

## Student Code of Conduct and Disciplinary Procedure

<b>Date approved:</b>	26/05/2023	<b>Date policy will take effect:</b>	01/09/2024	<b>Date of Next Review:</b>	01/09/2027
<b>Approving Authority:</b>	Academic Council				
<b>Responsible Department/Office</b>	Registrar's Office				
<b>Consultation undertaken:</b>	Academic Council				
<b>Supporting documents, procedures &amp; forms of this policy:</b>	Student Appeals Form				
<b>Reference(s): DkIT Policies and Procedures</b>	Academic Integrity Policy and Procedures. Regulations for the Conduct of Examinations. Conduct of Examinations Guidelines (In-Class Assessments). Work Placement Common Procedures. Work Placement for Social Care Common Policies and Procedures. Fitness to Practice Policy and Procedures. ICT Acceptable Usage Policy. Social Networking Policy. Dignity at Work (Bullying and Harassment) Policy.				
<b>Audience:</b>	Public – accessible to anyone				
<b>Category:</b>	Student Regulations				

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## 1 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	01/09/2023	Academic Council (Meeting No. 187; Motion: 187:08; Document(s): AC:DOC:187:09:01).	Complete review of policy. This policy and procedure replace the existing Student Code of Conduct and Disciplinary Procedure.

## 2 Introduction and Purpose

The purpose of the Student Code of Conduct (referred to as “the Code”) is to set out the standard of conduct expected of students so that they can undertake their studies in a safe, healthy, student-centred and inclusive community. It promotes the core values of the Institute as outlined in the Strategic Plan and the Institute’s commitments and expectations regarding expected standards of conduct as outlined in the Student Charter and specifies examples of offences that would be in breach of this Code. These examples are not intended to be exhaustive.

The accompanying Disciplinary Procedure explains the range of steps the Institute may take when a complaint or allegation is made against a student. The Institute will take account of particular circumstances of each individual case and ensure that all cases of alleged misconduct are handled in a supportive way.

## 3 Scope of the Policy

- 3.1 This Policy applies to all registered students of the Institute both on and off campus if representing the Institute including Work Placement and other occasions when identifiable as students of the Institute.
- 3.2 The Institute reserves the right to take appropriate action, including disciplinary proceedings, where there is an alleged breach of the Student Code of Conduct.
- 3.3 Where a student withdraws from the Institute during proceedings under this Code, the Code will not normally apply in the student’s absence. The Institute may resume proceedings under the Code should the student return to the Institute.
- 3.4 Breaches of the Code within the Students Union will normally be dealt with through their own procedures. Exceptionally, and after consultation with the Student Union (SU) President, such alleged breaches may be referred by the Student Union to be dealt with under this code.
- 3.5 The Institute shall take no account of misconduct prior to enrolling as a student, which has subsequently been revealed, unless the conduct is of such a serious nature that it raises safety concerns for the Institute community or has implications for all Institute activity both on and off site and it may then be dealt with under this procedure.
- 3.6 An alleged incident of unlawful behaviour may immediately be referred to An Garda Síochána. The Institute may pause any relevant disciplinary process pending the outcome of a Garda investigation.
- 3.7 For students registered on programmes that lead to professional qualifications and/or license to practise the matter may result in a referral to the Institute *Fitness to Practise*

## *Policy and Procedures.*

- 3.8 When a concern is raised that falls under the jurisdiction of more than one policy, the Registrar (or appropriate nominee of the Registrar) shall decide which of the Institute's policies shall take priority in the context of the particular circumstances of the case. It is possible that more than one policy may be invoked in relation to the same matter. Under no circumstance shall proceedings be invoked against a student in relation to a single matter under more than one policy.

## **4 Roles and Responsibilities**

- 4.1 The Institute's 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 activities of the Institute and the conduct of students rests with the President and the Institute's delegated officers. These include the Vice-President for Academic Affairs and Registrar, Heads of School, Heads of Department and Heads of Functional Areas. When the Institute makes changes to the Code, they are approved by the Academic Council, noted to Governing Body and published in notices to students.
- 4.2 All staff in the Institute are expected to ensure that the Code of Student Conduct is maintained. Staff have the right to request identification by a student, where they believe, with good cause, that a breach of the Code may have occurred. Students are entitled to ask staff to identify themselves.
- 4.3 Student conduct is monitored and dealt with by the Head of School/Department/Functional Area with responsibility for maintaining conduct in particular areas of responsibility as necessary and for the effective and efficient resolution of student conduct issues.

