

## **Student Disciplinary Procedures**

**Approved by Academic Council**

**26/02/25**

## Table of Contents

|           |  |    |
|-----------|--|----|
| <b>1</b>  | Purpose.....   | 1  |
| <b>2</b>  | Scope.....   | 1  |
| <b>3</b>  | Definitions .....  | 2  |
| <b>4</b>  | Rights and Responsibilities.....   | 2  |
| <b>5</b>  | General Provisions .....   | 5  |
| <b>6</b>  | Procedures.....  | 11 |
| 6.1       | Reporting an Offence.....  | 11 |
| 6.2       | Student Disciplinary Board .....   | 13 |
| 6.3       | Student Disciplinary Board Meeting Procedure.....                                    | 14 |
| <b>7</b>  | Penalties .....  | 16 |
| <b>8</b>  | Appeals.....   | 17 |
| <b>9</b>  | Respondents or Complainants under 18 years old.....                                  | 20 |
| <b>10</b> | Malicious or Vexatious Complaints.....   | 21 |
| <b>11</b> | Data Protection and Record Retention .....   | 21 |
| <b>12</b> | APPENDIX A – Examples of Misconduct .....  | 22 |
| <b>13</b> | APPENDIX B - Examples of Misconduct relating to Sexual Violence and Harassment ..... | 24 |
| <b>14</b> | APPENDIX C - Temporary/holding suspension and precautionary measures .....           | 25 |
| <b>15</b> | APPENDIX D - Informal Complaint Process Flow Chart .....                             | 27 |
| <b>16</b> | APPENDIX E - Formal Complaint Process Flow Chart.....                                | 28 |

## Document Control Summary

| Area                            | Document Information |
|---------------------------------|----------------------|
| Author                          | Academic Affairs     |
| Owner                           | Academic Affairs     |
| Reference number                | AQF_SDP_1.1          |
| Version                         | 2.3                  |
| Status                          | Approved             |
| Approved by Academic Council on | 26/02/25             |

|                               |                         |
|-------------------------------|-------------------------|
| Approved by Governing Body on | 27/08/25                |
| Document Classification       | TU Dublin Internal/Wide |

# 1 Purpose

- 1.1 The purpose of this document is to describe the TU Dublin student disciplinary procedures.
- 1.2 The procedures provided for in this document replace and supersede all other University-level student disciplinary procedures enacted by the University's founding partners.

# 2 Scope

- 2.1 Academic Council has statutory responsibility for regulating student conduct. Academic Council can devolve the responsibility for implementing regulations on student conduct, including the student discipline procedure, to the Registrar.
- 2.2 This document applies to all TU Dublin students.
- 2.3 The procedures in this document apply to all aspects of student misconduct, including all forms of discrimination, except those covered by the TU Dublin assessment regulations.<sup>1</sup>
- 2.4 It is acknowledged that some of behaviour falls under other relevant policies such as the Sexual Violence and Harassment Policy, Fitness to Practise Policy, or the Fitness to Continue to Study Policy. Where there is more than one policy applicable to any particular matter, the University Disciplinary Office will consult with the relevant university function to decide which of the Procedures (and/or Policies) will be the most appropriate in the circumstances.<sup>2</sup>

---

<sup>1</sup> Discrimination describes any activity against the interests or rights of any individual/group on the basis of gender, religion, community background, nationality, race/ethnic origin, disability marital status, sexual orientation, age, socio- economic background, culture, physical and mental health, and financial circumstances.

<sup>2</sup> Appendix A provides a non-exhaustive list of examples of misconduct that may be determined by these procedures without reference to the Fitness to Practise and Fitness to Continue to Study policies. Appendix B provides a non-exhaustive list of examples of misconduct that may be determined by these procedures with reference to the Sexual Violence and Harassment Policy.

### 3 Definitions

- 3.1 **Appeal:** A request by a student for the decision and/or the penalty to be reconsidered on specified grounds.
- 3.2 **Appellant:** A TU Dublin student who appeals the decision made against them by a Student Disciplinary Board.
- 3.3 **Complainant:** Student, staff or other person who makes a complaint of misconduct against any TU Dublin student.
- 3.4 **Decision:** A ruling of whether misconduct is deemed to have occurred
- 3.5 **Interim Measures:** Temporary measures used to support the Complainant and the Respondent before and during an investigation and up until the sanction is imposed (if applicable) and may be decided in collaboration with the individual who requires them if considered appropriate by the University, for example 'no contact' agreements, agreeing separate times to be in TU Dublin spaces e.g. library etc.
- 3.6 **Misconduct:** Behaviour that impacts adversely on, or poses a risk to the health, learning, working or living experiences of other students, staff and agents of the University. Examples of misconduct are listed at Appendices A and B.
- 3.7 **Natural and Constitutional justice:** The application of procedural fairness in accordance with the Constitutional right to natural justice. Within the context of these procedures this means that complaints will be fairly and reasonably processed, that allegations will be put to the Respondent concerned, and that Respondents will be given the opportunity to fully respond to any allegations against them.
- 3.8 **Outcome:** A combination of the decision (whether a complaint of alleged misconduct is upheld or rejected) and the penalty.
- 3.9 **Precautionary Measures** are temporary and non-judgemental measures that may be put in place to mitigate a risk that has been identified to either party or to the greater University Community pending an investigation, such as a student being asked to continue to study online until conclusion of the investigation, or a no contact order.

