

# IADT Student Disciplinary Procedures

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<b>Document Reference and Version No</b>	Version 3, amended October 2016
<b>Purpose</b>	This is the policy and procedure for dealing with student disciplinary issues at the Institute
<b>Commencement Date</b>	October 2016
<b>Date of Next Review</b>	October 2019
<b>Who needs to know about this document</b>	All staff and students of IADT
<b>Revision History</b>	Revision of version 2, 2014
<b>Policy Author</b>	Registrar
<b>Policy Owner</b>	Registrar

## **Introduction:**

IADT is a higher education Institution that offers quality programmes and services within an environment based on mutual respect and support. All students are expected to act responsibly at all times, to abide by the regulations of IADT and not to engage in any activity which has the potential to cause harm or injury to any party or bring the good name of IADT into disrepute. The IADT Learner Charter and Student Handbook outline the mutual responsibilities that IADT staff and students have a duty to observe.

### **1. Purpose**

- 1.1** The purpose of this document is to set out the student disciplinary procedures which will be invoked where breaches of good conduct at IADT have occurred.

### **2. Scope**

- 2.1** This document applies to all students of the Institute and where relevant operates in conjunction with the Institutes Mutual Respect Policy.
- 2.2** See Appendix 3 for some examples of breach of good conduct. These are indicative only.

### **3. Obligations and Responsibilities**

- 3.1** The Institute expects that all students be aware of their obligations with regard to good conduct and discipline, and of the consequences of failure to meet these obligations.
- 3.2** The Institute will 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.
- 3.3** Students have a responsibility to observe the regulations, policies and procedures of the Institute (as amended from time to time) and to conduct themselves properly whilst engaging in their IADT programme of study.

### **4. Principles**

- 4.1** Disciplinary measures will be applied in a fair and consistent manner.
- 4.2** The Institute will operate these procedures in good faith at all times.
- 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, *except in exceptional circumstances* (see 4.16).
- 4.5** Where appropriate, efforts shall be made to resolve a case informally before formal procedures are invoked.
- 4.6** The Institute shall endeavour to inform the Respondent, Reporter(s) and any other relevant parties at every stage of these procedures.
- 4.7** The Respondent will be given a copy of the student disciplinary report form and will be given the opportunity to state their case before any decision is made. If the nature of the allegation changes during the process of investigation, the Respondent will be informed of this.

- 4.8** At all stages of the Disciplinary process the Respondent will have the right to be accompanied by a third party. Prior notification of the identity and status of the person to accompany them will be given to the Faculty Head and/or Registrar. A person who may accompany them can be a friend, family member or Student Union representative. Students are encouraged to seek advice from IADT's Student Union. Students under eighteen year of age must be accompanied by a parent or legal guardian.
- 4.9** The Respondent will have the right to appeal against any decision of the Disciplinary Board.
- 4.10** Any penalty imposed will be appropriate to the level of the breach of good conduct. Account will be taken of a student's disciplinary record (if any) and any other relevant factors.
- 4.11** The identity and circumstances of all parties involved shall remain confidential, and will only be disclosed to parties directly involved in the matter and, where necessary, so as to ensure due process.
- 4.12** A student will not be disadvantaged at any future stage because they contributed in good faith to an investigation.
- 4.13** The Institute will comply with its obligation under the Data Protection Acts and other relevant legislation.
- 4.14** In accordance with the IADT Policy and Procedures for the Protection of Children and Vulnerable Adults, the Institute will disclose to the parents or guardians of a Reporter / Respondent under 18 the existence and content of any allegation of breach of good conduct made by or against such Reporter/Respondent and details of any resultant disciplinary process.
- 4.15** Where the Registrar considers that a breach of good conduct (if established) involves an offence of a **criminal nature**, the Registrar or their nominee may inform An Garda Síochána. The Institute will be entitled to process the case under these procedures, pending the outcome of the Garda inquiry and any resulting criminal prosecution.
- 4.16** In exceptional cases, the Registrar may deem it necessary to take immediate action prior to a disciplinary hearing, and suspend and remove a student from the campus until the disciplinary hearing. This may be in response to any circumstances where there is a credible risk to the health and welfare of students and/or staff at the Institute. Any such action will not affect the Institute's capacity to carry out a subsequent disciplinary hearing according to the procedures outlined in this document.
- 4.17** If a student is convicted of a criminal offence which (in the opinion of the Registrar) renders him or her unsuitable for continued registration as a student at the Institute, the student will be de-registered from IADT.