## **5 Definitions**

- 5.1 The following definitions apply to the persons or their nominees/committees involved in the disciplinary procedures:

<b>Person/Committee</b>	<b>Definition/Role</b>
<i>Complainant</i>	Staff member or student who reports a breach of the Student Code of Conduct.
<i>Respondent</i>	Student against whom the alleged misconduct/breach of this Code of Conduct and associated procedures refers.
<i>School Disciplinary Advisor</i>	Academic staff member who has received disciplinary training and can be a member of a Student Conduct Committee.  The School Disciplinary Advisor is a member of the School Disciplinary Advisor Panel. The School Disciplinary Advisor Panel is a panel of academic staff which is appointed by the Academic Council on the recommendation of

	the Registrar's Office.
<i>Appellant</i>	The Respondent who appeals the decision of the Student Disciplinary Committee.
<i>Student Conduct Meeting</i>	Stage 1 of the Formal Procedure.
<i>Student Conduct Committee</i>	The Student Conduct Committee conducts the initial investigation of an alleged breach of the Code during Stage 1 of the Formal Procedure. The Student Conduct Committee may make a decision with respect to the alleged breach and determine appropriate action in relation to this decision and/or may refer the allegation to the Student Disciplinary Committee for further investigation and decision.
<i>Student Disciplinary Meeting</i>	Stage 2 of the Formal Procedure.
<i>Student Disciplinary Committee</i>	The Student Disciplinary Committee is appointed by the Institute to investigate and/or adjudicate an alleged breach of the Code of Conduct during Stage 2 of the disciplinary procedure. The Student Disciplinary Committee make a decision on the allegation and determine appropriate action.
<i>Student Appeals Committee</i>	A Student Appeals Committee is appointed by the Institute to review an investigation and findings of an alleged breach of the Student Code of Conduct conducted under the formal Stage 2 of the Disciplinary Procedure. The Committee is convened from the membership of the Student Appeals Committee Panel. The Student Appeals Panel is a panel of academic and professional support staff which is appointed by the Academic Council on the recommendation of the Registrar's Office.

5.2 The following definitions apply to the processes involved in the disciplinary procedures:

<i>Finding/Decision</i>	The ruling of whether a breach of the Code of Conduct has occurred. This can be the decision of the Student Conduct Committee or the Student Disciplinary Committee.
<i>Penalty</i>	A punitive action that is imposed on a Respondent when a decision is made that misconduct has occurred.

<i>Outcome</i>	The outcome is the combination of the decision (whether an alleged breach is upheld or rejected) and the penalty.
<i>Appeal</i>	A request by a Respondent for the decision and / or the penalty to be reconsidered on specified grounds.
<i>Days</i>	Meaning a “working day” which is interpreted as a day which is not a Saturday, Sunday or a public holiday.
<i>Disciplinary Hold</i>	A disciplinary hold prevents a student from accessing their academic record or being conferred.

## 6 Interaction with Other Institute Policies

- 6.1 Expected standards of behaviour, including online or through social media, are supported by a number of Institute policies and regulations that relate to, or are published for specific areas or activities, for example, laboratory, workshop and library rules and regulations. A major breach of these may, where appropriate, be dealt with through the Disciplinary Procedures of this Student Code of Conduct.
- 6.2 These policies and regulations include, but are not limited to:
- Academic Integrity Policy and Procedures.
  - Regulations for the Conduct of Examinations.
  - Conduct of Examinations Guidelines (In-Class Assessments).
  - Work Placement Common Procedures.
  - Work Placement for Social Care Common Policies and Procedures.
  - Fitness to Practice Policy and Procedures.
  - ICT Acceptable Usage Policy.
  - Social Networking Policy.
  - Dignity at Work (Bullying and Harassment) Policy.
- 6.3 The Institute has a separate procedure for investigating complaints of bullying, harassment and sexual harassment made against staff or students, the “*DkIT Dignity at Work Policy and Procedures*”. Where an investigator, under the Dignity at Work complaint procedure, upholds a complaint of bullying, harassment or sexual harassment against a student, the matter will be referred to Stage 2 of the Disciplinary Procedures, to be dealt with as a major breach of the Student Code of Conduct.

## 7 Code of Conduct

- 7.1 The Institute is committed to promoting a safe, healthy, student-centred, and inclusive community. Students are expected to familiarise themselves with and comply with this Code of Conduct and with all other relevant Institute regulations and policies and are expected to:
- 7.1.1 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.
- 7.1.2 Treat Institute property and facilities with respect and not use them when not authorised to do so. This includes all property and facilities being used by and/or under the control of the Institute.
- 7.2 When students report for a class, laboratory, workshop session or seek to use any other Institute facility, the Institute staff member in charge has the right to exclude them, if

in their opinion, they appear to be under the influence of alcohol, drugs, or other substances and/or if their behaviour represents a threat to themselves or others. Students may be required to produce medical certification confirming that they are fit to resume classes/activities.

- 7.3 A Student Identity Card is issued following registration as proof of entitlement to use the Institutes facilities and services. The card remains the property of the Institute at all times. It must be produced on request to any authorised member of Institute staff. Failure of a student to provide proof of identification on campus is considered a breach under this Code. Students are entitled to ask the staff member to identify themselves.
- 7.4 The following are examples of what constitutes misconduct. These examples are not intended to be exhaustive.

