

Student Discipline Procedure 2023/2024

Owner: Student Engagement, Conduct, Complaints and Appeals (SECCA)

Approval date & body: ACEC, 10 May 2023

The Student Discipline Procedure is intended to provide a clear, transparent and fair process for dealing with allegations of student misconduct within a reasonable timescale and should be read in conjunction with [UCD Student Code of Conduct](#).

1. Student Rights and Responsibilities

Students can expect to be:

- treated fairly and consistently within the University's Student Discipline Procedure.
- provided with details of allegations made against them which are subject to being investigated under the Student Discipline Procedure.
- able to present their case, either in person or in writing, at Student Conduct Meetings and Student Disciplinary Committee Hearings.
- provided with the opportunity to appeal the decision and/or penalty in accordance with the Student Discipline Procedure.

Students are required to:

- familiarise themselves with the UCD Student Code of Conduct.
- attend and participate in Student Conduct Meetings and Student Disciplinary Committee Hearings when invited to do so. Failure to attend or participate without good reason will be treated as a breach of the Student Code of Conduct.
- engage with student discipline procedures in a polite and prompt manner. It is important that students respond to invitations to meetings and requests for information within specified timelines.
- comply with decisions taken at Student Conduct Meetings and Student Disciplinary Committee Hearings.
- familiarise themselves with student fitness to practise requirements and consult their programme's [Student Fitness to Practise Programme Statements](#).

2. Definitions

Respondent: Student against whom the report alleges misconduct / breach of the UCD Student Code of Conduct.

Decision: The ruling of whether a breach of the UCD Student Code of Conduct has occurred. This can be the decision of the Registrar or their nomineeⁱ at the Student Conduct Meeting, or the decision of a Student Disciplinary Committee.

Penalty: A punitive action that is imposed on a respondent when a decision is made that misconduct has occurred.

Outcome: The outcome is the combination of the decision (whether an alleged breach is upheld or rejected) and the penalty.

Appeal: A request by a student for the decision and / or the penalty to be reconsidered on specified grounds.

Disciplinary hold: A disciplinary hold prevents a student from accessing their university record or being conferred.

Natural 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 that decision-makers considering complaints of misconduct shall act without bias.

3. Student Discipline Decision-Making

- 3.1 Academic Council and the Registrar have statutory responsibility for regulating student conduct. The Registrar may nominate an appropriate member of staff to regulate student conduct and to act as the University's representative under the Student Discipline Procedure¹.
- 3.2 Student conduct is also monitored and dealt with by various university staff as necessary for the effective and efficient resolution of student conduct issues. The following staff members and university bodies hold delegated authority to consider, make decisions and take actions relating to student conduct, within the context of relevant regulations, policies and procedures.
- UCD School Plagiarism Committees may consider and make decisions regarding allegations of plagiarism, in accordance with the Plagiarism Policy.
 - UCD Residences may consider, make decisions and take actions against students found to be in breach of the License to Reside.
 - UCD Library may consider, make decisions and take actions against students who are found to be in breach of Library Regulations.
 - Assessment, UCD Registry, may issue warning letters for minor breaches of examination regulations.
 - The Athletic Union Council (AUC), Student Societies Council and the Students' Union are responsible for regulating the discipline of their members through their constitutions and related procedures.
- 3.3 The University encourages that minor student conduct issues are resolved at the level closest to the relevant parties. Where this is not possible or appropriate, and a student's behaviour is considered to have breached the Student Code of Conduct, or if an alleged breach of any of the above constitutions, codes, rules or agreements is of such gravity or urgency, the matter may be referred, without decision, to be dealt with under the Student Discipline Procedure.
- 3.4 Under the Student Discipline Procedure the Registrar or their nominee may make decisions regarding alleged breaches of the Student Code of Conduct in accordance with section 5 of this procedure. Where the matter is referred to a Student Disciplinary Committee for adjudication committees are convened on a case-by-case basis.
- 3.5 In the event that more than one procedure is applicable, the Registrar or their nominee may decide which process should be followed or take precedence.

