolen or destroyed, you must report this to the Registrar's Office at once. You can get a duplicate card if you pay the appropriate fee.

- 3.2 The card remains the property of the Institute at all times. It is your proof that you are entitled to use the Institute's facilities. You must produce it or give it up on demand to any authorised member of Institute staff. You are entitled to ask the staff member to identify him/herself. In cases of emergency, a student may get a temporary identification form from the School Office.

4 Breaches of Code of Discipline

- 4.1 An act or omission by you
- * which adversely affects the rights of any other member of the Institute, or
 - * which disrupts the orderly and responsible conduct of any Institute activity, or which violates any Institute regulation or this Code, is a breach of the Code of Discipline.
- 4.2 Any alleged incident of unlawful behaviour may immediately be referred to the Garda Síochána. In the event of Gardaí investigating a student, the Institute reserves the right to additionally implement the disciplinary process.
- 4.3 Minor Offences: The following are defined as examples of minor offences:
- * Anti-social behaviour including, excessive noise, littering, nuisance behaviour, drunkenness and disorderly behaviour or the facilitation of such behaviour.
 - * Violation of detailed regulations.
 - * Disorderly conduct, including being unfit for admission to class, laboratory, workshop or other Institute facility.
 - * Being in unauthorised areas without permission.
 - * Failing to identify yourself to a member of Institute staff on request.
 - * Causing minor damage to Institute property.
- 4.4 Major Offences:
- The following are defined as examples of major offences:
- * Criminal damage, major or repeated incidences of anti-social behaviour including racism, excessive noise, littering, nuisance behaviour, drunkenness and disorderly behaviour or the repeated facilitation of such behaviour.
 - * Serious breaches of examination regulations including impersonation, copying, cheating or plagiarism.
 - * Giving false or misleading information to the Institute calculated to mislead or deceive.

- * Malicious destruction, damage or misuse of Institute property.
- * Forgery, alteration or misuse of any Institute document, record, stamp or identity card.
- * Forcible or unauthorised occupation of Institute buildings.
- * Physical abuse of another person. * Bullying.
- * Sexual harassment.
- * Unwanted interference with Institute's safety equipment, alarms, fire-fighting equipment or failure to comply with a reasonable request by staff with regard to situations that endanger life, health or property.
- * Repeated or aggravated incidents of minor offences.

4.4.1 Bullying is defined by the Health and Safety Authority as
 Repeated inappropriate behaviour, direct and indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

4.4.2 Harassment
 Equality legislation in Ireland defines harassment as any act or conduct (including spoken words, gestures, or the production, display or circulation of written words, pictures or other material), if the action or conduct is unwelcome to the recipient, and could reasonably be regarded as offensive, humiliating, or intimidating. The harassment has to be based on or motivated by one or more of the nine relevant characteristics of the person targeted. These are: Marital Status, Age, Sexual Orientation, Family Status, Race, Gender, Religious Belief, Disability and Membership of the Travelling Community.

4.4.3 Sexual Harassment
 The definition of sexual harassment is similar to that of harassment but with a sexual element. It includes any unwelcome act of physical intimacy, unwelcome request for sexual favours, other acts or conduct including spoken words, gestures, or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating. It does not refer to human interaction or behaviour that is mutually acceptable to the parties involved.

4.4.4 Bullying, Harassment and Sexual
 Harassment may be dealt with by a separate and specific Institute policy. In this event, the Institute will advise students accordingly.