## **5. Definitions**

<b>Reporter</b>	Student, staff or other person who reports a breach of good conduct by any Institute student
<b>Respondent</b>	A student against whom an allegation has been made
<b>Appellant</b>	A student who appeals against a decision of a Disciplinary Board
<b>Decision</b>	A ruling of whether or not a breach of good conduct is deemed to have taken place

<b>Penalty</b>	A sanction imposed on a respondent under these Procedures
<b>Outcome</b>	A combination of decision and penalty

## **6. Record Retention**

Student Disciplinary Report forms, minutes of the Faculty Head/Disciplinary Board's deliberations, and other relevant materials will be retained according to Institute policy on record retention, as follows:

- 6.1** In the case where a minor breach of good conduct is **not** found to have taken place, the Head of Department will retain the Report, minutes of the outcome of the investigation and all other relevant material until the investigation is completed. He/she will then destroy same within two weeks of issuing a decision.
- 6.2** In the case where a serious/very serious breach of good conduct is **not** found to have taken place, the Registrar will destroy the Report, minutes of the outcome of the investigation and all other relevant materials within two weeks of issuing a decision.
- 6.3** In the case where a minor breach of good conduct is found to have taken place, the Head of Department will retain the Report, minutes of the outcome of the investigation and all other relevant material until the investigation is completed and will then forward to the Registrar who will retain same for the period of the Respondent's and Reporter's registration within the Institute.
- 6.4** In cases of serious and gross misconduct, records may be retained beyond the periods of the Respondent's and/or Reporter's registration within the Institute.
- 6.5** In the case where the Respondent appeals against the decision of the Disciplinary Board, the Registrar will retain the Disciplinary Report, Appeals letter, minutes of the Disciplinary Board's deliberations and all other relevant material until the investigation is completed, except for cases within paragraph 6.5 below.
- 6.6** If, as a result of an appeal, it is deemed that no breach of good conduct took place, the Registrar will retain for one year the Disciplinary Report, the Disciplinary Appeals letter, minutes of the outcome of the investigation of the Disciplinary Board's deliberations, and all other relevant materials and thereafter destroy them.

## **7. Student Disciplinary Procedures: Stages**

The Procedures below outline the sequential stages to be followed in any case of an alleged breach of good conduct by any student of the Institute. A flowchart is included to help explain the Procedures. The written text takes precedence in all cases.

Terms of Reference and membership of the Disciplinary Panel and Board are included (see Appendix 2).

- A.** Offences that constitute minor breaches of good conduct will be dealt with at Faculty level by the relevant Head of Department in which the student is registered. Serious breaches of good conduct will be dealt with by a Disciplinary Board.
- B.** A Disciplinary Report Form will be completed with any available evidence attached (see Appendix 1) and forwarded to the relevant Head of Department. All Disciplinary Report Forms must be signed by the Reporter(s).
- C.** The Respondent will be informed by the Head of Department that a disciplinary report has been submitted and will be given a copy of the report.

- D.** The Head of Department will decide whether or not there is a case to answer. If it is decided that there is a case, it may be investigated by the Head of Department (minor misconduct) or referred to a Disciplinary Board (serious gross misconduct). The ultimate authority to decide how a case should be dealt with rests with the Registrar. A sample list of behaviours constituting minor and serious misconduct is provided in Appendix 3.