4. Procedure

4.1 Communications

Communications with students will normally be conducted via email using UCD student email addresses. The Student Engagement, Conduct, Complaints and Appeals unit manages the Student Discipline Procedure and operates as a point of contact for the provision of advice regarding all student conduct matters. Contact: Student.Conduct@ucd.ie

4.2 Reporting breaches

Alleged breaches of the Student Code of Conduct are usually reported to the Registrar or their nominee using incident reports or referral letters from the relevant local unit or body such as School Plagiarism Committees, Assessment / Overseas Programme Managers, (in the case of alleged examination hall breaches), UCD Residences or Estate Services. In all other cases alleged incidents will normally be reported using a [Student Misconduct Incident](#)

¹ The Registrar's nominee is normally the Dean of Students.

[Report](#). Reports should be submitted to the Student Engagement, Conduct, Complaints and Appeals unit at student.conduct@ucd.ie.

4.3 Group allegations

Where reports of alleged misconduct involve more than one student the Registrar or their nominee may decide to proceed with a joint student conduct meeting or joint Student Disciplinary Committee hearing. Respondents will be given equal opportunities to respond.

4.4 Confidentiality and record management

Records relating to student conduct cases are treated with confidentiality and are held separately to the general student record. Breaches of the Student Code of Conduct will not appear on transcripts. Student discipline documents will ordinarily only be used for student discipline case handling and appeal purposes. Where statistical student discipline data is reported to the University it is anonymised.

Access to student discipline case information be limited to those with responsibility for

- the administration of the Student Discipline Procedure,
- decision-making,
- implementing decisions and student support professionals, where appropriate.

Where relevant, access may be granted to student disciplinary records and/or they may be used in connection with:

- A claim made by the University or defence of a claim against the University, or member(s) of its staff, in a court, tribunal, statutory decision-making body, arbitral or other decision-making forum.
- The determination of any internal claim, grievance or disciplinary process of the University in relation to other student(s) or member(s) of staff.

Confidentiality does not preclude the University from informing complainants/reporting parties of decisions. Any information shared will be in accordance with the principles of natural justice and fairness to the complainant/reporting party and respondent as well as the Student Engagement, Conduct, Complaints and Appeals privacy statement which covers GDPR. Information relating to decisions may also be shared with members of staff where it is necessary for the effective administration of the process, including the implementation of decisions.

4.5 Witnesses

Where a respondent student requests the participation of a witness at a Student Disciplinary Hearing, requests must be submitted as soon as possible to enable appropriate arrangements to be made in advance of the hearing. It is recognised that witnesses may be reluctant to participate, and the University reserves the right to put in place such procedures as are reasonable to balance the respondent's right to request the participation of a witness and the rights of the witness. The University may also request the participation of witnesses for the purposes of balance and for the Student Disciplinary Committee to assess evidence. Witnesses are not obligated to participate.

4.6 Complaints of Bullying, Harassment and Sexual Misconduct

The University has a separate procedure for investigating complaints of bullying, harassment and sexual misconduct, including sexual harassment, made against staff or students under the UCD Dignity and Respect Policies and procedure. Where an investigator, under the Dignity and Respect complaint procedure, makes a finding that the matters complained of have occurred in whole or in part and the investigator has established that there has been a breach of the Dignity and Respect Policies, the matter will be referred to the Registrar or their nominee to be dealt with under the Student Discipline Procedure.

4.7 Criminal proceedings

Where an alleged breach of discipline may, in the reasonable opinion of the University, constitute a criminal offence, the University will respond and act in accordance with law, which may include reporting the suspected offence to An Garda Síochána. The University may pause any relevant University process pending the outcome of a Garda investigation. Disclosures of relevant offences by students will be considered under the University's [Relevant Offence Risk Assessment Policy](#). For students registered to programmes that lead to professional qualifications and/or license to practise the matter may result in a referral to the UCD [Student Fitness to Practise Policy](#) and procedures.

4.8 Previous breaches

Where a second or subsequent allegation is referred to a Student Disciplinary Committee, a history of previous breaches will not ordinarily be shared with the Committee until after a student has been found to be in breach of the Student Code of Conduct. However, where the second or subsequent allegation of conduct which is denied by

the student but is the same or similar misconduct issue to an earlier referral in respect of which the student was found to be in breach of the Student Code of Conduct, that finding may be shared with the Committee. Information relating to previous breaches will be used to help the Committee determine an appropriate penalty.

4.9 Support person

Students may choose to be accompanied to a Student Conduct Meeting or a Student Disciplinary Committee Hearing by a person of their choice, such as a Student Adviser, an SU Officer, a friend or relative. Students are required to speak for themselves at meetings; the role of the person accompanying the student is to provide support. The support person may be invited to contribute to the meeting or hearing by the chair. Legal representation will not normally be permitted but may be permitted in cases of a more serious nature.

