

## **Student Code of Conduct and Discipline**

### **1. Introduction**

- 1.1** The mission of Dublin City University is to transform lives and societies through education, research and innovation. By registering for a programme in the University, a student undertakes to behave in a manner consistent with the achievement of this mission. This includes accepting the rights and responsibilities of membership of the University community. The purpose of this Student Code of Conduct and Discipline is to facilitate the maintenance of a safe and supportive environment for all members of this community.
- 1.2** All students are required to observe this Code at all times within the University, outside it if representing the University, and on all other occasions when they are identifiable as students of the University. Observing this Code entails respecting the rights of others and showing them due courtesy and respect. Students are also required to observe all other regulations of the University and to conform to all such regulations as may be made from time to time for the good governance of the University.
- 1.3** If this Code is breached, disciplinary procedures are normally invoked. This typically involves the initial notification of the issue to the Secretary of the Disciplinary Committee, potentially, the subsequent referral of the issue to the Disciplinary Committee itself. The Secretary of the Disciplinary Committee will also inform the Registry where the alleged breach concerns academic matters.
- 1.4** The Secretary of the Disciplinary Committee may not be initially notified in respect of issues relating to placements, which are notified to the relevant Programme Board, and issues relating to INTRA, which are notified to the INTRA Office. Also, a Head of School/Unit or his/her nominee may deal with a minor academic matter at local level and, in this instance, the Head of School/Unit advises the student of his or her right to have the matter referred to the Disciplinary Committee (if the student waives this right, a local penalty may be applied and the Secretary of the Disciplinary Committee advised thereof). Where the Head of School/Unit was personally involved in academic matter, the matter should be dealt with by the Deputy Head of School/Unit. In Schools/Units where there is no Deputy Head the matter should be referred to the Head of School/Unit's line manager. It should be noted where minor offences relate to plagiarism the University Academic Integrity and Plagiarism policy shall be invoked.
- 1.5** Suspected criminal offences will ordinarily be referred to An Garda Síochána and/or the appropriate civil authorities for investigation in the first instance. In certain instances, the University is obliged by law to report suspected criminal offences to An Garda Síochána. Any such report may be in addition to any investigation carried out by the University under this Code.
- 1.6** For the purpose of interpreting words and phrases in this Code, everyday and common usages and understandings will apply.

### **2. Responsibilities of students**

- 2.1** Students are expected to familiarise themselves with this Code, with all other relevant University regulations and with relevant University policies including, though not limited to, the following:

- Examination Regulations
- DCU Academic Integrity and Plagiarism Policy
- Social Media Policy
- Policy to Promote Respect and Dignity by Preventing Harassment and Bullying
- Student Alcohol Policy
- Code of Conduct for the Use of Computer Resources.

With respect to University policies, students should refer to the list of policies provided on the University website.

**2.2** Students should also familiarise themselves with the Library Regulations and Policies available on the Library webpage.

**2.3** Students are bound by this Code even if they do not agree with its provisions or even if they fail to make themselves aware of its existence.

**2.4** Where students are studying or working off campus, in a host institution or organisation, as part of the programme for which they have registered (e.g. on professional/practice placements or activities or other programme-related placements or activities including INTRA), they are expected to familiarise themselves, and comply, with the relevant codes and regulations of those institutions or organisations. Such students are also required to:

2.4.1 conduct themselves in such a way as not to bring themselves or the University into disrepute; and

2.4.2 respect the staff, property and activities of the host institution or organisation as they would the staff, property and activities of the University.

**2.5** The University shall be entitled, but shall not be obliged to, investigate any complaint against a student while on placement with a host institution or organisation and, if upheld, shall be entitled to impose a sanction under this Code as if the complaint was made while the student was at the University.

**2.6** Students are expected to comply with the law at all times.

**2.7** Students are expected:

- to participate in all academic activities associated with the programme for which they have registered
- to fulfil all the examination and assessment requirements associated with the programme for which they have registered
- to deal honestly and with integrity with all other members of the University community
- to acknowledge and respect the authority of all the staff of the University in the performance of their duties and to co-operate with them accordingly
- to respect the rights and dignity of all the members of the University community, including fellow students, and of our neighbouring communities, and therefore to refrain from conduct liable to infringe their rights and dignity
- to maintain an awareness of what constitutes appropriate behaviour in the University, when representing it or when identifiable as a member of it, and to behave accordingly.