<b>General Misconduct</b>	<b>Minor</b>	<ul style="list-style-type: none"> <li>• Littering;</li> <li>• Minor incidents of disorderly conduct;</li> <li>• Eating and drinking in unauthorised areas;</li> <li>• Smoking in unauthorised areas;</li> <li>• Causing minor damage to Institute property;</li> <li>• Being in unauthorised areas without permission</li> <li>• Failing to identify oneself on request.</li> </ul>
	<b>Major</b>	<ul style="list-style-type: none"> <li>• A major breach of another Institute Policy;</li> <li>• Forgery, alteration or misuse of any Institute document, record, stamp or identity card;</li> <li>• Anti-social behaviour including, excessive noise, nuisance behaviour, drunkenness and disorderly behaviour or the facilitation of such behaviour;</li> <li>• Disorderly conduct including being unfit for admission to class, workshop or to any Institute facility;</li> <li>• Unwanted interference with Institute 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;</li> <li>• Giving false or misleading information to the Institute calculated to mislead or deceive;</li> <li>• Causing destruction, damage or misuse to Institute property;</li> <li>• Abuse of another person;</li> <li>• Animal cruelty or neglect;</li> <li>• Possession of offensive weapon(s);</li> <li>• Possession of illegal drug(s);</li> <li>• Pilfering.</li> </ul>

## 8 Immediate Action to Manage Risk

- 8.1 Where a potential breach of the Code arises, the relevant staff member should instruct the student(s) to cease the activity deemed to be a breach. The staff member may request the student to leave the class or area as appropriate. If the student refuses to comply, the class may be dismissed and a written report provided to the Head of Department or Functional Area.
- 8.2 As an initial response to the seriousness of allegations or concerns that have arisen and prior to the completion of the student conduct process, the Head of Department/Functional Area, in consultation with their Head of School or relevant

- Vice- President or their relevant nominee, may make a recommendation, to the Vice-President for Academic Affairs and Registrar, to impose a temporary suspension on a student to ensure the safety and well-being of members of the Institute community, or to ensure the Student's own physical or emotional safety and well-being.
- 8.3 The temporary suspension will be imposed the Vice-President for Academic Affairs and Registrar or their appropriate nominee on the following basis:
- 8.3.1 Such suspension is temporary and necessary to protect the Institute community and on balance, the Vice-President for Academic Affairs and Registrar is of a view that the duty of care owed to others is overriding in the particular circumstances.
  - 8.3.2 Temporary suspension may be limited to certain premises or Institute activities or modules of study.
  - 8.3.3 Temporary suspension shall not be regarded as an indication as to whether or not an allegation is proven.
  - 8.3.4 In certain circumstances, communication of temporary suspension may be verbal and shall take effect as the Vice-President for Academic Affairs and Registrar deems appropriate. A verbal communication of temporary suspension shall be confirmed in writing as soon as is practicable.
  - 8.3.5 All temporary suspensions shall be reviewed on a regular basis by the Vice-President for Academic Affairs and Registrar in consultation where appropriate, with other relevant Offices of the Institute.
  - 8.3.6 All temporary suspensions under this section will be notified to the Academic Council at its next scheduled meeting by the Vice President for Academic Affairs and Registrar. The Vice-President for Academic Affairs and Registrar will update Academic Council at its scheduled meetings for the duration of that temporary suspension.
  - 8.3.7 Every reasonable effort will be made to continue to support the student's academic studies so that, insofar as possible, the student is not disadvantaged academically.
  - 8.3.8 Temporary suspension shall be for no longer than the time necessary for an investigation under the formal procedures below to be completed and/or the Student Disciplinary Committee to have been convened, heard and decided on the matter or for an Appeal to have been heard and decided upon.
  - 8.3.9 This power shall be exercised with caution and with due regard to natural justice and fair procedures.
- 8.4 Once the suspension has been initiated the Head of Department/Function shall initiate the disciplinary process.
- 8.5 In the event a temporary suspension has a duration beyond three weeks, a student can request that the decision of temporary suspension be referred to the President for review. The President's decision shall be final.