The Student Disciplinary Committee Hearing is not intended to be an adversarial process. A support person will not normally be a legal representative and it will be at the University's discretion whether such a person shall be permitted to attend. Permission must be sought in advance.

4.10 Fitness to Continue in Study

Where a student's reported behaviour or actions are deemed to be impacting adversely on, or pose a risk to the learning, working or living experiences of themselves or others, the Registrar or their nominee may refer the matter to dealt with under the [UCD Fitness to Continue in Study Policy](#).

4.11 Fitness to Practise

Where a student's reported behaviour or actions may also constitute a failure to adhere to a Programme's Fitness to Practise Statement, the Registrar, or their nominee may refer the matter to be dealt with under the UCD Student Fitness to Practise Policy.

5. Student Conduct Meeting

5.1 Reports of alleged misconduct are reviewed by the Registrar or their nominee, and where the matter warrants it, the Student Discipline Procedure will be initiated. The student against whom the allegation is made, hereafter the respondent, will be contacted normally through their UCD Connect email and invited to attend a Student Conduct Meeting. Respondents will be advised that they may be accompanied by a support person of their choice. Failure to respond to the request to attend a meeting by a specified timeline will constitute a breach of the Student Code of Conduct and may result in the matter being referred directly to Student Disciplinary Committee for adjudication.

The respondent will be notified of the allegation against them. A *disciplinary hold* will be placed on the respondent's record which will prevent access to examination results. Holds will be removed when the discipline procedure has been completed. A Student Conduct Meeting will be arranged as soon as is practicable.

Student Conduct Meetings are usually held in-person, but students may be facilitated with an online meeting using video conferencing technology, where appropriate including where the respondent is not resident in Ireland. Where the respondent is not resident in Ireland, they may also request to respond to the allegation in writing and this shall be at the discretion of the Registrar or their nominee.

5.2 The purpose of a Student Conduct Meeting is for the Registrar or their nominee to discuss the allegation with the respondent and form an opinion regarding the seriousness of the case. The Registrar or their nominee will determine whether the case can be concluded at the meeting or whether the matter requires referral to a Student Disciplinary Committee. A note-taker will be in attendance and a summary record of the meeting and related outcomes will be kept.

5.3 At the meeting the respondent will:

- be advised that the meeting is taking place in accordance with the procedures of the Student Code of Conduct and will be asked if they have read it.
- be advised of their right and the University's right to refer the matter directly to a Student Disciplinary Committee for adjudication at any stage during the meeting.

- be 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 meeting will be suspended, and the matter will be referred to a Student Disciplinary Committee.
 - be presented with an alleged breach and asked to respond to it.
- 5.4 The allegation made against the respondent will be outlined and they will be asked to accept or reject the allegation.
- 5.5 At the conclusion of the meeting, the Registrar or their nominee may:
- a) dismiss the alleged breach with no further action.
 - b) uphold the alleged breach and conclude the process subject to certain conditions. Conditions may include but are not limited to, requiring that the respondent writes a satisfactory letter of apology or makes good any damage to property caused. Such conditions are intended to provide the respondent with a learning and remediation opportunity deemed appropriate to the nature of the breach.
 - c) uphold the alleged breach and apply one or more of the following penalties.
 - Issue a letter of warning to the student regarding their future behaviour. The matter may be referred to should any further allegations be made against the respondent.
 - Impose a fine not exceeding €250.
 - Require the respondent to pay for or contribute towards making good any damage or loss they have caused.
 - In the case of academic breaches (which includes plagiarism), reduction of an assessment component grade (assessment where breach occurred) up to and including the application of No Grade (NM).
 - In the case of academic breaches (which includes plagiarism), reduction of a grade up to and including the application of No Grade (NM) for the module where the breach has occurred.
 - In addition to the penalties above, a respondent may be required to undertake an activity / action intended to satisfy the University that the respondent understands the consequences of their conduct and learns from the experience.
 - d) refer the matter to a Student Disciplinary Committee, without making any decision.
 - e) where an alleged breach is of a serious nature and/or a student's behaviour is negatively impacting members of the University community, and without prejudice, impose a temporary suspension of the respondent from the University, or postpone the conferral of academic award, scholarship, or prize pending the outcome of a Student Discipline Procedure.
- 5.6 Decisions will be made based on all the information available, including the student's response to the allegation and the nature and seriousness of the matter. The outcome will be communicated to student in writing.
- 5.7 A note taker will attend, and a summary note of the meeting will be kept. Where the matter is referred to a Student Disciplinary Committee Hearing for adjudication the summary note will be submitted to the hearing.
- 5.8 Where a submission by a respondent at a Student Conduct Meeting requires further consideration or investigation, the meeting may be adjourned, and decisions may be deferred.
- 5.9 The Registrar or their nominee may adjourn Student Conduct Meetings and pause the student discipline procedure, where it is deemed necessary for the wellbeing of the student.
- 5.10 Appeals may be made against penalties imposed under section 5.5.c. of this procedure, in accordance with the Student Appeal Procedure and within 10 working days, see section 8. Appeals. Referral to a Student Disciplinary Committee Hearing or a decision to impose a suspension is determined without any decision regarding the allegation, and therefore cannot be appealed.
- 5.11 Where the matter is resolved at the Student Conduct Meeting stage of the process, a communication will be issued to the complainant/reporting party to advise that the matter has been dealt with and to communicate the outcome of the meeting.