**2.8** Students should also familiarise themselves with the DCU Student Charter.

### 3. Offences

3.1 As noted at 1.3 above, suspected criminal offences will ordinarily be referred to the civil authorities in the first instance.

3.2 Offences against this Code may broadly be described as:

- behaviour that obstructs University staff or students, or agents of the University, in the performance of their duties relating to teaching, research, administration, disciplinary procedures or other University activities
- behaviour that obstructs University students in the pursuit of their studies
- behaviour that brings, or has the potential to bring, the University into disrepute.

Breaches of this Code can arise irrespective of whether the behaviour complained of takes place on or off campus.

3.3 Set out below is a non-exhaustive list of offences that may result in the initiation of disciplinary procedures under this Code.

- Plagiarism, or the use of unauthorised material during an examination, or other serious breaches of the Examination Regulations (students should refer to the Academic Integrity and Plagiarism policy)
- Research misconduct (students should refer to the Code of Good Research Practice and the Policy for Responding to Allegations of Research Misconduct)
- Failure to identify oneself on request to a member of staff and/or to produce a student card on request by a member of staff.
- Failure to advise the University of relevant addresses (home address and, if appropriate, study address).
- Furnishing false information to the University with intent to deceive.
  
- Forging, alteration or misuse of University documents, records or identity cards.
- Making false claims about academic or professional achievements to the University or to a third party.
- Misrepresenting oneself as an agent of the University.
- Unauthorised use of academic materials.
- Posting or distributing inappropriate advertising or other unsolicited materials.
  
- Failure to abide by such local University regulations as may relate to particular areas of the University (including, but not confined to, computing facilities, the Libraries, Campus Residences, sporting facilities, restaurants, car-parks and roadways).
- Failure to comply with any reasonable, oral or written, individual or collective instruction given by any staff member or agent of the University in the performance of his or her duties, including an instruction to leave the campuses, or a specific area within a campus.
  
- Physical abuse of another person, whether actual or threatened.
- Verbal abuse of another person.
- Abusive electronic communication with others (e.g. by e-mail, text or on social media sites); this includes the making of abusive or false statements about the University, its students and/or staff.

- Bullying.
- Harassment including, but not confined to, sexual harassment.
- Stalking, whether carried out in person, by telephone, on-line or by any other means.
- Disorderly conduct, including conduct outside the campuses that would be likely to bring the University into disrepute.
- Forcible occupation of University buildings or grounds.
  
- Littering.
- Destruction, damage, misuse or use without authorisation of University property, including Library materials or of private property on campus.
- Theft of University property, including Library materials, or of private property on campus.
- Possession of property in the knowledge that it has been stolen or misappropriated by another.
- Fraud, misapplication or gross negligence in relation to University funds or property.
- Unwarranted interference with the University's safety equipment, firefighting equipment, security systems or alarm systems.
  
- Refusal to evacuate rooms or buildings on hearing the fire alarm.
- Knowingly making false reports about the existence of fires, bombs or other dangers.
- Setting of fires.
- Possession of firearms, other weapons, any item that might be construed as being a weapon, or explosives, or possession of a dangerous substance.
  
- Abuse of alcohol or other substances on campus, including contravention of the University's Student Alcohol Policy.
- Smoking in University buildings in contravention of the law.
- Gambling in contravention of the law.
- Dealing in, or using, drugs, alcohol, firearms, other weapons, or explosives, contrary to the law.
  
- Making false, frivolous, malicious, mischievous or vexatious complaints.
- Intimidation of witnesses involved in a disciplinary hearing.
- Refusal to comply with the disciplinary procedures of the University or with penalties imposed after due process.
- Encouraging or inciting others to breach this Code.
  
- Conduct that interferes, or is likely to interfere with, the administration or the good order of the University.
  
- Any activity, whether committed on or off campus, which adversely impacts, or is likely to adversely impact, the reputation of the University, its students or members of staff.

#### **4. Reporting an offence**

- 4.1** In all cases, other than the exceptions outlined at 1.4 above, complaints should be made under this Code by completing the Complaint Submission Form and submitting it, with supporting evidence as necessary, to the Secretary of the Disciplinary Committee.