- 3.10 **Respondent:** A TU Dublin student in relation to whom a complaint has been made.
- 3.11 **Sanctions or penalties** Consequences or actions that are imposed on a Respondent, as determined by the decision-maker. Sanctions may be **Punitive** (e.g. restrictions, verbal warning, no contact order, suspension or expulsion), **Developmental** (e.g. reflective learning exercise, complete a recommended experiential course personal/behavioural) and/or **Restorative**, only where recommended (for example they will not ordinarily be used in cases where sexual violence has occurred) and appropriate (e.g. make amends for harm caused).

## 4 Rights and Responsibilities

- 4.1 Students who are either Complainants or Respondents in a process governed by these procedures can expect to:
- a) be treated fairly and consistently;
  - b) have their case addressed in a timely manner;
  - c) present their case at meetings.
- 4.2 Respondents will be:
- a) provided with details of allegations against them;
  - b) given the opportunity to respond to allegations against them;
  - c) given the opportunity to examine any documented evidence presented against them;
  - d) afforded the right to representation;
  - e) given an opportunity to appeal the outcome where applicable.



4.3 Students are required to:

- a) make themselves familiar with the [Student Charter](#), and the rules and obligations regarding appropriate conduct, and the likely consequences of the failure to meet the standard of conduct expected of TU Dublin students;
- b) observe the laws of the State, or any state in which the student may reside for the purposes of pursuing academic study, placement, or internship as part of their approved programmes of study at TU Dublin;
- c) observe all of the regulations, policies and procedures of the University, and those of any university or place of learning as part of their approved programme of study;
- d) conduct themselves in accordance with all University regulations, policies and procedures, including regulations, policies and procedures relating to the elimination of all forms of discrimination, promotion of equality of opportunity, and the protection of human rights, and regulations, policies and procedures providing for the prevention, and means to address any instances of, sexual harassment and sexual violence where they have been found to have occurred;
- e) respect the rights and dignity, and diversity and inclusion of all the members of the University community, including other students, our neighbouring communities, and communities outside the immediate environs of the university whilst acting in a representative capacity of or on behalf of the university, and therefore refrain from conduct liable to infringe their rights and dignity;
- f) engage with student discipline procedures in a polite and prompt manner;
- g) comply with decisions taken by a Student Disciplinary Board or a Board of Appeal.

4.4 The University will:

- a) operate these procedures in good faith and in an open and transparent manner;
- b) conduct any process commissioned under these procedures in as confidential a manner as possible while still consistent with natural justice and fair procedures and applicable legislation including data protection legislation;
- c) apply interim and/or precautionary measures and disciplinary measures in a fair and consistent manner in line with natural and constitutional justice and fair procedures;
- d) protect the interests of all parties directly involved in the application of these procedures in line with natural and constitutional justice and fair procedures;
- e) ensure that all parties are offered support and guidance throughout the process;
- f) adhere to the TU Dublin data protection policy in relation to record retention, monitoring and reporting;
- g) determine whether a matter is to be progressed under these regulations, or under the University's [Fitness to Continue to Study Policy](#) , or [Fitness to Practise](#).

## 5. General Provisions

5.1 Acts of misconduct covered by this procedure may include:

- a) behaviour that obstructs University staff or students, or agents of the University, in the performance of their duties;
- b) behaviour that obstructs University students in the pursuit of their studies;
- c) behaviour that brings, or has the potential to bring, the University into disrepute;



- d) behaviour that inhibits the equality, diversity and inclusion of all members of the university including students;
- e) behaviours that fall under the Sexual Violence and Harassment Policy;
- f) such examples are referenced at Appendices A and B.

5.2 The Respondent will be advised of the complaint against them and will be given the opportunity to state their case before any decision is made. If the nature of the complaint changes during the process of investigation, the University will inform the parties of this as it considers appropriate.

5.3 At all stages of the Disciplinary Procedures the Complainant and Respondent will have the right to be accompanied or represented by a third party. This includes, for example, a TU Dublin Students' Union Officer, friend, parent/guardian or other relative.

5.4 If the Complainant or Respondent chooses to be accompanied at the formal Student Disciplinary Panel, they must inform the Student Disciplinary Office at least 48 hours in advance. The University may at its discretion request that an alternative third party be selected, as it may consider appropriate.

5.5 If the Complainant or Respondent chooses to be legally represented at the formal Student Disciplinary Panel, they must inform the Student Disciplinary Office at least 72 hours in advance.

5.6 Specific accommodation will be provided, upon request, for any individual requiring additional assistance, such as interpreter services, sign language, or other representation.

5.7 No formal disciplinary measures will be taken against a student until the case has been investigated, except in the rare circumstances outlined in 5.13 and 5.15.

5.8 The standard test to be applied in establishing wrongdoing is the civil standard, i.e., the balance of probabilities.

5.9 When determining a disciplinary penalty, the need must be borne in mind of satisfying the test of reasonableness and proportionality in all circumstances.

