



**Academic Quality
Framework
Student Disciplinary
Procedures**

Approved by Academic Council

28th June 2023

Table of Contents

- 1. Purpose.....3
- 2. Scope.....3
- 3. Definitions3
- 4. Rights and Responsibilities.....4
- 5. General Provisions.....6
- 6. Procedures.....9
- 7. Penalties16
- 8. Appeals.....17
- 9. Data Protection and Record Retention.....20

Document Control Summary

Area	Document Information
Author	Academic Affairs
Owner	Academic Affairs
Reference number	AQF_SDP_1.1
Version	1.1
Status	Approved
Approved by / to be approved by	Academic Council
Approval date	28 June 2023
Document Classification	TU Dublin Internal/Wide

1 Purpose

- 1.1 The Student Discipline Procedure is intended to provide a clear, transparent, and fair process for dealing with allegations of student misconduct. 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 supercede 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 except those covered by the TU Dublin assessment regulations.
- 2.5 See Appendix A for examples of misconduct covered by this Procedure. These are indicative only.

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 against the decision made against them by a Disciplinary Board.

- 3.3 **Complainant:** Student, staff or other person who makes a complaint of misconduct by any TU Dublin student.
- 3.4 **Decision:** A ruling of whether or not an offence is deemed to have taken place.
- 3.5 **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
- 3.6 **Natural and Constitutional justice:** The application of procedural fairness. Within the context of these procedures this means that Complainants and Respondents will have the right to be heard. All relevant submissions and evidence will be considered and decision-makers considering complaints of misconduct shall act without bias.
- 3.7 **Outcome:** A combination of the decision (whether an alleged offence is upheld or rejected) and the penalty.
- 3.8 **Penalty:** An action imposed on a Respondent when an offence is deemed to have taken place.
- 3.9 **Respondent:** A TU Dublin student who responds to a complaint that has been made against them.

4 Rights and Responsibilities

4.1 Students can expect to:

- be treated fairly and consistently;
- have their case addressed in a timely manner;
- be provided with details of allegations against them;
- be given the opportunity to respond to allegations against them;
- be given the opportunity to examine any documented evidence presented against them;
- present their case at meetings;

- be given an opportunity to appeal the outcome.

4.2 Students are required to:

- make themselves familiar with rules and obligations with regard to appropriate conduct, and the likely consequences of the failure to meet the standard of conduct expected of TU Dublin students;
- observe the laws of the State, or any state in which the student may reside for the purposes of pursuing further academic study, placement, or internship as part of their approved programmes of study at TU Dublin;
- 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;
- conduct themselves in accordance with all University regulations, policies and procedures, including regulations, policies and procedures relating to the elimination of discrimination, promotion of equality of opportunity, and the protection of human rights, and regulations, policies and procedures providing for the ending of sexual harassment and sexual violence.
- Respect the rights and dignity 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;
- Engage with student discipline procedures in a polite and prompt manner;
- Comply with decisions taken by a Student Disciplinary Board or a Board of Appeal.

4.3 The University will:

- operate these procedures in good faith.
- apply disciplinary measures in a fair and consistent manner in line with natural and constitutional justice and fair procedures;
- protect the interests of all parties involved in the application of these procedures in line with natural and constitutional justice and fair procedures;
- Adhere to the TU Dublin data protection policy in relation to record retention, monitoring and reporting.

5 General Provisions

5.1 Offences covered by this procedure may broadly be described as:

- Behaviour that obstructs University staff or students, or agents of the University, in the performance of their duties;
- Behaviour that obstructs University students in the pursuit of their studies
- Behaviour that brings, or has the potential to bring, the University into disrepute.

5.2 The Respondent will be advised of the nature 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 Respondent will be informed of this.

5.3 At all stages of the Disciplinary Procedures the Respondent will have the right to be accompanied by a third party.

5.4 No formal disciplinary measures will be taken against a student until the case has been investigated, except in the rare circumstances outlined in 5.12.