## **5. Preliminary Hearings**

**5.1** In certain cases, as determined by the Secretary of the Disciplinary Committee, students will be invited to attend a preliminary hearing with the Secretary, at which he/she will be invited to address the complaint/allegation against him/her.

The purpose of the preliminary hearing is to afford the student an opportunity to respond to the complaint/allegation and to afford the Secretary an opportunity to form an opinion on the seriousness of the case. The Secretary will outline the complaint/allegation made against the student and ask them to accept or reject the complaint/allegation. It is also an opportunity for minor complaints under this Code to be addressed without the requirement for a meeting of the Disciplinary Committee.

Preliminary hearings will only usually be scheduled where the complaint/allegation made is minor in nature.

**5.2** In advance of the preliminary hearing, the student will be provided with details of the complaint/allegation made against them.

**5.3** At the preliminary hearing, the student will be invited to respond to the complaint/allegation and to provide any other information they consider relevant.

**5.4** A student has the right in the course of, or following, the preliminary hearing to request that the complaint/allegation be referred to a Disciplinary Committee for investigation and determination.

**5.5** A student is entitled to be accompanied to a preliminary hearing by an officer of the students union, a fellow student or a relative.

**5.6** The options available to the Secretary following the preliminary hearing are as follows:

- (i) Dismiss the complaint/allegation with no further action.
- (ii) Conclude the process by agreeing with the student some form of remedial action will be taken (e.g. issuing a written apology)
- (iii) Conclude the process following an admission by a student and issue a formal warning to the student, which, if deemed appropriate, is then placed on their student file;
- (iv) Refer the complaint/allegation to the Disciplinary Committee, without making any findings on the complaint/allegation.

**5.7** The outcome of the preliminary hearing shall be confirmed in writing to the student.

**5.8** A summary of Preliminary Hearing outcomes will be provided by the Secretary in writing to the Chair of the Disciplinary Committee in advance of every Committee meeting.

## **6. The Chair of the Disciplinary Committee**

**6.1** The Chair of the Disciplinary Committee will be an appropriately senior and experienced member of academic staff, nominated by the President and approved by Executive for a period of not less than three and not more than five years..

**6.2** The Chair of the Disciplinary Committee is responsible for:

- receiving a summary of Preliminary Hearing outcomes from the Secretary in advance of every Committee meeting
- receiving all complaints referred to the Committee by the Secretary against students under this Code;
- determining whether or not a complaint received against students under this Code should be referred to An Garda Síochána, if it has not already been referred;
- referring complaints under this Code for investigation and determination by the Disciplinary Committee;
- deciding to recommend the suspension of a student as outlined in section 6.3 below;
- ensuring that, where necessary, the Complaint Submission Form and any supporting evidence are made available via the Secretary to the Disciplinary Committee;
- liaising closely with the Secretary to the Disciplinary Committee (see 7.9 below) to ensure streamlined procedures and streamlined maintenance of records;
- ensuring that there is follow-up with relevant members of staff, in respect of penalties imposed, to ascertain that these penalties are actually implemented; this is particularly relevant where a penalty is a non-academic one and relates, for example, to the completion of community service work;
- attending meetings of the Disciplinary Committee and working with the Secretary to this committee to prepare documentation.

**6.3** The Chair may recommend the suspension of a student to the President pending the outcome of a disciplinary process. The suspension will be for no longer than is necessary to investigate any allegations against the student or for so long as is otherwise reasonable while any disciplinary process concerning the student is ongoing. The arrangements relating to any suspension shall be confirmed in writing. While suspended, students must not visit any University premises or contact any member of staff or University student unless authorised to do so by the University. Suspension of this kind is not a disciplinary sanction and does not imply that any decision has been made about the allegations made against the student. Any decision to suspend a student will be made by the President.

**7. The Disciplinary Committee: membership and meetings**

**7.1** The membership is as follows:

- The Chair
- One member of academic staff per Faculty, nominated (formally to the Chief Operations Officer) by the Dean
- One member of academic staff from Open Education, nominated (formally to the Chief Operations Officer) by the Head
- The Director of Student Support and Development or his or her nominee
- Two Students' Union sabbatical officers (*ex officio*).

**7.2** In cases involving alleged professional misconduct on clinical placements relating to the School of Nursing and Human Sciences, the Disciplinary Committee will also include two Directors of Nursing from Partner Services.