5 Reporting Offences

- 5.1 A student who wishes to make a complaint should do so either to his/her Head of Department or to the Disciplinary Officer.
- 5.2 The Head of School/Department/Function or other authorised Institute officer is responsible for maintaining order in particular areas of responsibility and for the administration, in the first instance, of the Institute's Code and regulations. Cognisance should be given to point 2.4. Where there is an immediate issue that needs to be dealt with to maintain order the appropriate Head of School, Department, Section may suspend a student for a specified time providing them with written notification of their decision and the appeals mechanism. Every student is responsible in the first instance to this official for his/her acts or omissions. If he/she reasonably believes a penalty might be imposed on you under this Code of Discipline, he/she will:
 - a inform you of the alleged offence;
 - b verify your student identity, and
 - c report the matter to the Disciplinary Officer together with details of the alleged offence.
- 5.3.1 In the case of minor offences the Head of School/Department/function or that officer's deputy may act in place of the Disciplinary Officer.
- 5.3.2 When the Disciplinary Officer receives a report under 5.2 (c) above, he/she will consult with at least two other persons who, under Appendix B of this Code, can be members of the Institute's Disciplinary Committee. They will decide whether the incident appears to be a major or a minor one.
- 5.4 If not previously involved, the appropriate Head of School/Department/Function will be notified of any alleged offence, and this person may make a written submission to the Disciplinary Officer.
- 5.5 If the Disciplinary Officer, in consultation as above in 5.3.2, finds that you have committed a minor offence, he/she may impose what he/she considers a suitable penalty on you. This process will normally be completed and the outcome notified to you within fifteen working days from the report of the incident. When you accept this finding, the incident, under this Code, is regarded as closed.
- 5.6 The procedures described in the remaining parts of this Code apply
 - * if you do not accept this finding, or
 - * if you do not comply with any penalty, or

- * if the Disciplinary Officer finds that you have committed a serious offence, the 15-day period mentioned in 5.5 may be extended by the Disciplinary Officer only when it is in the interest of the student. Any incident that is not proceeded within the timescale above will lapse.

Appendix A: Major Offences, Procedures & Penalties

A.1 If the Disciplinary Officer has decided that a major offence appears to have been committed, the Institute Disciplinary Committee will deal with the matter. The Disciplinary Officer will

- * Give you five working days notice in writing of the meeting of this Committee;
- * Notify you of the alleged offence; your right to be represented and to make personal representations;
- * Send you a copy of the Institute's Code of Student Discipline and of the evidence against you, including the report sent to the Discipline Committee by the Disciplinary Officer.

If you are a student on an Institute programme, which is jointly sponsored or provided with another provider, that provider will have the opportunity to nominate an extra member to any disciplinary hearing.

A.2 After the meeting of the Discipline Committee, its chairperson will notify you (in writing within three working days) of its decision, any penalty and any rights of appeal against its decision. If you fail, within one month of receiving this notice, to comply with the decision of the committee, you commit a further offence, and so you may be liable for further disciplinary action. If a charge of misconduct is not proceeded with inside 25 working days, it will lapse and you will not be liable for further proceedings in regard to it.

A.3 However, notwithstanding A.2 above, in exceptional circumstances, such as a student(s) facing criminal charges, or unavoidable changes or absences of staff, the Discipline Committee may extend this period and give you written notice of this decision.

A.4 If the Discipline Committee decides that your conduct was a breach of the Code of Student Conduct, it may impose any of the following sanctions, or others, or a combination of them, which it judges appropriate:

- * A fine of not more than €1,000;
- * Temporary or permanent exclusion from certain Institute facilities, events or activities;
- * Suspension from the Institute for a stated period or until loss or damage is made good;
- * Being disqualified from examinations or examination sessions for a stated period;

- * Being excluded from having results, grades or assessments considered by an examination board;
- * Temporary or permanent expulsion from the Institute;
- * Deprivation or withholding of any award, prize or qualification;
- * Imposition of voluntary work in the Institute or the community in lieu of financial penalty;
- * Require you to surrender your student identity card for a specified period.

The Committee may also require you to make an apology to any person offended by your conduct.