- 5.10 The identity and circumstances of all parties involved shall remain confidential and shall not be disclosed to any third party unless the disclosure is necessary to progress an investigation or is made in accordance with 5.9. The identity and circumstances of any party involved in the investigation shall only be disclosed to those directly involved in the investigation process where considered appropriate by the University, save as required by law or pursuant to any regulatory obligations or pursuant to any legal proceedings. Please see Section 9 for addressing cases where the Respondent or Complainant are under 18 years old.
- 5.11 Where a complaint of sexual violence and harassment has been reported to An Garda Síochána, the University may be required to pause an internal investigation pending the outcome of the criminal investigation before it can then resume its investigation.
- 5.12 Where a student's reported behaviour or actions are deemed by the University to be impacting adversely on, or pose a risk to the safety, health, learning, working or living experiences of themselves or others, the Head of School may refer the matter to be dealt with under the [Fitness to Continue to Study Policy](#) or [Fitness to Practise](#) .
- 5.13 All disclosures, informal and formal complaints, that fall under the Sexual Violence and Harassment Policy are referred, by the University Disciplinary Office, to the Sexual Violence Prevention and Response Manager for comment.
- 5.14 The School Disciplinary Officers do not investigate complaint nor do they make any judgements in relation to any formal or informal complaints they receive. Their responsibilities are to:
- a) advise Complainants and potential Complainants on the process and different courses of action available to them.
  - b) record informal complaints and the outcome of any informal complaint process in the Student Disciplinary Record (online secure database, access to which is provided by the Student Disciplinary Office).

- c) Notify the Head of School, or nominee, of any informal complaints that have been received (Informal Complaints Process).
- d) Submit Student Disciplinary Complaint Forms to the Head of School or nominee (Formal Complaints Process).

**5.15** An emergency meeting of the Registrar, University Disciplinary Officer and the relevant Head of School will consider imposing a temporary/holding suspension (see Appendix C) in relation to the student(s) in certain circumstances following a risk assessment. The application of a temporary holding suspension is precautionary and is to facilitate the conduct of an investigation or disciplinary process and should not be viewed as an outcome sanction or as an indication of a finding of wrongdoing. Wherever possible, alternative interim or precautionary measures to a temporary holding suspension will be considered before initiating the temporary holding suspension. Any decision made in relation to initiating temporary holding suspension and/or precautionary measures will be reasonable, proportionate and only made after due consideration of the circumstances. Full details of the temporary holding suspension process and precautionary measures are outlined in Appendix C of this policy.

**5.16** The University/Academic Council reserves the right to refer suspected criminal offences to An Garda Síochána and/or the appropriate civil authorities (e.g. TUSLA) for investigation. Where complaints are received by the University Disciplinary Office, and the nature of the complaint is deemed, by the University Disciplinary Office, to fall under the Sexual Violence and Harassment Policy, the University Disciplinary Office will inform the Complainant of all options for reporting to An Garda Síochána, however, in the absence of any mandatory reporting requirements which may apply in an individual case, initiating a Garda complaint remains the prerogative of the Complainant.

**5.17** In certain instances, the University is obliged by law to report suspected criminal offences to An Garda Síochána or other civil authorities, such as TUSLA in suspected cases of child abuse, assault, ill-treatment or neglect of children and or vulnerable adults under the Children First Act 2015 and the

Criminal Justice Act 2012. Where a potential student disciplinary matter is also the subject of a Garda investigation the University reserves the right to process the case under its own procedures separate to the outcome of a Garda inquiry and any resulting criminal prosecution where it considers it appropriate to do so. Otherwise, the University may be required to pause the disciplinary process pending the outcome of a Garda investigation.

- 5.18** The University reserves the right to liaise with the appropriate external authorities in relation to the conduct of any external investigation as considered appropriate in the individual circumstances.
- 5.19** If a Respondent is convicted of a criminal offence related to the complaint reported, which in the opinion of the Registrar and University Disciplinary Officer will render them unsuitable for continued registration as a student at the University, or which will constitute a failure to adhere to the University's [Fitness to Practise](#) policy/ [Fitness to Continue to Study Policy](#) the matter shall be dealt with in accordance with the University's [Fitness to Continue to Study Policy](#) or [Fitness to Practise](#) policy as appropriate. In these circumstances, it will not be necessary to consider the evidence on which the conviction is based.
- 5.20** Where students are studying or working off campus, in a host institution or organisation, or on placement, as part of the programme for which they have registered, they are expected to familiarise themselves, and comply, with the relevant codes and regulations of those institutions or organisations. They are also required to:
- a) conduct themselves in such a way as not to bring themselves or TU Dublin into disrepute; and
  - b) respect the staff, property and activities of the host institution or organisation as they would the staff, property, and activities of TU Dublin.
- 5.21** The University shall be entitled to investigate any complaint against a student while on placement/internship as part of any programme with a host institution or organisation and, if upheld, shall be entitled to impose a sanction under this Procedure as if the complaint was made while the student was at TU Dublin.

- 5.22** The TU Dublin Student Disciplinary Officer will issue a written reprimand and a warning letter in instances where a student complaint is received, and the evidence supports the conclusion that the breach is minor in nature. The student will be informed of the evidential basis upon which the decision has been made and will be provided with an opportunity to respond to the allegation in writing. In an instance where a student denies the breach, the complaint will trigger a hearing by a Student Disciplinary Board.
- 5.23** If retained, CCTV and other electronic media, including social media, mobile phone may be accessed as part of the investigation for the purposes of gathering evidence as part of the disciplinary process.
- 5.24** The University adheres to the provisions as laid down by Data Protection Act and any other relevant legislation. Any records created for the purpose of this policy will be used in a manner consistent with this policy or disciplinary purposes only (see Section 10).
- 5.25** The Registrar will appoint a University Disciplinary Officer and a Deputy University Disciplinary Officer. In the event the University Disciplinary Officer is not available, the Deputy University Disciplinary Officer can fulfil the responsibilities as detailed in these procedures.
- 5.26** The University Disciplinary Officer will report annually to Academic Regulations, Policies and Procedures Oversight Committee (ARPPOC) on the disciplinary meetings and appeal meetings held during the academic year and the outcome of those meetings. This report will outline the number and type of breaches of discipline that occurred, indicating the types of penalties imposed per type/breach.
- 5.27** Any previous disciplinary sanctions imposed against a student under this policy, or any other University policy will be considered by the University when determining an appropriate penalty.
- 5.28** The proceedings and details of student disciplinary cases are private and confidential, and where student disciplinary data is reported to ARPPOC, or to the University Executive Team or Governing Body, it is done on an anonymised basis and in line with the University GDPR, data protection and

record retention policies.