- 7.3** Every effort should be made to ensure gender balance and appropriate diversity in terms of the membership.
- 7.4** The minimum term of office for the Chair and the academic representatives will normally be three years; the maximum will normally be five years. Membership by these individuals will, to the extent possible, be on a staggered basis to ensure continuity of expertise.
- 7.5** The quorum for any meeting of the Disciplinary Committee is five members, including the Chair (or, if the Chair cannot be present, the person nominated from the Committee by him or her to act as Chair).
- 7.6** Substitution of representation on the Disciplinary Committee by members other than the Chair is not permitted.
- 7.7** No member of the Disciplinary Committee may be present at a meeting in which he or she is personally involved.
- 7.8** The Secretary to the Disciplinary Committee is the Chief Operations Officer with administrative support provided by staff from the Office of Chief Operations Officer. He or she is not a member of the Disciplinary Committee and does not have a vote. He or she is responsible for ensuring the arrangements for meetings, notifying all parties concerned of these arrangements, drafting the minutes and other relevant documentation, preparing if necessary and presenting documentation on cases to the Disciplinary Committee in consultation with the Chair, and notifying all parties concerned of the outcomes of meetings.
- 7.9** The Secretary will cause a letter to be given in person to the student charged with an offence under this Code or to be sent to his or her home or study address, as appropriate. A copy of the letter will also be e-mailed to the student, on the same day that it is posted, to their University e-mail address. The letter will be given or sent to the student at least five days before the meeting. It will contain the date, time and location of the meeting, the name(s) of the complainant(s) and any witnesses who will attend the hearing, details of the complaint/allegation made against them and copies of any documents that will be relied upon at the meeting.
- 7.10** A student is entitled to be accompanied to a Disciplinary Committee meeting by an officer of the students union, a fellow student or a relative. In certain cases, at the discretion of the Disciplinary Committee, a student may be permitted to bring a legal representative to the meeting, in which case, the Committee may also request the attendance of a legal representative.
- 7.11** If a student facing a complaint/allegation wishes to adduce extenuating circumstances, or make a counter-accusation, this should normally be done, in writing to the Secretary, before the meeting. Furthermore, should the student wish to do so, he/she can make written submissions to the Disciplinary Committee via the Secretary in advance of the meeting.
- 7.12** Meetings will take place (i) as scheduled in the University Schedule of Meetings and (ii) as required. Every effort will be made to ensure that meetings take place as soon as reasonably practicable after the student is notified of the complaint/allegation against them.

## **8. The Disciplinary Committee: procedures relating to meetings**

- 8.1** The meetings of the Disciplinary Committee always take place in private and a written minute of all such meetings shall be made. The minutes of the meeting must be approved by the Chair and the other members of the Committee before being signed by the Chair.
- 8.2** Meetings, other than those listed in the University Schedule of Meetings, will be convened by the Chair via the Secretary. All meetings must be notified to all members, electronically, a minimum of five working days in advance, and documentation must be made available to members, electronically, at this point also.
- 8.3** The proceedings are ordinarily conducted through the Chair. Questions may be submitted, through the Chair, by a student or by a witness. The Chair may put these to the party at whom they are directed. The Chair is responsible for ensuring that the proceedings are conducted in an appropriate and respectful manner and that no person intervenes in any way that could cause offence to another. The Chair may permit cross-examination of witnesses by a student or his/her representative where considered appropriate and necessary.
- 8.4** When adjudicating on each case, the Committee will hear:
- the complainant, or a representative, or a relevant member of staff, as appropriate
  - the student charged with an offence and, where appropriate, his/her representative;
  - any witnesses called by the student
  - any person the Committee considers might be of assistance in enabling it to come to a decision.
- 8.5** The student may be accompanied to the meeting as outlined in section 7 above. The student's representative shall be given the opportunity to make submissions to the Committee but shall not be permitted to give evidence on the student's behalf.
- 8.6** If the student is not available to attend a meeting as scheduled, he or she may request an adjournment, however, the Chair of the Disciplinary Committee will decide whether or not to grant the adjournment.
- 8.7** If the student does not attend a meeting as originally scheduled or as rescheduled, the proceedings may be conducted in his or her absence.
- 8.8** If a case involves more than one student, each student will be called before the Disciplinary Committee individually.
- 8.9** All decisions made by the Disciplinary Committee shall be made by simple majority. In the case of a tied vote, the Chair (or his/her nominee) shall have a casting vote.
- 8.10** The decision of the Disciplinary Committee shall be communicated in writing and delivered by email or by post to the student concerned.
- 8.11** The Chair shall submit an annual report to Executive and Academic Council, outlining the number and type of breaches that occurred, categorising them into types of breach and also into relatively less, and relatively more, serious breaches and indicating the types of penalties imposed per type/breach.