5.5 The standard test to be applied in establishing guilt is the civil standard, i.e., the balance of probability.

- 5.6 When determining a disciplinary penalty, the need must be borne in mind of satisfying the test of reasonableness and proportionality in all circumstances.
- 5.7 The identity and circumstances of all parties involved over 18 years of age shall remain confidential unless disclosure is necessary to progress an investigation. In this case the identity of any party involved shall only be disclosed to those directly involved in the matter.
- 5.8 The University will disclose to the parents or guardians of a Complainant / Respondent under 18, or the guardians of a vulnerable adult, the existence and content of any complaint made by or against such Complainant/Respondent and details of any resultant disciplinary procedures. The University may of its own volition make such disclosures without request.
- 5.9 A student will not be disadvantaged because they cooperate with an investigation.
- 5.10 The University will continue to investigate complaints relating to sexual harassment and sexual violence, notwithstanding the initiation of a Garda investigation into the complaint.
- 5.11 Where a student's reported behaviour or actions are deemed to be impacting adversely on, or pose a risk to the health, learning, working or living experiences of themselves or others, the School Disciplinary Officer may refer the matter to be dealt with under the University's Fitness to Continue to Study policy or Fitness to Practise Policy.
- 5.12 Where the behaviour or actions of a Respondent appear to constitute an **immediate** threat to staff, students or others, an emergency meeting of the Registrar, University Disciplinary Officer and the relevant School Disciplinary Officer will consider the matter and shall have the right to have the Respondent excluded from the University with immediate effect and until further notice. The exclusion may extend to an instruction to the student to desist from contacting staff, students or relevant others via any media or in person.

A summary note will be taken of this meeting by the University Disciplinary Officer, who will then commence an investigation to determine which policy of the university (Fitness to Continue to Study, Fitness to Practise or Student Disciplinary Procedures) will apply.

- 5.13 Suspected criminal offences will ordinarily be referred to An Garda Síochána and/or the appropriate civil authorities (e.g. TUSLA) for investigation. 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. The University may decide to process the case under its own procedures, pending the outcome of a Garda inquiry and any resulting criminal prosecution.
- 5.14 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 renders them unsuitable for continued registration as a student at the University, the matter shall be dealt with in accordance with the University's Fitness to Continue to Study policy. In these circumstances, it will not be necessary to consider the evidence on which the conviction is based.
- 5.15 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:
- Conduct themselves in such a way as not to bring themselves or TU Dublin into disrepute; and
 - Respect the staff, property and activities of the host institution or organisation as they would the staff, property, and activities of TU Dublin.
- 5.16 The University shall be entitled 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 Procedure as if the complaint was made while the student was at TU Dublin.

- 5.17 If retained, CCTV and other electronic media, including social media, may be accessed as part of the investigation for the purposes of gathering evidence as part of the disciplinary process.
- 5.18 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 (see Section 9).
- 5.19 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.

6 Procedures

6.1 Reporting an Offence

- 6.1.1 Any staff or student member of the University or others who become aware of apparent misconduct on the part of a student shall report this without undue delay to the School Disciplinary Officer using the Complaint Form. In the case of alleged misconduct beyond the classroom, if the School of an alleged offender 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.
- 6.1.2 A Complaint Form must be signed by the Complainant(s).

- 6.1.3 On receipt of a formal complaint, the School Disciplinary Officer (or the University Disciplinary Officer) will assess the alleged misconduct complained of, and where the matter warrants it, the Student Disciplinary Procedures will be initiated. The student against whom the allegation is made (the Respondent) will be informed that a complaint has been reported and the nature of the complaint against them. The School Disciplinary Officer or University Disciplinary Officer will address the complaint within five working days of receipt of the complaint.
- 6.1.4 The complainant may wish to discuss informally the misconduct observed or experienced with the relevant School Disciplinary Officer. In such cases, and where the School Disciplinary Officer forms the view that the complaint is a minor breach of conduct, a Student Disciplinary Board meeting may not be required.
- 6.1.5 Where a complainant brings a potential case of misconduct to the attention of the School Disciplinary Officer, without the formal submission of the Student Complaint Form, the School Disciplinary Officer 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 School Disciplinary Office may resolve the matter by following one or more courses of action below:
- a. Decide to take no further action and informing the parties involved of this decision;
 - b. Discuss with the complainant in the first instance the possibility of a mediation route to resolve the matter;
 - c. Advise the complainant 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.

- 6.1.6 In the case where the School Disciplinary Officer decides to take no further action 6.1.5 (a), the complainant may still submit a formal complaint if not satisfied with the decision.
- 6.1.7 In the case where the School Disciplinary Officer suggests the possibility of a mediation route 6.1.5 (b), the complainant can decline to take this route and submit a formal complaint.
- 6.1.8 The School Disciplinary Office should inform the University Disciplinary Officer of the informal complaint and the outcome of the assessment.
- 6.1.9 When a formal complaint is made, the formal procedure of a Student Disciplinary Board will occur.

