

# Student Expected Behaviour Policy and Disciplinary Procedure

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27 February 2024

Version 1.0

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<b>Publication Details</b>	
Where	Date
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<b>Feedback</b> or issues arising on implementation of this policy should be communicated to the policy author.	
Policy Author:	Vice President for Academic Affairs Teaching & Learning

<b>Policy Management Framework Compliance Review</b> as requested by EMT all draft policies should be reviewed by the Policy Review Group <sup>1</sup> in advance of review by EMT. Please confirm that the policy was reviewed by the policy review group.	
Date Policy Reviewed:	n/a

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<sup>1</sup> Contact [susan.green@setu.ie](mailto:susan.green@setu.ie) or [sarah.morrissey@setu.ie](mailto:sarah.morrissey@setu.ie)

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## **Note for All Users of this Policy Document:**

A Glossary of Key Terms of the Complaint Procedure may be found on page 14 of this document. This Glossary sets out the meaning of key terms as they pertain to the Student Expected Behaviour Policy and Disciplinary Procedure for SETU.

# **Student Expected Behaviour Policy and Disciplinary Procedure for SETU**

## **1. INTRODUCTION TO THE STUDENT EXPECTED BEHAVIOUR POLICY AND DISCIPLINARY PROCEDURE**

### **1.1 Introduction and Purpose**

The Student Expected Behaviour Policy and Disciplinary Procedure (the “Expected Behaviour Policy”) provides the means by which alleged breaches of the Student Code of Conduct by any student of the South East Technological University (“SETU”) may be made, investigated and addressed. The Student Code of Conduct is set out in Section 2 of this Expected Behaviour Policy document.

The Expected Behaviour Policy applies to all students of SETU, including those who were students of the previous institutions (Waterford Institute of Technology (WIT) and Institute of Technology Carlow (ITC)) and who have become students of SETU upon its establishment (“Student”). In this regard, any findings/sanctions related to a breach of disciplinary procedures recorded against a Student as a student of either of the other two institutions under their respective disciplinary procedures may be considered by SETU if there is a subsequent breach of the SETU Student Code of Conduct in making any determinations regarding the subsequent breach.

### **1.2 Disciplinary Process Framework and Principles**

All Students are responsible for ensuring that they comply with the Student Charter and not breach the Student Code of Conduct. Not knowing or forgetting about the Student Charter and/or the consequences of any breach of the Student Code of Conduct is not a justification for failing to comply with same.

A Student is expected to:

- (a) Comply with the instructions issued by any person or body authorised to act on behalf of SETU in the proper discharge of their duties;
- (b) Comply with all health and safety regulations and instructions issued by SETU or any other associated institution (to include any third-party placement/institution);
- (c) Comply with all SETU Regulations, Policies and Procedures including this Student Expected Behaviour Policy as may be amended from time to time.

Students must not participate in behaviour or conduct which may be regarded as a breach of the Student Code of Conduct set out in this Policy.

### 1.3 Scope

To offer an environment where everyone can thrive and do their best, SETU asks and expects that the SETU Community (regardless of their role) be treated with dignity, fairness, and respect. SETU expects all members of its community to respect the principles of academic freedom and pursuit of scholarship. This Expected Behaviour Policy, which provides the means by which alleged breaches of the Student Code of Conduct by any Student may be made, investigated and addressed, seeks to underpin SETU's commitment to sustaining, protecting, and growing the SETU Community. The Expected Behaviour Policy applies to all Students.

All Students undertake to observe the SETU Regulations, Policies and Procedures. If a Student is believed to have breached the Student Code of Conduct, SETU Regulations, Policies and Procedures and/or the laws of Ireland, this can result in a report to the relevant Head of Department and/or a complaint under this Expected Behaviour Policy ("Complaint").

Some breaches may also constitute a criminal offence and the person concerned may wish to report same to a Statutory Body or the Gardaí. In matters where SETU believes there is an immediate or serious risk to others, SETU reserves the right to inform the relevant body.