## 8.6 Disciplinary Procedure

- 8.7 The Student Disciplinary Procedure is intended to provide a clear, transparent and fair process for dealing with allegations of student misconduct ensuring that those involved are made aware of appropriate support and that issues are dealt with in a reasonable timeframe.
- 8.8 This procedure will be used when a student's alleged behaviour is regarded as a breach of the Code of Conduct or associated regulations and will seek to establish if a particular incident(s) took place, if it represents a breach of the Institutes regulations including this Code, and to determine what measures should be taken to address a breach.
- 8.9 Students are required to familiarise themselves with the Institute Code of Conduct and Disciplinary Procedures and associated regulations, attend and participate in Student Conduct and Student Disciplinary meetings when invited to do so and comply with decisions taken at these meetings.
- 8.10 All members of the Institute shall observe natural justice and fair procedures in respect of this Code of Conduct. The standard of proof that will normally apply in the operation of these procedures is 'the balance of probability'. This means that when the evidence is reviewed, an objective assessment will be made to determine whether it is more likely than not that the alleged misconduct occurred.
- 8.11 Students are entitled to be accompanied by a support person/representative at all Conduct and Disciplinary meetings. This could be a fellow student, Student Union Representative, member of staff, family member or personal friend. The representative may attend in a support capacity and may not speak on behalf of the student. As the disciplinary procedures are not a criminal process legal representatives are not considered appropriate for offences under these regulations.
- 8.12 **Reporting a Breach of the Code of Conduct**
- 8.12.1 Reports of alleged misconduct from other students, staff or external sources such as members of the public can be dealt with under this code.
- 8.12.2 Anonymous complaints will not be normally considered.
- 8.12.3 Reporting alleged breaches of the Student Code of Conduct can be made in writing with evidence to the relevant Head of Department/Function (normally using a *Student Misconduct Report*).
- 8.12.4 Reporting mechanisms, to the Student Code of Conduct and Disciplinary Procedures, for other institute policies will be followed as outlined in those policies.

## 9 Dealing with Breaches of the Student Code of Conduct

- 9.1 Appendix 1 outlines the process to be followed on receipt of an allegation of a breach to the Student Code of Conduct.
- 9.2 **Informal Procedure**
- 9.2.1 The Institute encourages that minor student conduct issues be resolved at the level closest to the relevant parties. Heads of Department/Function will normally be responsible for making an initial assessment regarding reports of misconduct and will determine whether the matter can be dealt with locally with appropriate guidance and/or training.
- 9.2.2 Guidance might be appropriate where:
- Other people have not suffered;

- Damage is minor and can be repaired quickly by the student;
- Minor academic misconduct has occurred;
- Guidance is likely to resolve a once-off issue.

9.2.3 Where it is not possible or appropriate to resolve an issue locally or where further investigation is required the matter may be escalated to Formal Procedure - Stage 1 – Student Conduct Meeting and Investigation (see Section 10.3).

9.2.4 Where a student's behaviour is considered to be a major breach of the Student Code of Conduct, or if an alleged breach of any policies, regulations or agreements is of such gravity or urgency, the matter may be escalated directly to Formal Procedure - Stage 2 - Student Disciplinary Meeting (see Section 10.4).

### 9.3 **Formal Procedure - Stage 1 – Student Conduct Meeting and Investigation**

9.3.1 The Head of School shall appoint a Student Conduct Committee to investigate and adjudicate any allegation of general misconduct referred to Stage 1 of the Disciplinary Procedures.

9.3.2 The Student Conduct Committee shall consist of the following:

- Head of Department as Chair who has not been involved in the informal procedure (see Section 10.2);
- School Disciplinary Advisor. A School Disciplinary Advisor is an academic staff member who has received disciplinary training and is a member of a Student Conduct Committee. The School Disciplinary Advisor is drawn from the School Disciplinary Advisor Panel. The School Disciplinary Advisor Panel, which is maintained by the Registrar's Office, is a panel of academic staff which is appointed by the Academic Council on the recommendation of the Registrar's Office.

9.3.3 The student, against whom an allegation of breach of the Code of Conduct is made, will be contacted by their Head of Department/Function or their nominee and invited to attend a Student Conduct Meeting.

9.3.4 The Respondent will be notified in writing, through their student email, normally two days in advance of the Student Conduct Meeting. The notification will contain the following:

- Details of the allegation;
- Policy under which the allegation is being investigated;
- Notice of the Respondent's entitlement to be accompanied by a support person/representative.
- Where the Respondent fails to attend the Student Conduct Meeting a second meeting will be convened. Should the Respondent fail to attend the second convened meeting, the matter will be referred directly to Formal Procedure Stage 2 - Student Disciplinary Committee.
- Notice that if, during the meeting, the Respondent is not willing to engage and proceed with the Student Conduct Meeting, the meeting will then be suspended, and the matter will be referred directly to Formal Procedure Stage 2 - Student Disciplinary Committee.
- Notice of the Respondent's right and the Institute's right to refer the matter directly and without decision to Stage 2 for further investigation and

adjudication by the Student Disciplinary Committee, at any stage during the meeting.