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, following a request by the School Disciplinary Officer or 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 a University 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 five working days of being first convened. The relevant School Disciplinary Officer will attend the meeting but will not be present during the Panel deliberations phase.
- 6.2.4 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 and on the same day a letter to be given in person to the Respondent or to be sent to their home or study address on University files. The letter will also contain the name(s) of the complainant(s) and any witnesses who will attend the meeting, details of the complaint/allegation made against them and copies of any documents that will be relied upon at the meeting. The Complainant and witnesses (if any) will also receive this notification.
- 6.2.5 Prior to the Student Disciplinary Board meeting a Respondent is entitled to:
- Request the participation of witnesses for the Respondent, within reason.
 - Review all relevant documentary evidence that the University intends to rely on at the meeting.

- Be supported at the meeting by a person of the Respondent's choice: a support person may be 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. The Respondent should advise the Board of the identity of the support person at least three working days in advance of the meeting. Where the Respondent intends to bring a legal representative as a third party, the Board must be notified at least three working days before the meeting. In this case, the University may also request the attendance of a legal representative. Where prior notification is not given in this timeframe the Board Chairperson reserves the right to adjourn the meeting to enable the University secure its own legal representation.
- Provide a written submission putting forward extenuating circumstances or making a counteraccusation to the Student Disciplinary Board via the University Disciplinary Officer three working days in advance of the meeting.

6.2.6 Where a Respondent fails to attend a Student Disciplinary Board meeting 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

At the Student Disciplinary Board meeting, the Board will:

- 6.3.1 Hear from the Complainant in respect of the allegation/s and ask questions. The Complainant may be accompanied by a support person of their choosing, such as a person from the Students Union, parent/guardian, trauma-informed support, or other person. If the Complainant wishes to be accompanied by a legal representative, the same notification rules apply as to the Respondent (see 6.2.4). The Complainant will be heard in private, separately from the Respondent.
- 6.3.2 The Respondent will be:
- Advised that the meeting is taking place in accordance with the Student Disciplinary Procedures and the Student Code of Conduct;
 - Asked to confirm that they understand the process and state whether they are willing to continue with the meeting. If the Respondent is not willing to proceed with the meeting, the Board may consider an adjournment. Alternatively, the Board will consider the matter on the basis of the submitted documentation and oral submissions of the complainant, School Disciplinary Officer and any witnesses.
 - Be presented with the alleged breach and asked to respond to it.
- 6.3.3 If the Respondent accepts that the substance of the allegation is true, the Board may proceed to determine an appropriate penalty. Both parties may make submissions regarding a penalty.
- 6.3.4 If the Respondent denies the allegation, the following steps will be taken:
- All evidence, including witness evidence, will be discussed in the presence of the Respondent.
 - The Board may ask questions of both the Respondent and the School Disciplinary Officer.

- The Respondent will be given the opportunity to make oral submissions, including submissions regarding any potential penalty if the Student Disciplinary Board upholds the allegation.
 - The Board will deliberate in private and will be entitled to seek advice, including legal advice, during their deliberations.
 - Decisions will be taken by a simple majority and will be made on the balance of probabilities.
- 6.3.5 The Chair of the Student Disciplinary Board may terminate the meeting if the conduct of the Respondent, the Respondent's support person, or anyone else attending the meeting renders compliance with the procedures impossible or impracticable.
- 6.3.6 The Student Disciplinary Board, having considered the case, shall decide on one of the following:
- a) No offence is deemed to have taken place. The complaint is dismissed with no further action;
 - b) An offence is deemed to have taken place. The Student Disciplinary Board imposes a penalty (see Section 7)
- 6.3.7 If the Student Disciplinary Board considers that an offence in the scope of sexual misconduct may have taken place, the Board may wish to request the services of an External Expert drawn from a national pool of experts to investigate the matter further and provide the Board with a report. On consideration of this report, the Board will determine an outcome of either 6.3.6 a) or b) above and proceed accordingly.
- 6.3.8 The decision of the Student Disciplinary 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 as to why and how the decisions was arrived by the Student Disciplinary Board.