#### **Minor misconduct**

- E.**
- E.1** Where it is determined that the nature of the Disciplinary allegation, if upheld, would constitute a minor breach of good conduct, the case will be investigated by the Head of Department.
  - E.2** In the investigation of apparent minor misconduct the Head of Department will at all times act with sensitivity towards all involved in this process.
  - E.3** The Head of Department will consider the Disciplinary Report Form, examine the facts and may consult with staff, students or others as appropriate.
  - E.4** The Head of Department will have the discretion to meet with the Reporter and other relevant parties in establishing the facts of the case and will have the authority to conduct searches of Institute property and/or equipment and/or computer systems so as to obtain any evidence relating to the matter at issue.
  - E.5** The Head of Department will meet with the Respondent to discuss the matter and seek to conclude this stage of the process within 10 working days of receipt of the original Disciplinary Report Form. The Head of Department will file a summary note of the agreed outcomes of the meeting and retain in the Head of Department files.

#### **Outcomes: Minor misconduct**

- F.** The Head of Department, having considered the case, will decide on one of the following:
- F.1** No breach of good conduct is found to have taken place. No further action will be taken.
  - F.2** A breach of good conduct is found to have taken place. The Head of Department may impose a penalty (see Appendix 3), having regard to the nature of the breach and taking into account the student's prior disciplinary record (if any) and any extenuating circumstances. A summary note of the outcome will be completed and retained by the Head of Department.
- G.** The Head of Department will inform the Respondent of the outcome of the investigation.
- H.** The Respondent will, within 5 working days of this notification, communicate one of the responses below to the Faculty Head:
- H.1** The Respondent accepts the decision of the Head of Department and the penalty imposed.
  - H.2** The Respondent does not accept the decision and/or penalty. Where the Respondent does not accept the decision and/or penalty imposed by the Head of Department, he/she has the right to appeal to the Registrar who will adjudicate on the matter. The Registrar may raise, lower or overturn the penalty imposed by the Head of Department or leave it unchanged.
- I.** 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 and the penalty and no appeal will lie against the decision and the penalty.
- The Head of Department will inform the Registrar, Reporter, and Faculty Administrator of the outcome of the investigation.

## **Serious and Gross misconduct**

- J.**
- J.1** Where it is determined that the Disciplinary allegation, if upheld, would constitute serious or gross misconduct, the Head of Department will contact the Registrar, who will refer the case to a Disciplinary Board for investigation.
  - J.2** The Respondent will be notified within 10 days by the Registrar of the Disciplinary allegation. This notification will be sent in the first instance to the Respondent's IADT e-mail address and may, where required, be issued by registered post to the notified address.
  - J.3** Where it is determined that the alleged breach, if upheld, would constitute gross misconduct, the Registrar may deem it necessary to take immediate action prior to a disciplinary hearing, and to suspend a student. The Registrar will also reserve the right to immediately remove a student from the Institute campus. This may be in response to any circumstances where the Registrar decides that there is a credible risk to the health and welfare of students or staff at the Institute or that the presence of the student may disrupt or prejudice the investigation process. Any such action will not cancel out the Institute's responsibility to carry out a subsequent disciplinary hearing according to the procedures outlined in this document.
  - J.4** The Registrar will 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 Disciplinary Report Form.
  - J.5** The Registrar will have the authority to conduct searches of Institute property and/or equipment and or computer systems so as to obtain evidence relating to the matters at issue. The Registrar will be at liberty to invite witnesses to the hearing conducted by the Disciplinary Board.
  - J.6** The Respondent will be notified by the Registrar of the date of the hearing at least 5 working days prior to that date. The Disciplinary Report and any other relevant information will be forwarded to the Respondent at the time of notification. This notification will be sent in the first instance to the Respondent's IADT e-mail address and may, where required, be issued by registered post to the notified address.
  - J.7** The Reporter or appropriate manager will be required to present the case against the Respondent at the Disciplinary Board.
  - J.8** The Respondent will be given every opportunity to state their case and will have the right to call witnesses and to be accompanied by a third party. The person to accompany them can be a friend, family member or Student Union representative. They are also encouraged to seek advice from the Institute Students' Union.
  - J.9** If the Respondent does not attend the hearing and does not offer sufficient or any extenuating circumstances for their absence, then the Disciplinary Board may proceed with the hearing as stated above.