**8.12** The proceedings and details of student disciplinary cases are private and confidential and where student disciplinary data is reported to Academic Council, Executive or the Governing Body, it is done on an anonymised basis. However, in certain circumstances, the University may need to communicate decisions made under this Code to staff members where it is deemed necessary or appropriate for the effective administration of the disciplinary process.

## **9. Penalties**

**9.1** The types of penalties for offences which can be imposed by the Disciplinary Committee include:

- Caution
- Reprimand
- Severe reprimand
- Fines
- An order for the reparation of any damage or loss caused either to the University or any of its members of staff, students or members of the public
- Community service
- Suspension from some academic exercises
- Suspension from all academic exercises
- Exclusion from library, computer and/or other University facilities for a period of time
- Prohibition from access to campuses or parts of campuses
- Failure in respect of an element of assessed work
- Reduction in marks for an element of assessed work
- Failure in respect of examination
- Reduction in marks for an examination
- Withholding of an award or of an examination results
- Suspension from the University for a period of time or until such time as any requirements specified by the University have been met
- Expulsion from the University

**9.2** All penalties which have implications for the student's academic record shall, before being communicated to any relevant party, be checked with the relevant Faculty Office or with the Registry to ensure that the consequences for the academic record will be consistent with the intentions of the Disciplinary Committee.

**9.3** A student who has been fined may request, in exceptional circumstances, the substitution of a non-monetary penalty, and such a request will be considered by the Disciplinary Committee.

**9.4** The penalty imposed will be communicated as a matter of course, within three days of the hearing, to the relevant staff member in the Registry, a relevant senior member of Faculty Administration and the Chair of the relevant Programme Board. In cases in which another member of staff needs to be notified, the penalty will be communicated to him/her also, within the same timeframe. In cases in which another party – such as a complainant who is a member of the local community – needs to be notified, this should be done by the relevant University unit in accordance with local procedures.

**9.5** If a Progression and Awards Board involving the relevant student is held before the outcome of the decision of the Chair of the Disciplinary Committee or of the Disciplinary Committee is

known, the Chair of the Disciplinary Committee may instruct the Registry to withhold the student's examination results until the outcome is known and, where necessary, to amend the results in the light of the outcome.

## **10. Appeals**

**10.1** Decisions of the Disciplinary Committee may be appealed by a student to the Disciplinary Appeals Committee.

**10.2** A student has the right to appeal a decision of the Disciplinary Committee on the following grounds, that:

- (a) there is new evidence or evidence which was, for good cause, not presented to the Disciplinary Committee which might reasonably have resulted in a different decision;
- (b) there were procedural irregularities (including administrative errors) such as might give rise to reasonable doubt as to whether the Disciplinary Committee would have reached the same decision had they not occurred;
- (c) the evidence considered by the Disciplinary Committee did not support the findings made by the Disciplinary Committee;
- (d) That the penalty imposed by the Disciplinary Committee was unreasonable or disproportionate having regard to all the circumstances of the case.

It is at the absolute discretion of the Chair of the Disciplinary Appeals Committee to decide that there are reasonable grounds for an appeal to proceed.

**10.3** A student who exercises his right of appeal shall be required to submit his grounds of appeal in writing within 7 working days from the date of issue of the Disciplinary Committee's decision by completing the Disciplinary Appeals Committee form. If an extension to this period of time is required, the student must request this in writing from the Chair of the Disciplinary Appeals Committee, via the Secretary to this Committee. The decision as to whether or not to allow an extension is taken by the Chair of the Disciplinary Appeals Committee, and a request will only be considered if a student's inability to meet the 7 working day deadline is due to circumstances beyond their control and if to not grant it would likely result in an injustice to the student concerned. The maximum extension allowed is a further 7 working day period.