5.12 Where a student fails to attend a Student Conduct Meeting without good reason and/or fails to engage with the Student Discipline Procedure without good reason, the Registrar, or their nominee may impose a temporary suspension or other temporary measure provided for in 5.5 e) above pending the outcome of a Student Discipline Procedure. Students may be asked to provide supporting documentation to clarify the reason why they failed to attend a Student Conduct Meeting and/or failed to engage with the Student Discipline Procedure.

6. Procedures of the Student Disciplinary Committee

6.1 Where a matter has been referred to a Student Disciplinary Committee Hearing, a meeting will be convened as soon as is possible. Each Committee will comprise three members of staff drawn from a Student Conduct Panel, approved by Academic Council or its relevant committee and will have at least one male and one female member. One member of the committee will chair the meeting.

6.2 Student Disciplinary Hearings are normally held in-person. With the permission of the Chair of the Student Disciplinary Committee, respondents who are unable to travel to the campus at the time of the hearing, including where the respondent is not resident in Ireland, may be facilitated with an online hearing using video conferencing technology. A student who is resident outside Ireland may request a non-oral Student Disciplinary Committee Hearing (a paper-based procedure using written submissions).

6.3 Respondents will be notified through their UCD Connect email of the date and time of the Student Disciplinary Committee Hearing within 10 working days in advance of the hearing. Prior to the Student Disciplinary Hearing a respondent student is entitled to:

- request the participation of witnesses, within reason.
- review all relevant evidence that the University intends to rely on at the hearing, including the summary note of the student conduct meeting and any other relevant material.
- be supported at the hearing by a person of the respondent's choice; a support person may be a Student Adviser, SU Officer, Chaplain or parent.
- may provide written submissions to the Student Disciplinary Committee, in advance of the hearing.

Documents for the hearing will be provided to the respondent and the Student Disciplinary Committee members at least five working days in advance of the hearing.

6.4 The Registrar, or their nominee or other University Representative, reserves the right to request the participation of witnesses as it deems appropriate.

6.5 Disciplinary Committee Hearing Procedure

The following procedure will be followed by the Student Disciplinary Committee:

6.5.1 The Registrar or their nominee or other University representative appointed by the Registrar will present the case to the Committee, drawing on the summary note of the Student Conduct Meeting.

6.5.2 The respondent will be asked to admit or deny the allegation.

6.5.3 If the respondent accepts that the substance of the allegation is true, the committee may proceed to determine an appropriate penalty. Both parties may make submissions regarding a penalty.

6.5.4 If the respondent denies the allegation, the following steps will be taken:

- all evidence will be discussed in the presence of the respondent and the Registrar or their nominee
- the committee may ask questions of both the respondent and the Registrar or their nominee.
- the respondent will be given the opportunity to offer submissions. The Registrar, or their nominee, and the respondent will be given the opportunity to make submissions, including submissions regarding any potential penalty in the event that the Student Disciplinary Committee upholds the allegation.