## **Outcomes: Serious/Gross misconduct**

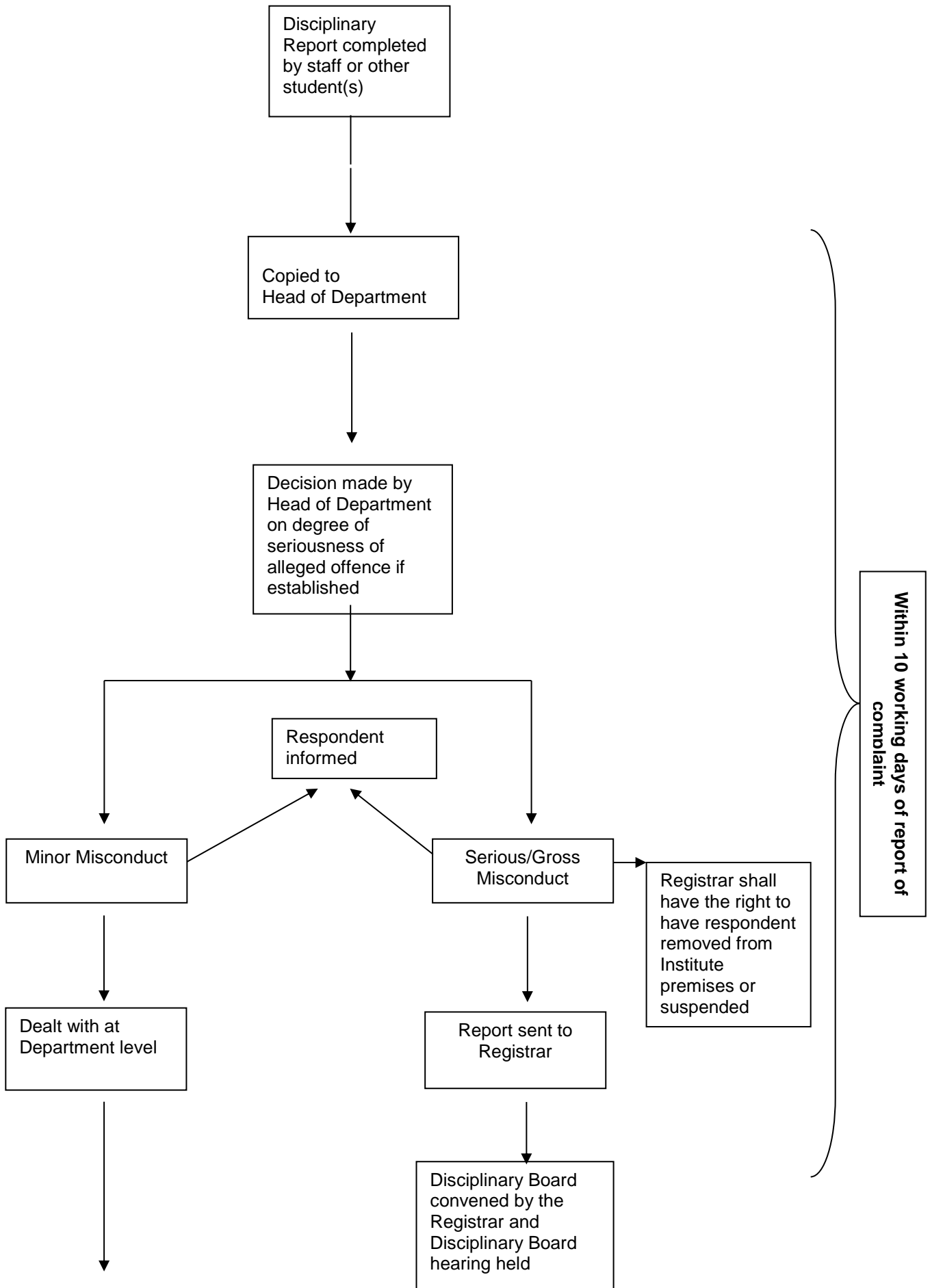
- K.** The Disciplinary Board, having considered the case, will decide on one of the following:
- K.1** No breach of good conduct is found to have taken place. No further action will be taken.
  - K.2** A breach of good conduct is found to have taken place. The Disciplinary Board may impose a penalty (see Appendix 3), having regard to the nature of the breach and taking into account the student's prior disciplinary record (if any) and any extenuating circumstances.