- 5.29** Anonymised data on the number of formal complaints related to Sexual Violence and Harassment is reported to the HEA as required, on an annual basis.

## 6 Procedures

### 6.1 Reporting an Offence

- 6.1.1** Process flow charts for both the informal and formal complaints procedures are provided in Appendices D and E respectively.

- 6.12** Where any staff member or student discloses a potential instance of student misconduct to the attention of the School Disciplinary Officer, without the formal submission of the Student Complaint Form, the Head of School or nominee from the school executive team will proceed with an informal assessment in accordance with natural law and fair procedures to all parties to the complaint. Following the informal assessment, the Head of School or nominee may resolve the matter by following one or more courses of action below:

- a) decide to take no further action and inform the parties involved of this decision;
- b) discuss with both the Complainant and Respondent the possibility of a mediation route to resolve the matter, where appropriate as determined by the Head of School or nominee following consultation with the University Disciplinary Officer;
- c) inform the Complainant of their right to submit a formal complaint;
- d) without making findings, discuss the complaint with the University Disciplinary Officer for consideration as to the need to institute a Student Disciplinary Board.

- 6.1.3** Disclosures of sexual violence and harassment will be referred to the University Disciplinary Office, who will consult with the Sexual Violence Prevention and Response Manager before providing advice to the school on how to proceed.



- 6.1.4** Where any staff member or student brings a potential case of misconduct by a student to the attention of the School Disciplinary Officer, using the Student Complaint Form, the School Disciplinary Officer will refer the matter to the Head of School without undue delay.
- 6.1.5** If the School of an alleged Respondent cannot be identified, or in instances where the complainant is not comfortable reporting to the School Disciplinary Officer, the complaint can be reported to the University Disciplinary Officer using the Complaint Form. In cases covered by the Sexual Violence & Harassment Policy, a Complainant may contact the Sexual Violence Prevention and Response Manager directly.
- 6.1.6** On receipt of a formal complaint, the Head of School or nominee (or the University Disciplinary Officer) will re-assess the alleged misconduct complained of, and where the matter warrants it, the Student Disciplinary Procedures will be initiated by the Head of School or nominee, or University Disciplinary Officer, following consultation with them. It may be decided to pause to complaint so as to progress further investigation and/or mediation. The Head of School or University Disciplinary Officer will respond to the Complainant within five working days of receipt of the complaint. The Respondent will be informed that a complaint has been reported and the nature of the complaint against them. They will receive a copy of the complaint.
- 6.1.7** The Head of School or nominee or University Disciplinary Officer, if the matter is referred to the University, will determine the appropriate course of action for the complaint within ten working days of receipt of the complaint.
- 6.1.8** A Student Disciplinary Board may be convened to hear the matter.

## **6.2 Student Disciplinary Board**

- 6.2.1** Student Disciplinary Board meetings are held in private and usually in person. Where the Respondent is not resident in Ireland, or for some other legitimate reason is not available to attend in person, the Student Disciplinary Board

meeting may be facilitated online, or the Respondent may choose to submit a written response to the allegation.

- 6.2.2** A Student Disciplinary Board will be convened by the University Disciplinary Officer, on their own determination. Each Board will comprise three members of the University with no prior engagement in the process drawn from a Student Conduct Panel approved by Academic Council. The Board will have at least one male and one female member. The Student Conduct Panel will seek to represent the diversity of the TU Dublin community. In the case of complaints that entail an allegation of sexual misconduct, at least one member of the Board will be drawn from the Student Conduct Panel of trauma-informed specialists approved by Academic Council or its relevant Board.
- 6.2.3** The University Disciplinary Officer will nominate one member of the Board to chair the meeting. The Board will seek to conclude its business within ten working days of being first convened or as soon as reasonably practical. A Respondent will be notified of the date and time of the Student Disciplinary Board meeting within seven working days in advance of the meeting. Communication will be by email to the Respondent's University account. Where the respondent does not confirm receipt of the email, a pre-paid registered letter will be sent to the Respondents home or study address on University files. Where the respondent does not confirm receipt of the prepaid registered letter, communication will be sent by regular pre-paid post, Any communication will also contain the name(s) of the Complainant(s), any witnesses who will attend the meeting, and details of the allegation once confirmed.
- 6.2.4** Prior to the Student Disciplinary Board meeting a Respondent is entitled to:
- a) request the participation of witnesses for the Respondent, who may be relevant to the complaint.
  - b) review all relevant documentary evidence that the University intends to rely on at the discipline board meeting. CCTV and other electronic media, including social media, will be available to view by all parties on the day of the discipline board meeting.

- c) as per 5.3 be accompanied/ represented at the meeting by a person of the Respondent's choice: such as a TU Dublin Students' Union Officer, parent/guardian or other person of their choosing. It is the responsibility of the Respondent to identify and seek the participation of the support person. Where prior notification is not given by the Respondent in the stated timeframe the Board Chairperson reserves the right to adjourn the meeting. The University may at its discretion request that an alternative third party be selected, as it may consider appropriate.
- d) provide a written submission putting forward extenuating circumstances or written submission in response to the disciplinary allegation to the Student Disciplinary Board via the University Disciplinary Officer at least 72 hours in advance of the meeting.