- In cases arising out of the Dignity and Respect Procedure the committee will usually accept the finding of the investigator's report but in exceptional circumstances, where a committee wishes to make further enquiries in relation to the investigation or following information presented by the respondent, the committee may undertake such further enquiries as it requires in the manner it best deems appropriate.
- the committee 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.
- the Chair of the Student Disciplinary Committee may terminate the hearing if the conduct of the respondent or the support person renders compliance with the procedures impossible or impracticable.
- The Chair of the Student Disciplinary Committee may exercise their discretion to adjourn the hearing at any time. This may include if:
 - representation is requested by the respondent or the Registrar (or their nominee), a request for legal representation will usually only be considered for cases of a more serious nature; or
 - the respondent or Registrar (or their nominee) wish to respond to a statement or submission made at the hearing and by, for instance, requesting the participation of a witness or bringing further evidence; or
 - statements or submissions made by the respondent, Registrar (or their nominee) or witnesses require separate enquiry by the Student Disciplinary Committee before a decision can be reached.
 - The Committee wishes to adjourn the hearing of its own volition.

No determination shall be made by the Student Disciplinary Committee until the hearing is resumed and all parties have had an opportunity to consider and respond to any additional evidence.

6.5.5 Where a respondent fails to attend a Student Disciplinary Committee Hearing and the University has made reasonable attempts to accommodate them, the Committee may decide to adjudicate on the matter in their absence, relying on the documentation submitted to the respondent and to the Student Disciplinary Committee.

6.5.6 The decision of the Student Disciplinary Committee will normally be communicated to the respondent at the end of the meeting and will be issued by email after the meeting and within five working days.

7. Student Disciplinary Penalties

Where a respondent is found to have breached the Student Code of Conduct, the Committee may impose any of the penalties available at the Student Conduct Meeting stage of the process, and any of the following penalties, either separately or in combination as appropriate to the breach or nature of the breach.

- 7.1 a written reprimand;
- 7.2 a fine not exceeding €1000²;
- 7.3 reduction of a component assessment grade or module grade up to and including the application of No Grade (NM) for the module;
- 7.4 exclusion from sittings of examinations for a specified period;
- 7.5 withhold any academic award, scholarship or prize including on a permanent basis;
- 7.6 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;
- 7.7 suspension from accessing specific University facilities;
- 7.8 permanent exclusion from accessing specific University facilities;
- 7.9 suspension from a UCD Residence;
- 7.10 terminate licence to reside at a UCD Residence;

² Fines imposed under sections 5 and 7 of this procedure will be donated to the Student Welfare Fund.

- 7.11 suspension from the University for a specified period, or until such time as any requirements laid down by the Committee such as payment of a fine or the restitution of damage or loss are fulfilled;
- 7.12 permanent expulsion from the University.
- 7.13 In addition to the penalties above, a student may be required to complete an activity / action intended to satisfy the University that a student understands the consequences of their actions.

The Committee may in exceptional cases, having regard to all the circumstances of the case, decide not to impose any penalty.

8. Appeal

- 8.1 An appeal may be made to the University's Student Appeals Committee within ten working days from the date of issue of the decision of the Student Disciplinary Committee. Details of the appeal procedure can be found in the [Student Appeals Procedure](#).
- 8.2 Appeals may be made on the following grounds.
 - **New evidence:** Information directly relevant to the decision, which for good reason was not available to the Student Disciplinary Committee. This may include an appeal against a penalty made on grounds that the penalty is unreasonable, in light of new evidence presented.
 - **Procedural irregularity:** There is evidence that the procedures relating to a decision were not followed properly, which may have impacted on the Student Disciplinary Committee's decision.
 - **Disproportionate penalty:** The penalty applied was disproportionate with regard to the circumstances of the case.
- 8.3 Decisions of the Student Appeals Committee. The Committee may:
 - Uphold the Appeal, in full or in part
 - Reject the Appeal

In cases where a Student Appeals Committee upholds an appeal either on the ground of a procedural irregularity in the process leading to the original decision, or on the ground of new evidence, the Student Appeals Committee, at their discretion, may refer the case back to the original decision-making body for a new hearing with such conditions as the Student Appeals Committee deems appropriate within Academic Regulations and University Policy, this may include the constitution of a new committee.

- 8.4 The Student Appeals Committee may also decide to decrease or increase a penalty, or vary the nature of the penalty.
- 8.5 On upholding an appeal a Student Appeal Committee may require the appellant to meet specified conditions.