- L.** The Registrar will notify the Respondent of the decision of the Board. This notification will be sent in the first instance to the Respondent's IADT e-mail address and may, where required, be issued by registered post to the notified address.
- M.** The Respondent will, within 5 working days of this notification, communicate one of the responses below to the Registrar:
  - M.1** The Respondent accepts the decision and/or the penalty imposed.
  - M.2** The Respondent does not accept the decision and/or the penalty imposed. Where the Respondent does not accept the decision and/or penalty imposed, he/she has the right to appeal, by submitting a letter to the President.
- N.** 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.
- O.** The Registrar will inform the Faculty Head, Reporter, and where relevant, the President of the Institute of the outcome of the Disciplinary Board.

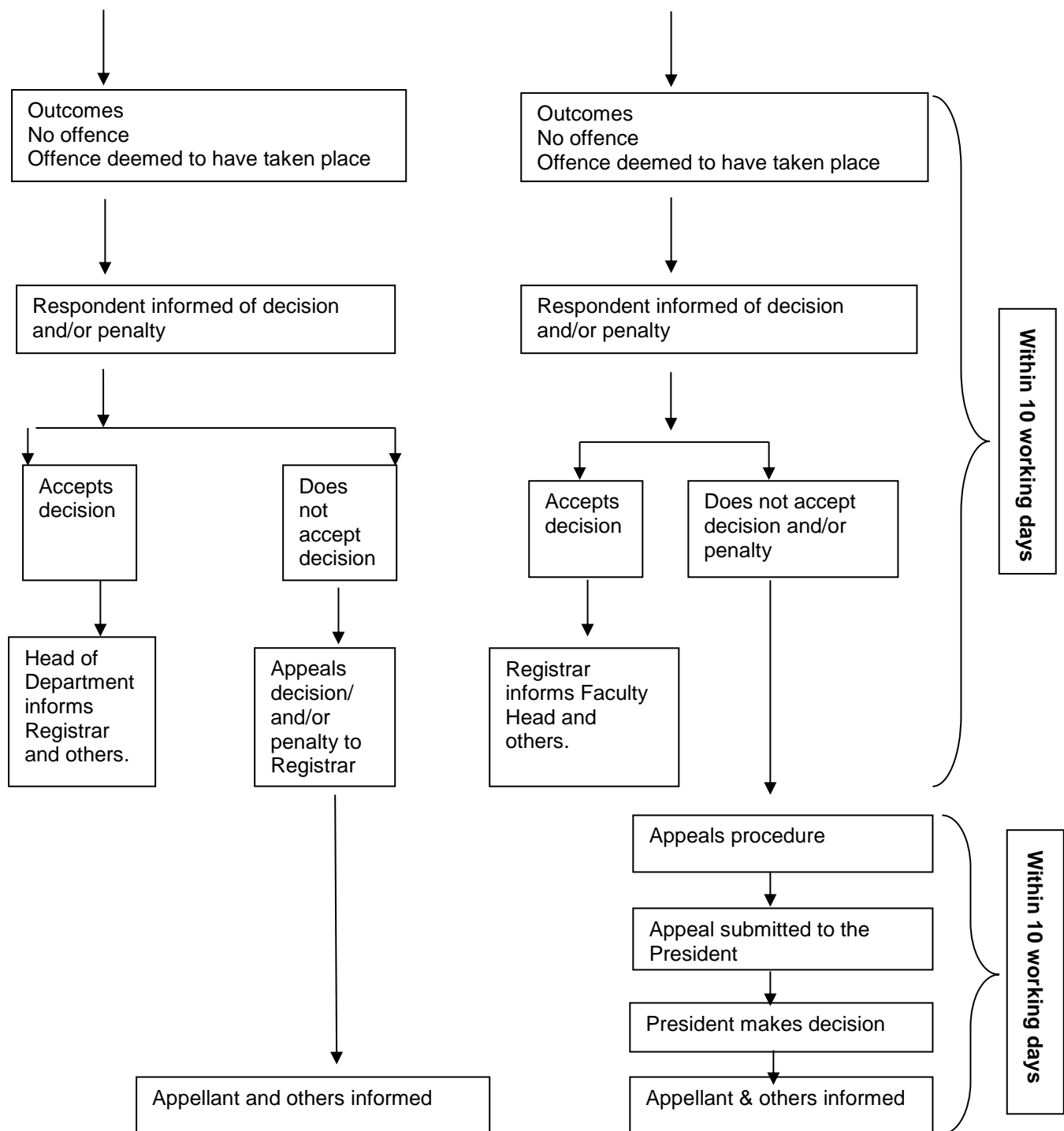
### **Appeals against decisions of Disciplinary Boards**