**6.2.5** Where a Respondent fails or refuses to attend a Student Disciplinary Board meeting or respond to the University's correspondence within the timeframes requested by the University and the University has made reasonable attempts to accommodate them, the Board may decide to adjudicate on the matter in their absence in accordance with the procedure below.

## **6.3 Student Disciplinary Board Meeting Procedure**

**6.3.1** At the Student Disciplinary Board meeting, the Board will hear from the Complainant in respect of the allegation/s and ask questions. Attendance by any third-party representative of either the Complainant or Respondent is in an advisory and not an advocacy capacity.

**6.3.2** The Complainant will be heard in private, separately from the Respondent.

**6.3.3** The Respondent will be:

- a) advised that the meeting is taking place in accordance with the Student Disciplinary Procedures and the Student Charter and the purpose of the meeting to put the allegation to the Respondent and provide them with the opportunity to provide their response;

- b) asked to confirm that they understand the process;

c) presented with the alleged misconduct and asked to respond to it.

**6.3.4** If the Respondent accepts that the substance of the allegation is true, the Student Disciplinary Board may then proceed to determine an appropriate penalty. Both parties may make submissions regarding a penalty.

**6.3.5** Whether the Respondent denies or accepts the allegation, the following steps may be taken:

- a) all evidence, including witness evidence, will be discussed in the presence of the Respondent;
- b) the Student Disciplinary Board may ask questions of both the Respondent and any witnesses;
- c) the Student Disciplinary Board will deliberate in private and will be entitled to seek advice, during their deliberations;
- d) decisions will be taken by a simple majority and will be made on the balance of probabilities.

**6.3.6** The Chair of the Student Disciplinary Board may terminate the meeting if the conduct of the Complainant, Respondent, the Complainant's/Respondent's support person, or anyone else attending the meeting renders compliance with the procedures impossible or impracticable.

**6.3.7** If the Student Disciplinary Board, having considered the case, makes a finding of misconduct they shall consider imposing a penalty (see Section 7).

**6.3.8** The Student Disciplinary Board may also recommend that precautionary and safeguarding measures for both parties following conclusion of a hearing,

**6.3.9** The decision of the Student Disciplinary Board will be issued to the Respondent within five working days after the meeting or as soon as possible thereafter. The decision letter will contain reasons for the decision. Certain information regarding the outcome of the process may also be communicated by the University Disciplinary Officer to the Complainant.

**6.3.9** The University Disciplinary Officer will also inform Head of School, Registrar, and other relevant parties, as required, of the outcome of the meeting, including any penalty imposed, subject to Data Protection Act 2018 and

GDPR.

**6.3.10** The Respondent may submit a Student Disciplinary Appeals Form to the University Disciplinary Officer within seven working days of this communication. This will invoke the University Disciplinary Appeals procedure (Section 8).

**6.3.11** If no response is received from the Respondent within seven working days from the date of communication, then it shall be deemed that the Respondent accepts the decision and the penalty.

## 7. Penalties

**7.1** Where a Respondent is found to have breached the standard of conduct expected of a TU Dublin student, the Board may impose any of the following penalties, either separately or in combination as appropriate:

- a) a written reprimand and a warning to the student regarding their future behaviour. The matter may be referred to should any further allegations be made against the Respondent;<sup>3</sup>
- b) withhold any academic award, scholarship or prize for a specified period or on a permanent basis;
- c) require the reparation of any damage or loss caused, either to the University or to any of its members of staff or students or members of the public;
- d) suspension from accessing specific University facilities;
- e) permanent exclusion from accessing specific University facilities;
- f) suspension from the University for a specified period, or until such time as any requirements laid down by the Board;

---

<sup>3</sup> In the case of minor breaches, the University Student Disciplinary Officer may impose 7.1 (a) only as a sanction where there has either been an admission by the student of such misconduct, or where such evidence is deemed to prove guilt on the balance of probabilities. In an instance where a student denies the breach, the complaint will trigger the Student Disciplinary Board procedure as provided for in s. 5.22.

- g) payment of a fine not exceeding €1000 or the restitution of the damage or loss, as appropriate;
- h) permanent expulsion from the University.
- i) in addition to the penalties above, a student may be required to complete an activity or action intended to satisfy the University that a student understands the consequences of their actions, such as an apology and a written commitment to not repeat the behaviour that led to the complaint.

## 8. Appeals

8.1 An appeal against the decision of a Student Disciplinary Board can only be made by the Respondent on a Student Disciplinary Appeals Form submitted to the University Disciplinary Officer, on one or more of the following grounds:

- a) New Evidence: This is new information that was not available to the Student Disciplinary Board when it made its decision but which has since become available.
- b) Procedural irregularity: The procedures of the University in relation to student discipline have not been followed properly.
- c) Disproportionate penalty: The penalty imposed by the Student Disciplinary Board is considered too severe having regard to all the circumstances of the case.

8.2 A student exercising the right of appeal must submit the grounds of appeal in writing within seven working days from the date of issue of the Board decision by completing the Disciplinary Appeals Form. A copy of the information that the student wishes to rely on as part of the appeal must be submitted with the appeal form.