**10.4** The Disciplinary Appeals Committee is comprised of

- The Chair
- One appropriately senior and experienced member of academic staff who has formerly been a member of the Disciplinary Committee
- One other appropriately senior and experienced member of academic staff
- One Students' Union sabbatical officer (*ex officio*).

No current member of the Disciplinary Committee may be a member of any Disciplinary Appeals Committee.

The Chair of the Disciplinary Appeal Committee shall be the Vice-President Academic Affairs or his/her nominee.

- 10.5** The Secretary to the Disciplinary Appeals Committee shall be appointed by the Vice-President Academic Affairs (Registrar). He or she is not a member of the Disciplinary Appeals Committee and does not have a vote. He or she is responsible for making the arrangements for meetings, notifying all parties concerned of these arrangements, drafting the minutes and other relevant documentation, preparing if necessary and presenting documentation on cases to the Committee in consultation with the Chair of the Disciplinary Appeals Committee, and notifying all parties concerned of the outcomes of meetings.
- 10.6** The Secretary to the Appeals Committee will cause a letter to be given in person to the student who has lodged an appeal under this Code or to be sent to his or her home or study address, as appropriate. A copy of the letter will also be e-mailed to the student, on the same day that it is posted, to their University e-mail address. The letter will be given or sent to the student at least five days before the meeting. It will contain the date, time and location of the appeal meeting.
- 10.7** The meetings of the Disciplinary Appeals Committee always take place in private. The Disciplinary Appeals Committee may call any witnesses whose evidence appears to the Committee to be necessary to resolve questions raised by the appeal.
- 10.8** A written record of all Disciplinary Appeal meetings shall be made. The minutes of the meeting must be approved by the Chair and the other members of the Committee before being signed by the Chair.
- 10.9** A student is entitled to be accompanied to a Disciplinary Appeals Committee meeting by an officer of the students union, a fellow student or a relative. In certain cases, at the discretion of the Disciplinary Appeals Committee, a student may be permitted to bring a legal representative to the meeting, in which case, the Committee may also request the attendance of a legal representative.
- 10.10** Decisions of the Disciplinary Appeals Committee shall be taken by simple majority and in the event of a tie; the Chair of the Disciplinary Appeals Committee shall have a casting vote. A record of all meetings conducted by the Committee shall be made by the Secretary to the Appeals Committee.
- 10.11** In advance of the Disciplinary Appeal meeting, the Disciplinary Appeals Committee shall be provided with the student's grounds of appeal (including any submissions made by the student in the course of the process before the Disciplinary Committee) and, a copy of the relevant decision of the Disciplinary Committee and a copy of the minutes of the Disciplinary Committee meeting(s) with the student. The student shall also be entitled to receive a copy of the minutes of the Disciplinary Committee meeting prior to the appeal meeting.
- 10.12** The student and his/her representative may make oral or written submissions to the Disciplinary Appeals Committee. The Disciplinary Appeals Committee may, at its discretion, invite the Chair of the Disciplinary Committee to make oral or written submissions to it.


**10.13** Where considered necessary or appropriate, the Disciplinary Appeals Committee may consider evidence not given before the Disciplinary Committee. The Disciplinary Appeals Committee may:

- (i) allow the appeal and overturn the Disciplinary Committee’s decision in whole or in part;
- (ii) reject the appeal and uphold the Disciplinary Committee’s decision in whole or in part;
- (iii) decrease, increase or vary the nature of the penalty imposed by the Disciplinary Committee.

**10.14** The decision of the Disciplinary Appeals Committee is final. The decision of the Disciplinary Appeals Committee shall be in writing and delivered by email or post to the student concerned, with a copy provided to the Secretary of the Disciplinary Committee.

**10.15** The Chair of the Disciplinary Appeals Committee shall report on an annual basis to the Academic Council and in his/her report, shall report on the appeal meetings held during the course of the year and the outcome of those meetings. All data supplied by the Disciplinary Appeals Committee in its Annual Report shall be supplied on an anonymised basis.

**Version Panel**

Document Name	Student Code of Conduct and Discipline	
Version Reference	3.0	
Document Owner	Office of the Chief Operations Officer	
Approved by	DCU Executive	
Date	24th January 2017	