- P.** Appeals against decisions of Disciplinary Boards can be made by the Respondent (hereafter known as the Appellant) by writing to the Institute President within 10 days of receipt of the letter outlining the Disciplinary Board's decision. Appeals can be made on one or more of the following grounds:
  - P.1** The procedures of the Institute in relation to Student Discipline have not been followed properly.
  - P.2** New information that was not available to the Disciplinary Board has now come to hand.
  - P.3** The penalty imposed by the Disciplinary Board is considered inappropriate.
- Q.** **Q.1** The President will issue a response within 10 days of receipt of the Appellant's letter.
- R.** **R.1** The decision of the President is final.

## 8. Student Disciplinary Procedures: Flowchart







## STUDENT DISCIPLINARY REPORT FORM

**Minor, serious and gross breaches of Institute regulations are reported on this form.**

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

This form and any supporting evidence should be placed in an envelope and handed into the relevant Head of Department. The envelope should be clearly marked 'Student Disciplinary Report Form'.

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

1. Reporter's name: \_\_\_\_\_
- Correspondence address: \_\_\_\_\_
- Telephone Number(s) at which you may be contacted: \_\_\_\_\_
- E-mail: \_\_\_\_\_

2. Name of student against whom the complaint is made: \_\_\_\_\_
- Student Number (if known) \_\_\_\_\_
- Faculty/Department: \_\_\_\_\_
- Course: \_\_\_\_\_
- Year / Stage: \_\_\_\_\_

### 3. DETAILS OF COMPLAINT

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

Specify the nature of the complaint:

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Date(s) on which alleged incident(s) occurred: \_\_\_\_\_

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

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

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5. Please provide name(s) and contact details for any witnesses to the incident/matter complained of:

Name:

Name:

Address:

Address:

Telephone no.

Telephone no.

Name:

Name:

Address:

Address:

Telephone no.

Telephone no.

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6. **Reporter's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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**For Official Use Only**

**Received by Head of Department:**

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

## **Disciplinary Panel and Board**

### **Terms of Reference**

The Disciplinary Panel will comprise 8/10 members of staff, which comprise the management team, SL1, SL2 and SL3 lecturers, and all members of Academic Council or its sub-committees, who have served on any of these committee for a period of three years or more. Members of the Panel will be appointed by Academic Council for a period of three years.