8.3 Unless exceptional circumstances arise, an appeal will not be accepted if it does not follow the appeal requirements under this policy process, including if it:

- a) Does not meet the stated grounds for appeal
- b) Does not include the necessary evidence to support the appeal



c) Is not submitted within the specified timeframe.

8.4 If an appeal does not meet the requirements under this policy, it is at the University Disciplinary Officer's discretion to determine whether there are exceptional circumstances which permit the appeal proceeding.

8.5 In relation to appeals, all decisions of the University remain in force until the outcome of any decision on an appeal.

8.6 A Student Disciplinary Appeals Board will be convened within 7 working days of an appeal being received by the University Disciplinary Officer or their nominee. The Board will consist of the University Disciplinary Officer and at least two or more members of the University staff drawn from the Student Conduct Panel with no prior engagement in the process. At least one member of the Board will be female, one will be male, and the Board will be gender balanced if larger than 3 persons. The Board will be chaired by the University Disciplinary Officer.

The Student Disciplinary Appeals Board will consider an appeal in a manner it deems appropriate to the circumstance of the case and having regard to fairness and due process.

8.7 The Student Disciplinary Appeals Board is required to make its own judgment, including reassessing the appropriate sanction, rather than simply upholding or overturning the original decision.

8.8 In doing this the Student Disciplinary Appeals Board is legally obliged to undertake a de novo hearing and undertake a proportionality analysis when determining sanctions. To ensure the fairness of the appeal hearing the Appeals Board will consider mitigating factors, the range of sanctions that it can impose, and the impact of the decision on the future career of the student.

8.9 The Student Disciplinary Appeals Board reserves the right to obtain a response from the Student Disciplinary Board when considering the appeal if it considers it necessary or appropriate. If this step is taken, a copy of the appeal form and any other supporting evidence provided by the Appellant will

---

be sent to the original decision-making body for comment. Any response by the original decision-maker should be provided within 5 working days of

receipt of the request for information from the Student Disciplinary Appeals Board. The Student Disciplinary Board should also provide any evidence to support their response.

- 8.10** The Student Disciplinary Appeals Board shall always meet in private and seek to conclude this stage of the process within 5 working days of being first convened.
- 8.11** If the Appeal is addressed by way of a hearing the Appellant will be invited by the Student Disciplinary Appeals Board to a hearing and will be notified of the date, time and location of the Board meeting at least 5 working days before that date. Communication will be by email to the Appellant's University account and by letter either in person or posted to the Appellant's home or study address, according to University files.
- 8.12** The Appellant will be given every opportunity to state their case in line with the grounds of appeal and will have the right to be accompanied or represented at the hearing. This includes, for example, a TU Dublin Students' Union Officer, friend, parent /guardian or other relative. If the Appellant chooses to be accompanied/represented, they must inform the University Disciplinary Officer in writing at least 48 hours in advance, noting the name of the individual accompanying or representing them. The University may at its discretion request that an alternative representative/accompanying person be selected, as it may consider appropriate. Legal representation will not be permitted unless approved by the University Disciplinary Officer in advance.
- 8.13** Where prior notification is not given on these terms or in this timeframe the University Disciplinary Officer reserves the right to adjourn the proceedings.
- 8.14** If the Appellant does not attend the meeting and does not offer sufficient or extenuating circumstances for not attending, the Student Disciplinary Appeals Board will proceed with the meeting as stated above in the Appellant's absence.
- 8.15** In its decision, the Student Disciplinary Appeals Board may:

- 
- a) Uphold the appeal and overturn the Student Disciplinary Board's decision in whole or in part;
-

- b) Reject the appeal and uphold the Disciplinary Board's decision in whole or in part;
- c) Decrease, or vary the nature of the penalty imposed by the Student Disciplinary Board.

**8.16** The decision of the Student Disciplinary Appeals Board will be issued to the Respondent by email or by post within five working days after the meeting. The decision letter will contain reasons.

**8.17** The decision of the Student Disciplinary Appeals Board is final.

## **9 Respondents or Complainants under 18 years old**

**9.1** Those under 18 are regarded as minors under the law. They have the right under the Data Protection Acts for information about them not to be disclosed without their consent or as otherwise permitted by the Data Protection Acts.

**9.2** A child who understands the nature of their rights and is acting in their best interests is capable of asserting their data protection rights as if they were an adult. The following factors should be considered in this regard:

- maturity;
- the type of request (e.g. DSAR, erasure, objection to processing);
- context of processing and service provided;
- type of personal data;
- whether enabling the child to exercise their rights is in their best interests;
- whether the child is assisted by a parent, guardian or third-party advocate.

**9.3** The University will not be able to give information to parents or guardians regarding the student's progress, results or any other personal circumstances unless the student has given their specific consent, or such disclosure would otherwise be in accordance with the Data Protection Acts.

**9.4** Parents and guardians can have access to their child's personal data once doing so is in the child's best interests. This presumption may be rebutted where the following factors are considered:

- age – the closer to 18 the more appropriate it is for the organisation to deal with the child themselves. Parents of a child over 17 should only be capable of exercising that child’s rights in “exceptional circumstances”;
- nature or sensitivity of the personal data;
- nature of the relationship between parent and child;
- purpose for which the parent is exercising the child’s rights other than the child’s best interests;
- the child’s view and whether they consent/would consent to the parental exercise of their rights;
- potential harm or distress to the child of allowing the parent to exercise their rights; and
- whether any sectoral rules apply, if any

**9.5** The Student Disciplinary Office within Academic Affairs will liaise with the Data Protection Office of the University where an application is made for information by (a) parent(s)/guardian(s) under 9.4 and/or 9.5 of this policy

## **10 Malicious or Vexatious Complaints**

- 10.1** All complaints must be made in good faith. Should it be determined by any determining body or investigation that a complaint, is on the balance of probability, vexatious or malicious, the matter may be referred to the Student Disciplinary Board for further consideration.
- 10.2** A complaint which is determined to be vexatious or malicious will be regarded as a serious breach of this policy, and as a result, may result in disciplinary action.