Appendix B : The Discipline Committee

- B.1 The Institute will designate a panel of members who will be eligible to be members of a Discipline Committee from among the following:
- * The Academic Administration and Student Affairs Manager (AASAM) (or a duly appointed substitute) who shall be chair of the committee;
 - * A student who is a member of the Academic Council or who is appointed by that Council or who
 - * Is a registered post-graduate research student, or is eligible for appointment in accordance with a previously minuted decision by the Academic Council;
 - * The Heads of School or Heads of Department who are not the heads of your school or department, academic staff members nominated by heads of School.
 - * The committee may obtain the advice of relevant experts.
- B.2 The quorum for a meeting of the committee will be at least two members, including the chairperson (or deputy). The composition of the panel will, as far as practicable, take account of the need for an appropriate level of gender balance in the light of your gender and the circumstances of the conduct.
- B.3 If the Committee cannot meet, for any reason whatever, the Academic Administration and Student Affairs Manager, or his/her deputy, may act in lieu of the Committee. If a person who might otherwise be a member of the Discipline Committee has previously been involved in the case, he/she shall not be a member and shall be replaced by an alternate.
- B.4 You are entitled to the presence of an advocate of your choice. Both you and the discipline committee will be entitled to be heard and to respond and afterwards, the chairperson will invite both sides to address concluding remarks to the discipline committee.
- B.5 The Discipline Committee will consider its decision in private. If the decision is that your conduct is a breach of the student code the Committee will ask both sides to make submission to it about the penalty to be imposed.
- B.6 The Committee will consider these representations and decide on the penalty. It will inform you of its decision in writing within one week of the end of the meeting.

Appendix C : Appeals

- C.1 Discipline Code Decisions by the appropriate Head of School, Department, Section and the Disciplinary Officer may be appealed in writing stating the grounds or reasons for the appeal within 10 working days, either by you or by any other complainant, to the Institute's Discipline Committee. Such a decision may not be further appealed under this Code.
- C.2 The Discipline Code Appeals Committee must hear any appeal against a decision by the Discipline Committee. You have three working days only from notification of the disciplinary decision, in which to bring an appeal. You must do this in writing to the Academic Administration and Student Affairs Manager's Office and state the following: the grounds or reasons for the appeal, the appropriate written evidence or notice of whatever new oral evidence supports the appeal.

An appeal can go forward only if you can show that:

- * There was a substantial irregularity in the making of the original decision; or you can bring new evidence which could materially affect the decision; or
- * There were extenuating factors which could affect the decision and the parties to the original decision were unaware of these; or
- * Bring forward any matter which the Appeals Committee deems proper to consider.

- C.3 The Discipline Committee or (where appropriate) the Appeals Committee will consider the appeal submission and decide whether to allow the appeal to go forward. Where it so decides, the Appeals Committee will receive a report from the Disciplinary Officer or from the Discipline Committee. This report will contain notice of the decision under appeal, the evidence and the penalty imposed and the student will receive a copy of this material at least two working days before the meeting to consider the appeal. Where it decides that the appeal shall not go forward, it will send the student a written notice of this from the Disciplinary Officer within five working days of the decision.
- C.4 In an appeal hearing, the student or appellant shall be first to present his/her case, and then the Disciplinary Officer (or other Institute officer) shall be heard. After this the student or appellant is entitled to be heard in reply. The Appeals Committee will be entitled, at its discretion, to hear such evidence as it deems fit. If the appeal is against a penalty the Appeals Committee may uphold, set aside or vary the original decision. If the offence was a minor one, the revised penalty may exceed the maximum penalty normally to be imposed in such cases.

C.5 Composition of Appeals Committee: The Registrar of the Institute (or Nominee) acts as chair of the appeals committee. Its members will be the Registrar (or Nominee), the Vice- Chair of the Academic Council (or Nominee), or (if this Vice- Chair is a member of the student's school), a member of the Academic Council nominated by the Registrar from a different school. The Appeals Committee acts on behalf of the Board of Governors and the Academic Council in the matter of appeals. Amendments to the Code of Conduct and Disciplinary Procedures will be made from time to time, and these will be included in later editions. Where amendments to this Code are made and a later edition of the Code incorporating these is not yet available, details of amendments will be displayed on notices in the Institute and will be available from the Academic Administration and Student Affairs Manager's Office, the Library, the Students' Union and School Offices.