- 9.3.5 The purpose of a Student Conduct Meeting is to explore the allegation with the student. The Student Conduct Committee will determine whether the case can be concluded at the meeting, or if the matter should be escalated to Stage 2.
- 9.3.6 The allegation made against the student will be outlined and they will be asked to respond to the allegation and to confirm if they accept or reject the allegation.
- 9.3.7 An independent note-taker will attend and a record of the meeting will be retained, a copy of which will be sent to the student within three days following the Student Conduct Meeting.
- 9.3.8 At the conclusion of the Student Conduct Meeting, the Student Conduct Committee may:
- Dismiss the complaint/allegation with no further action;
  - Uphold the alleged minor breach and if appropriate apply a penalty in line with a minor breach (Refer to Appendix 2);
  - Escalate to Formal Procedure Stage 2 - Student Disciplinary Committee.
- 9.3.9 Decisions will be made based on all the information available, including the evidence presented, the student's response to the allegation and the nature and seriousness of the matter.
- 9.3.10 The outcome of the conduct meeting will be communicated in writing to the student, normally within five days. Where a finding has been made by the Chair of the Student Conduct Committee, the Respondent shall be informed of their right to appeal the decision, the procedure for lodging an appeal and the time limit for lodging an appeal.
- 9.3.11 The Complainant/reporting party will be advised that the matter has been dealt with.

#### **9.4 Formal Procedure - Stage 2 - Student Disciplinary Meeting**

- 9.4.1 The Institute's Academic Council shall appoint a Student Disciplinary Committee to investigate and adjudicate on any allegation of misconduct referred to Stage 2 of the Disciplinary Procedures.
- 9.4.2 The Institute will appoint a panel who will be eligible to be members of a Disciplinary Committee from among the following:
- The Head of Academic Planning and Quality Assurance or the Academic Administration and Student Affairs Manager (or a duly appointed substitute) who shall chair the Student Disciplinary Committee. The Head of Academic Planning and Quality Assurance will normally chair academic misconduct cases and the Academic Administration and Student Affairs Manager will normally chair general misconduct cases.
  - Heads of School, Heads of Department/Function who are not from the student's Department or School.
  - A staff member who is an elected member of Academic Council.
  - A student who is a full-time member of the Students Union or a registered postgraduate research student.

- The Committee may also obtain the advice of relevant experts (if applicable).
- 9.4.3 A Secretary shall also be appointed to support the Student Disciplinary Committee. So far as possible, membership of the Student Disciplinary Committee will be representative and will take into consideration equality representation such as gender balance.
- 9.4.4 The minimum number of members required for any meeting of the Student Disciplinary Committee will be three including either the Chair or Deputy Chair. For the avoidance of doubt, the Student Disciplinary Meeting may be held by teleconference or such other electronic means as is deemed appropriate by the Chair (or in their absence by the Deputy Chair).
- 9.4.5 The Respondent should be notified in writing, by the Secretary of the Disciplinary Committee, through their student email, of the date and time of the Student Disciplinary Meeting five working days in advance of the hearing. The Respondent will be notified of the:
- Details of the allegation;
  - All relevant evidence that the complainant intends to rely on at the hearing, including the summary note of the Student Conduct Meeting and any other relevant material;
  - Notice of the Respondent's entitlement to be accompanied by a support person/representative;
  - Their entitlement to provide written submission(s) to the Student Disciplinary Committee in advance of the hearing;
  - Their entitlement to request the participation of witnesses with two days' advance notice given to the Student Disciplinary Committee prior to the commencement of the hearing;
  - Notice of the witness to be called by the Institute.
- 9.4.6 In circumstances where the referral to the Student Disciplinary Committee was made where the Respondent did not attend the Stage 1 Student Conduct Meeting or where the Stage 1 Student Conduct Meeting was suspended, the Respondent will be asked to admit or deny the allegation. If the Respondent accepts that the substance of the allegation is true, the Student Disciplinary Committee may proceed to determine an appropriate penalty. The Respondent may make submissions regarding a penalty.
- 9.4.7 If the Respondent denies the allegation the following steps will be taken:
- All evidence shall be heard in the presence of the Respondent and their support person and the Respondent shall be given an opportunity to cross-examine any witnesses called by the Student Disciplinary Committee who likewise may cross-examine witnesses called by the Respondent;
  - Both the Respondent and the complainant will be given the opportunity to offer evidence and present witnesses;
  - The Student Disciplinary Committee may ask questions of both the Respondent and the complainant;
  - The Student Disciplinary Committee will deliberate in private and will be

entitled to seek advice during its deliberations.

- Decisions will be taken by a simple majority and will be made on the balance of probabilities. In the case of a tied vote, the Chair (or their nominee) shall have a casting vote.
- The decision of the Student Disciplinary Committee will normally be communicated to the Respondent at the end of the Student Disciplinary Meeting and where the allegation has been proved against the Respondent, the Respondent will be given the opportunity to make submissions in regard to penalty.
- The Decision and Outcome will be issued to the Respondent by email within seven working days after the meeting and will outline the appeal procedure.
- The Chair of the Student Disciplinary Committee may terminate the hearing if the conduct of the Respondent or the support person renders compliance with the procedures impossible or impracticable.

9.4.8 Where a Respondent fails to attend a Student Disciplinary Meeting, a second meeting will be convened. Should the Respondent fail to attend the second convened meeting, the meeting will proceed in the absence of the Respondent and a decision will be taken on the evidence to hand.