- 6.3.9 The University Disciplinary Officer will also inform the Complainant, School Disciplinary Officer, Registrar, and other relevant parties, as required, of the outcome of the meeting, including any penalty imposed.
- 6.3.10 The Respondent shall, within seven working days of this communication, communicate a response to the University Disciplinary Officer:
- The Respondent accepts the decision of the Student Disciplinary Board and the penalty imposed;
 - The Respondent does not accept the decision and submits a Student Disciplinary Appeals Form to the University Disciplinary Officer. 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 to the breach or nature of the breach:
- 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;
 - b) A fine;
 - c) Withhold any academic award, scholarship or prize for a specified period or on a permanent basis;
 - d) 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;

- e) Suspension from accessing specific University facilities;
- f) Permanent exclusion from accessing specific University facilities;
- g) Suspension from the University for a specified period, or until such time as any requirements laid down by the Board such as payment of a fine or the restitution of damage or loss are fulfilled;
- 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 (hereafter known as the Appellant) on a Student Disciplinary Appeals submitted to the University Disciplinary Officer, on one or more of the following grounds:
- a) New information that was not available to the Student Disciplinary Board has now come to hand.
 - 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 is required to 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.

- 8.3 A Student Disciplinary Appeals Board will be convened within 7 working days of an appeal being communicated to 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.
- 8.4 The 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.
- 8.5 The Appellant will be notified by the Student Disciplinary Appeals Board of the date, time and location of the meeting of the Board at least 5 working days prior to 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.
- 8.6 The Appellant will be given every opportunity to state their case and will have the right to be accompanied by a third party such as a parent or guardian or a member of the Students' Union. They will also be encouraged to seek advice from the TU Dublin Students' Union.
- 8.7 Where the Appellant intends to bring a legal representative as a third party, the University Disciplinary Officer must be notified at least three working days before the meeting, and in this case, the University may also request the attendance of a legal representative. Where prior notification is not given in this timeframe the University Disciplinary Officer reserves the right to adjourn the proceedings to enable the University secure legal representation.
- 8.8 If the Appellant does not attend the meeting and does not offer sufficient or any extenuating circumstances for not attending, then the Student Disciplinary Appeals Board will proceed with the meeting as stated above.

- 8.9 When considered necessary or appropriate, the Student Disciplinary Appeals Board may consider evidence not given before the Student Disciplinary Board.
- 8.10 In its decision, the Disciplinary Appeals Board may:
- a) Allow the appeal and overturn the 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, increase, or vary the nature of the penalty imposed by the Student Disciplinary Board.
- 8.11 The Chair of the Disciplinary Appeals Board will inform the Appellant, Complainant, President of the University, Registrar, Faculty Dean, Faculty Administrator, and the School Disciplinary Officer of the decision of the Disciplinary Appeals Board.
- 8.12 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 as to why and how the decisions was arrived.
- 8.13 The decision of the Disciplinary Appeals Board is final.
- 8.14 The University Disciplinary Officer will report on an annual basis to Academic Regulations, Policies and Procedures Oversight Board (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.
- 8.15 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.

9 Data Protection and Record Retention

- 9.1 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.
- 9.2 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.
- 9.3 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.

APPENDIX A

Examples of Misconduct

These are not exhaustive– examples for illustrative purposes

- Engage in disorderly conduct on University premises
- Eating and/or drinking in areas where such activities are specifically prohibited
- Consume alcohol at any time on University premises, except for special circumstances approved in advance
- Remove, misuse, damage or use without authority University property or the property of any other student or member of staff
- Enter off-limit areas without authorisation
- Fail to identify oneself on request when properly and reasonably requested to do so
- Littering the University premises
- Assault or abuse physically, sexually, online, or verbally of any other student or member of staff
- Bully or harass, sexually or otherwise, any other student member of staff
- Engage in conduct which disrupts or is likely to disrupt learning, teaching, research, examinations, practice / work placements, meetings, or the administration of the University
- Contravene the Student Regulations Governing the Use of Computer Resources
- Falsify or misuse any University document, record, stamp, identification mark, seal or identification card
- Interfere with firefighting equipment or other safety equipment
- Fail to comply with any reasonable instruction of a fire warden or other University officer
- The consumption of alcohol or drugs to be incapable of exercising reasonable control
- Smoking in unauthorised areas