## **11 Data Protection and Record Retention**

- 11.1** The University adheres to the provisions as laid down by Data Protection and any other relevant legislation. Any records kept will be used for disciplinary purposes only and subject to the retention schedule policy.

- 11.2 Complaint forms, notes of the Student Disciplinary Board meeting, Disciplinary Appeals Board meeting, and other relevant materials will be retained according to the University policy on record retention, as provided for in the Data Protection Policy.
- 11.3 Complaint forms and all documentary evidence will be made available electronically to all relevant parties, e.g., Board members, via a secure shared folder. It will not be possible to download or edit the files and access will be removed immediately after the relevant Board meeting.

## 12 APPENDIX A - Examples of Misconduct

- 12.1 Examples of Misconduct (these are not exhaustive and are presented here as examples for illustrative purposes)
- a) Engage in disorderly conduct on University premises
  - b) Eating and/or drinking in areas where such activities are specifically prohibited
  - c) Consume alcohol at any time on University premises, except for special circumstances approved in advance
  - d) Remove, misuse, damage or use without authority University property or the property of any other student or member of staff
  - e) Enter off-limit areas without authorisation
  - f) Fail to identify oneself on request when properly and reasonably requested to do so
  - g) Littering the University premises
  - h) Assault or abuse physically, sexually, online, or verbally of any other student or member of staff
  - i) Bully or harass, sexually or otherwise, any other student or member of staff
  - j) Engage in conduct which disrupts or is likely to disrupt learning, teaching, research, examinations, practice / work placements, meetings, or the administration of the University

- k) Contravene the Student Regulations Governing the Use of Computer Resources
- l) Falsify or misuse any University document, record, stamp, identification mark, seal or identification card
- m) Interfere with firefighting equipment or other safety equipment
  - n) Fail to comply with any reasonable instruction of a fire warden or other University officer
  - o) Consume alcohol or drugs so as to be incapable of exercising reasonable control
  - p) Smoke or vape in unauthorised areas
  - q) Discriminatory behaviours in an educational setting can take many forms. Below are several examples:
    - i. Verbal Abuse or Insults: Making derogatory or offensive remarks about another student's race, religion, gender, sexual orientation, disability, or any other protected characteristic.
    - ii. Bullying or Harassment: Repeatedly targeting an individual or group with unwanted behaviour, such as name-calling, spreading rumours, or making threats based on discriminatory grounds.
    - iii. Exclusion or Isolation: Deliberately excluding someone from group activities, discussions, or social events because of their background or identity.
    - iv. Physical Intimidation or Assault: Engaging in threatening behaviour or physical violence motivated by prejudice against a person's characteristics.
    - v. Displaying Offensive Material: Sharing or displaying images, posters, or symbols that are racist, sexist, homophobic, or otherwise discriminatory.
    - vi. Online Discrimination (Cyberbullying): Using social media or digital platforms to harass, demean, or spread hateful content about others based on protected characteristics.



- vii. Mocking or Imitating Accents, Dress, or Customs: Ridiculing someone's cultural practices, language, or appearance in a way that is intended to belittle or offend.
- viii. Refusal to Work with Others: Declining to participate in group work or activities with certain students because of their race, religion, gender, or other protected characteristic.
- ix. Making Assumptions or Stereotyping: Openly expressing stereotypical views or assumptions about individuals or groups, which can create a hostile environment.

## 13 APPENDIX B - Examples of Misconduct relating to Sexual Violence and Harassment:

13.1 Examples of Misconduct relating to Sexual Violence and Harassment (these are not exhaustive and are presented here as examples for illustrative purposes)

- a) **Sexually assault or Abuse** or threaten to assault sexually, or abuse of any other student or member of staff
- b) **Sexual harassment:**, physical, verbal, written or online any other student member of staff
- c) Any **non consensual sexual contact** with any other student or member of staff
- d) **Any Image Based Sexual Abuse:** recording, sharing or threatening to share sexual or intimate photos, videos of any other student or member of staff without their permission or refusing to stop sharing after a request to do so.
- e) **Stalking:** persistent and unwanted communication or behaviour with intent to frighten, threaten, intimidate or harass any other student or member of staff
- f) **Coercive Control or Relationship Abuse:** any incident or pattern of incidents of controlling, coercive, threatening behaviour or violence between those who are either in a relationship, situationship, dating or who are or have been intimate partners

- g) **Complicity:** any act that knowingly helps, promotes or encourages any form of sexual violence
- h) **Retaliation:** any adverse actions against another student or member of staff including but not limited to harassment, threats, intimidation manipulation or coercion, made in response to someone disclosing or reporting any form of sexual violence to the university