## 11. Appeals

- 11.1 The Institute is committed to providing students with the right to appeal, on permitted grounds, against decisions relating to student conduct.
- 11.2 The Institute's Academic Council shall appoint a Student Appeals Committee to review an investigation and findings of an alleged breach of the Student Code of Conduct conducted under the formal Stage 2 of the Disciplinary Procedure.
- 11.3 An appeal may be made to the Institute's Student Appeals Committee, through the Registrar's Office, within ten working days from the date of issue of the decision of the Student Disciplinary Committee.
- 11.4 Appeals may be made on the following grounds:
- **New evidence:** Information directly relevant to the decision, which for good reason was not available to the Student Disciplinary Committee. This may include an appeal against a penalty made on grounds that the penalty is unreasonable, in light of new evidence presented.
  - **Procedural irregularity:** There is evidence that the procedures relating to a decision were not followed properly, which may have impacted on the Student Disciplinary Committee's decision.
  - **Disproportionate outcome or penalty:** The penalty applied was disproportionate with regard to the circumstances of the case.
- 11.5 Appeals must be submitted to the Registrar's Office using the *Student Appeals Form*. Forms must be completed in full with evidence provided as appropriate. Student Appeals must be submitted within 10 working days of the notification or publication of the decision. The Student Appeals Form and supporting documentation will be shared with the original decision-making body and with relevant staff involved in administering and considering the appeal. DkIT will aggregate, analyse and evaluate information collected during the Student Appeals process as part of ongoing continuous improvement activities. No individual will be identified from data collected for statistical purposes.

- 11.6 An Appeal will not be accepted if it (1) does not fall under the stated grounds for an appeal (2) does not include the evidence to support the appeal and (3) is not submitted within the stated timeframe.
- 11.7 Appeals submitted after the deadline will be regarded as late and will not normally be accepted. The Institute may accept a late appeal in exceptional circumstances, at its discretion, where an explanation and supporting evidence are provided.
- 11.8 Appeals will normally be processed within thirty working days. Students will be notified if a delay occurs and advised when a decision will be made. All decisions of the Institute remain in force until the appeals process is completed.
- 11.9 A Student Appeals Committee will be convened from the membership of the Student Appeals Committee Panel. The Student Appeals Committee Panel, which is maintained by the Registrar's Office, is a panel of academic and professional support staff which is appointed by the Academic Council on the recommendation of the Registrar's Office. The Committee, which should be gender balanced, shall be composed of a Chair and two members of the Student Appeals Committee Panel. Student Appeals Committee Panel members will be selected to review appeal cases according to their Institute role and experience. For appeals involving academic procedures the Student Appeals Committee will be drawn from academic staff who are members of the Student Appeals Panel.
- 11.10 Members of the Student Appeals Panel will not be requested to participate in Student Appeals Committees involving students from their School or programmes that they teach on. Also, no member of the original decision-making body or individuals who provided administrative support may serve on or support the Student Appeals Committee. Committee members must withdraw themselves from the appeals process should any such conflict arise.
- 11.11 A copy of *Student Appeals Form* and any supporting documentation provided by the student will be circulated to the original decision making body for comment.
- 11.12 The Student Appeals Committee and the student will be provided with the following in advance of the meeting of the Student Appeals Committee:
- A copy of the Student Appeals Form;
  - The supporting documentation provided by the student;
  - Evidence provided to the original decision making body;
  - Comment(s) made by the original decision making body (if applicable) on the appeal.
- 11.13 Decisions of the Student Appeals Committee will be made on the balance of probabilities by a simple majority.
- 11.14 A note-taker will be in attendance at the meeting of the Student Appeals Committee and minutes will be kept.
- 11.15 The Student Appeals Committee may decide to:
- Uphold the Appeal;
  - Reject the appeal.
- 11.16 In cases where a Student Appeals Committee upholds an appeal either on the grounds of a procedural irregularity in the process leading to the original decision, or on the grounds of new evidence, the Student Appeals Committee