A Disciplinary Board will be constituted by the Registrar from the Disciplinary Panel to investigate a breach of good conduct deemed to be serious. The Registrar or their nominee will be the Chairperson of the Board.

A Disciplinary Board will comprise at least two other Disciplinary Panel members, with male and female representation.

Any member of the Disciplinary Panel who is an interested party (i.e. relative of Respondent or staff member of the same Department as the Respondent) in a specific case will not be appointed to the Disciplinary Board in respect of that case.

The functions of a Disciplinary Board are to:

- Investigate any Disciplinary Report against a student of the Institute which is considered to be a serious breach of good conduct
- Consider any extenuating and aggravating circumstances that have been presented
- Determine whether a breach of good conduct has occurred and the category of that breach eg serious or gross
- Impose penalties, as appropriate, where a breach of good conduct is found to have occurred

The Registrar's Office will maintain records on Disciplinary Reports received and prepare an annual report on its activities for Academic Council.

### Sample Behaviour and penalties for Minor or Serious breaches of good conduct

*Not exhaustive and indicative only – examples for illustrative purposes*

Minor Misconduct	Examples	Examples of Penalties
	<ul style="list-style-type: none"> <li>Disorderly conduct on Institute premises</li> <li>Possession or consumption of alcohol on IADT campus other than at approved IADT events</li> <li>Eating and/or drinking in areas where such activities are specifically prohibited</li> <li>Removal, misuse, damage or use without authority of Institute property or the property of any other student or member of staff (up to €150 replacement cost)</li> <li>Enter off-limit areas without authorisation</li> <li>Fail to identify oneself on request when properly and reasonably requested to do so</li> <li>Littering the Institute premises</li> </ul>	<ul style="list-style-type: none"> <li>Reprimand or caution</li> <li>Written or verbal apology</li> <li>Withdrawal of privileges/limited access to facilities</li> <li>A fine of up to a maximum of €150</li> <li>Reimbursement of the Institute for losses incurred through student breach of good conduct</li> </ul>
<b>Serious misconduct</b>	<ul style="list-style-type: none"> <li>Conduct which disrupts or is likely to disrupt learning, teaching, research, examinations, practice / work placements, meetings, or the administration of the Institute</li> <li>Removal, misuse, damage or use without authority of Institute property or the property of any other student or member of staff (in excess of €150 replacement cost)</li> <li>Contravention of the IADT <i>Acceptable/Appropriate Use of ICT Policy</i></li> <li>Breaches of copyright and plagiarism</li> </ul>	<ul style="list-style-type: none"> <li>A fine in excess of €150</li> <li>Reimbursement of the Institute for losses incurred through student breach of good conduct</li> <li>Withdrawal of privileges/limited access to facilities</li> </ul> <p>Academic Penalties</p> <ul style="list-style-type: none"> <li>Repeat assessment</li> <li>Repeat assessment or grade capped</li> </ul>

	<ul style="list-style-type: none"> <li>• Fail to comply with any reasonable instruction of a fire warden or other Institute officer</li> <li>• Being under the influence of alcohol on campus or other IADT events so as to be incapable of exercising reasonable control</li> <li>• Smoking in unauthorised areas</li> <li>• </li> <li>• Breach of exam regulations i.e. cheating</li> </ul>	
<b>Gross misconduct</b>	<ul style="list-style-type: none"> <li>• Bullying or harassment, sexual or otherwise, intimidation or interference with the rights of a third party</li> <li>• Assault or abuse physical or verbal of any third party</li> <li>• Possession or consumption of illegal drugs on campus</li> <li>• Falsification or misuse of any Institute document, record, stamp, identification mark, seal or identification card</li> <li>• Extensive damage to IADT property</li> <li>• Interference with fire fighting equipment or other safety equipment</li> </ul>	<ul style="list-style-type: none"> <li>• Disciplinary suspension</li> <li>• Expulsion</li> <li>• Expulsion without refund of fees</li> </ul>