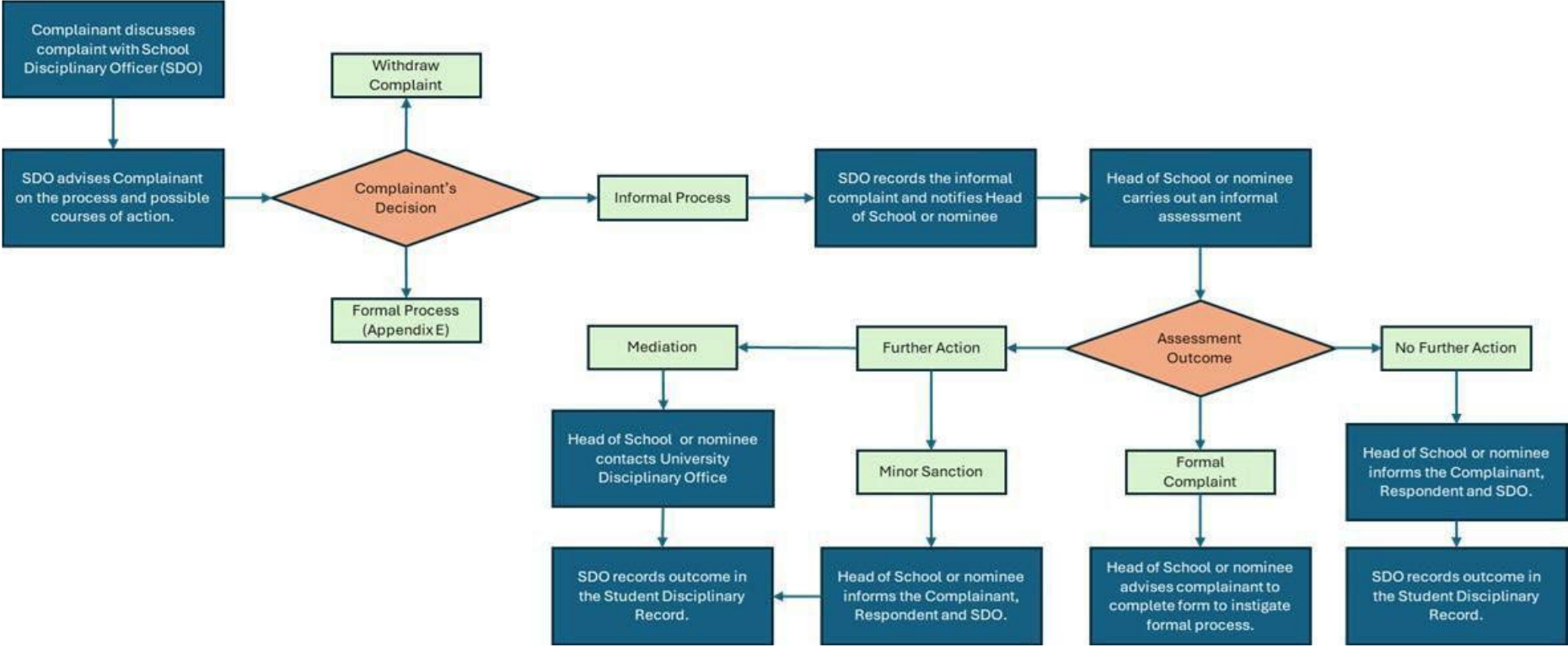
## 14 APPENDIX C - Temporary/holding suspension and precautionary measures

- 14.1 As noted at paragraph 5.13 of this policy, the University reserves the right to impose a temporary holding suspension on a student(s) where it considers it appropriate, including but not limited to the following circumstances:
- a) Where the alleged behaviour or actions of the Respondent appear to the University to constitute an immediate threat to staff, students or others including the University;
  - b) it is necessary to prevent the repetition of the alleged conduct complained of;
  - c) it is necessary prevent interference with evidence or the investigation;
  - d) it is necessary to protect the University's property, business and reputation.
- 14.2 The above examples are non-exhaustive and should be considered based on the circumstances of each case.
- 14.3 The effect of the temporary holding suspension means that the student(s) will not be permitted to participate in activities of the University (including academic or social activities such as lectures, examinations, conferring of degrees, etc), attend at the University premises and/or make contact with employees or students of the University regarding matters without the prior written consent of the University Student Discipline Officer. A decision to suspend will result in the student's registration on their course being placed on hold.
- 14.4 Any temporary holding suspension does not imply a presumption of any

wrongdoing on the part of the suspended student and will not constitute a disciplinary sanction to the student that is suspended.

- 14.5 Students may be accompanied in a support capacity
- 14.6 A temporary holding suspension will be kept under review by the University and will not continue for longer than necessary in the circumstances.
- 14.7 Wherever possible, alternative precautionary measures to temporary holding suspension will be considered before making this decision.
- 14.8 As the case with temporary holding suspension, a precautionary measure is not a penalty or a sanction and does not indicate that it has been concluded that the person concerned has committed a breach of discipline or a criminal offence. Rather a precautionary measure may be put in place to mitigate an identified risk, for example, intimidation of witness(es) or contacting a complainant(s).
- 14.9 Examples of such precautionary measures include the following:
  - a) Imposing specific conditions on the Respondent in relation to contacting the Complainant or certain witnesses
  - b) Imposing specific conditions on the Respondent in relation to remaining away from the University premises/parts of the University premises and/or at certain times of the day or week;
  - c) Implementing alternative study arrangements, such as remote learning, altering tutorial groups;
  - d) Imposing conditions on any placement of the Respondent.
- 14.10 This list is not exhaustive, and other precautionary measures deemed reasonable in the circumstances may be put in place case-by-case. A variation of the above measures may be considered by the University as it considers appropriate.

17 APPENDIX D - Informal Complaint Process Flow Chart



18 APPENDIX E - Formal Complaint Process Flow Chart