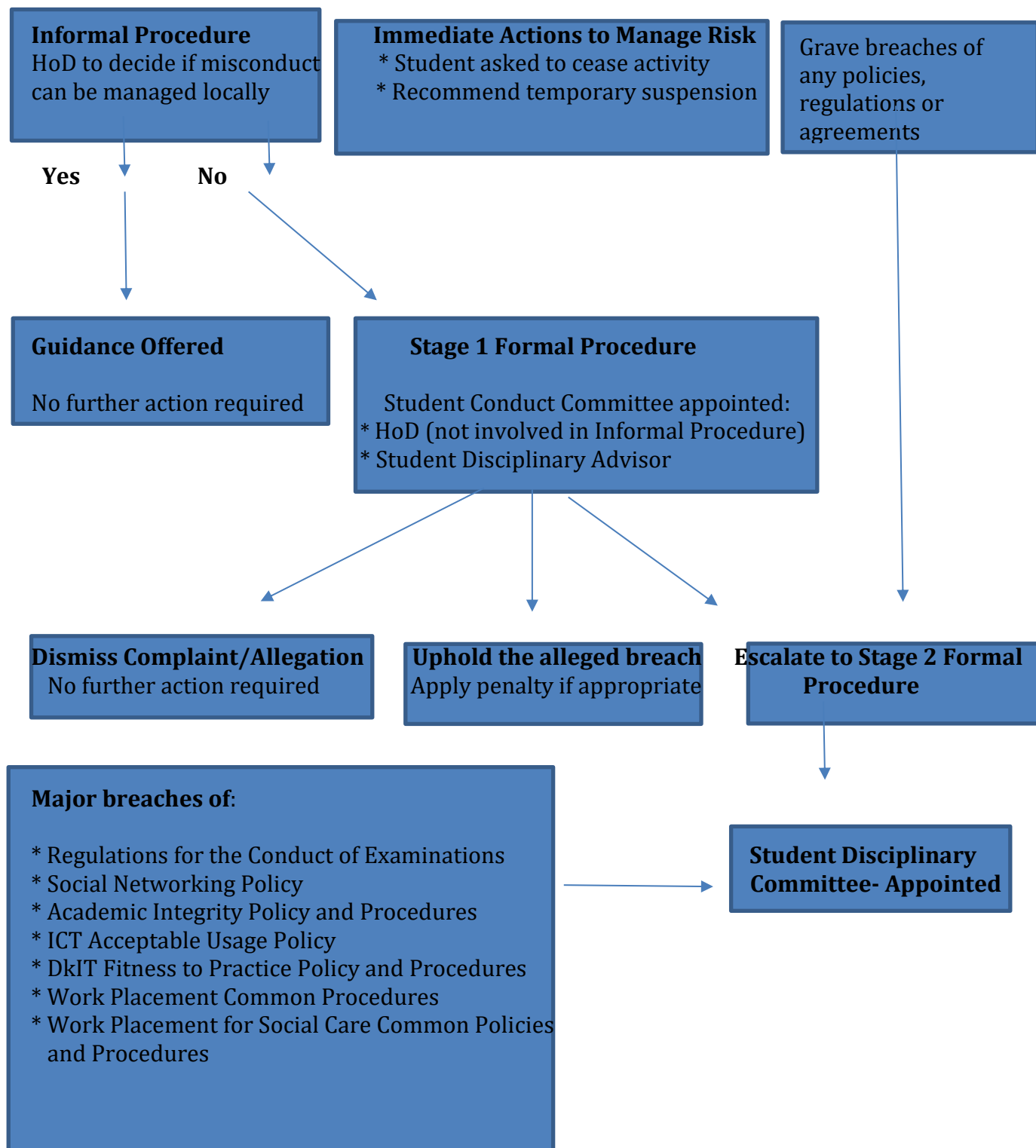
may, at their discretion, refer the case back to the original decision-making body for a new hearing with such conditions as the Student Appeals Committee deems appropriate within Institute regulations and policy. This may involve the constitution of a new committee.

- 11.17 On upholding an appeal a Student Appeals Committee may require the appellant to meet specified conditions as required.
- 11.18 The Student Appeals Committee may also decide to decrease or increase a penalty, or vary the nature of the penalty.
- 11.19 The decision of the Student Appeals Committee will be communicated to the student and the original decision-making body within five working days of the Student Appeals Committee meeting. The decision of the Student Appeals Committee is final.
- 11.20 If a student is dissatisfied with the Institute's handling of an appeal or decision in relation to an appeal, they have the right to submit a complaint to the Office of the Ombudsman (<https://www.ombudsman.ie/publications/information-leaflets/the-ombudsman-and-educati/index.xml>). The Office of the Ombudsman may consider the case and make a decision on whether to investigate further.

## **12. Confidentiality and Record Management**

- 11.1 Records relating to student conduct cases are treated with confidentiality and are held separately and securely to the general student record. Breaches of the Student Code of Conduct will not appear on transcripts. Student discipline documentation will be used for student discipline case handling and appeal purposes only. Where statistical student discipline data is reported to the Institute it is anonymised.
- 11.2 Records of all proven infringements shall be held by Departments (for informal meetings and Student Conduct Meetings) and the Registrar's Office (for Student Disciplinary Meetings) which can be accessed by academic staff and members of the Student Conduct Committee or Student Disciplinary Committee to determine whether a new case is potentially a second, or subsequent, offence.
- 11.2 Access to student discipline case information is limited to those with responsibility for the administration of the Student Discipline Procedure, decision-making, implementing decisions and student support professionals, where appropriate.
- 11.3 A anonymised report to Academic Council will be made at the end of each academic year on the activity and outcome of cases under this policy.

## Appendix 1: Student Code of Conduct and Disciplinary Procedures Flowchart





## Appendix 2: Student Disciplinary Penalties

The “*Code of Conduct and Disciplinary Procedure*” is supported by a range of penalties which shall be determined by the Student Disciplinary Committee. The aim of this appendix is to assist in the decision-making process in relation to penalties for breaches of the Institute’s Code of Conduct. The Student Disciplinary Committee may, in exceptional cases, having regard to all the circumstances of the case, decide not to impose any penalty. The Student Disciplinary Committee may consider aggravating or mitigating factors when making their decision and may increase/decrease the recommended penalty.

A detailed log of the aggravating/mitigating factors considered will be maintained by the Secretary to the Student Disciplinary Committee.

Penalties may include but are not limited to the following:

General Misconduct		
Classification		Penalty
<i>Minor</i>	<ul style="list-style-type: none"><li>• Littering.</li><li>• Minor incidents of disorderly conduct.</li><li>• Eating and drinking in unauthorised areas.</li><li>• Smoking in unauthorised areas.</li><li>• Causing minor damage to Institute property.</li><li>• Being in unauthorised areas without permission.</li><li>• Failing to identify oneself on request.</li></ul>	<ul style="list-style-type: none"><li>• Requiring a satisfactory letter of apology.</li><li>• To make good or contribute towards making good any damage or loss caused.</li><li>• Issuing a letter of warning to the student regarding their future behaviour which may be referred to should any further allegations be made against the respondent.</li><li>• Refer the student for additional support services or training.</li><li>• Refer to Stage 2 of the disciplinary process (Formal Procedure Stage 2 - Student Disciplinary Committee).</li></ul>
<i>Major</i>	<ul style="list-style-type: none"><li>• Forgery, alteration or misuse of any Institute document, record, stamp or identity card.</li><li>• Anti-social behaviour including, excessive noise, nuisance behaviour, drunkenness and disorderly behaviour or the facilitation of such behaviour.</li><li>• Disorderly conduct including being unfit for admission to class, workshop or to any Institute facility</li></ul>	<ul style="list-style-type: none"><li>• Requiring a satisfactory letter of apology.</li><li>• To make good or contribute towards making good any damage or loss caused.</li><li>• Imposing a fine up to €1,000.</li><li>• Refer the student for training.</li><li>• Formal warning.</li><li>• Period of suspension.</li><li>• Expulsion.</li></ul>

General Misconduct		
Classification		Penalty
	<ul style="list-style-type: none"> <li>Unwanted interference with Institute 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.</li> <li>Failing to identify yourself to a member of Institute staff on request.</li> <li>Giving false or misleading information to the Institute calculated to mislead or deceive.</li> <li>Causing destruction, damage or misuse to Institute property.</li> <li>Physical abuse of another person.</li> <li>Possession of offensive weapon(s).</li> <li>Possession of illegal drug(s).</li> <li>Pilfering.</li> </ul>	

Academic Misconduct			
Classification		Stage	Penalty
<i>Major</i>	<ul style="list-style-type: none"> <li>Plagiarism.</li> <li>Fabrication/ Falsification – generating an entire set of research data.</li> <li>Failure to obtain ethical approval.</li> <li>Collusion – unauthorised collaboration on assessment.</li> <li>Theft of work of other student(s).</li> <li>Cheating - Breaching regulations for the Conduct of Examinations, including in-class assessments.</li> </ul>	<i>Non-Award Stages</i>	<ul style="list-style-type: none"> <li>Assessment awarded 0% - repeat required within the current academic year.</li> <li>Retain continuous assessment(s) for module(s).</li> </ul>
		<i>Award Stages</i>	<ul style="list-style-type: none"> <li>Assessment awarded 0% - repeat required within the current academic year.</li> <li>Continuous assessment(s) set to 0% - resubmission required within the current academic year.</li> </ul>

	<ul style="list-style-type: none"> <li>Contract Cheating – purchasing work from essay services/commissioning work from individuals or organisations</li> <li>Obtaining access to an unseen assessment prior to the start of the assessment.</li> <li>Theft of work of other students.</li> </ul>	<i>Taught Postgraduate</i>	<ul style="list-style-type: none"> <li>Final assessment and continuous assessment awarded 0%.</li> <li>Repeat not available within the current academic year.</li> </ul>
		<p>A repeat offender, irrespective of stage, may be suspended/expelled from the Institute.</p> <p>An aggravated serious breach, irrespective of Stage, even as a first offense, may result in suspension / expulsion.</p>	

**Note(s):**

- In relation to Academic Misconduct the lecturer(s) may be required to conduct an assessment of relevancy of notes and provide a written statement to the Investigating Officer.
- All cases of poor academic practice should be referred to the Student Learning and Development Centre (SLDC) (<https://www.dkit.ie/student-life/student-services/student-learning-and-development-centre/>) to give the student the opportunity to receive additional support and advice and training if necessary to ensure they do not repeat the practice.