The Student Expected Behaviour Policy and Disciplinary Procedure for SETU enables SETU to consider whether a Student has breached the Student Code of Conduct and, if it is found that the Student Code of Conduct has been breached, impose proportionate sanctions, outcomes or measures. The Disciplinary Procedure (which represents the various procedures and processes set out within this Expected Behaviour Policy) enables SETU to respond appropriately to alleged breaches of the Student Code of Conduct, to protect SETU and the University Community generally.

#### **The Expected Behaviour Policy does not exist to resolve personal disputes.**

The Disciplinary Procedure is an internal process and therefore does not have, nor should it be expected to have, the same degree of formality as proceedings in a court of law. It is generally not necessary (or appropriate) for a Student or SETU to be legally represented at any meetings under this Policy save in exceptional circumstances and with prior notice. Students who access and use legal representation do so at their own cost regardless of the outcome of same.

SETU is cognisant that the Disciplinary Procedure itself can be very stressful for all those involved. All Complainants, Students and, where appropriate, witnesses will receive information at every step on how to access available supports during the process. The appropriate support will, naturally, depend on the circumstances of the case and may not, in all circumstances, be delivered by the SETU support services.

To ensure fair procedure and natural justice is upheld in the process, anonymous Complaints are not possible. The Complaints Resolution Officer ("CRO"), however, may act where evidence becomes available that a wrongdoing may have occurred.



Whilst there is no deadline for the submission of a Complaint, a delay in making a Complaint may limit the ability of SETU to address matters which form the basis of a Complaint.

SETU will investigate and consider Complaints in a timely manner, providing reasonable deadlines at each stage of the process. However, delays may occur where the case is complex or individuals relevant to the investigation are not available to attend meetings or where the Disciplinary Procedure has been suspended for good reason. All relevant parties will be provided with written updates and reasons where there is a delay.

Witnesses are expected to engage with the process.

Some breaches of the Student Code of Conduct may also constitute a criminal offence. SETU will not normally investigate a matter where criminal investigation and/or proceedings are ongoing. Where a criminal investigation commences post the submission of a Complaint, the SETU Disciplinary Process provides that the Disciplinary Procedure may be paused at that point. SETU reserves the right, under the Disciplinary Process, to take steps during the 'paused' period to safeguard the interests and safety of the Complainant, Respondent, and any of the SETU Community. Any steps taken at this time will be temporary and under regular review and shall not be an indication of any potential finding in respect of the alleged breach of the Student Code of Conduct.

A 'not guilty' finding or 'no further action outcome' confirmed following Garda investigation and, where appropriate, prosecution taken by the Director of Public Prosecutions will not prevent SETU from undertaking its own investigation as to whether the behaviour complained of is a breach of the Student Code of Conduct.

A Complainant may not appeal a determination or decision made by the CRO, Disciplinary Committee or Appeals Committee. However, the Complainant is entitled to write to the CRO at the conclusion of the Disciplinary Process to provide feedback or observations on the process as it pertained to the Complainant's original Complaint. The CRO will consider such feedback or observations and, on a periodic basis, will report to Academic Council, the Executive Management Team and Governing Body on all feedback or observations received in a consolidated and anonymised form. This will be with a view to further developing the Expected Behaviour Policy and any associated procedures or processes.

#### **1.4 Interaction with other Policies**

The Expected Behaviour Policy is considered as the overarching Policy on matters which may pertain to a potential breach of the Student Code of Conduct, unless otherwise specified in a different policy. While other policies may set out a framework for identifying potential breaches of the Student Code of Conduct as pertaining to particular matters and guidance as to how individuals may seek to address these personally, the Expected Behaviour Policy typically provides the means by which potential breaches are investigated and resolved. Where matters can be addressed

under multiple policies, the Expected Behaviour Policy will have primacy unless otherwise specified in a different policy; only one policy may be applied.

On occasion, where the Expected Behaviour Policy is not appropriate, a Complaint may be more appropriately investigated under another SETU Policy or Procedure. It will be at the discretion of the CRO or Disciplinary Committee (who may consult with relevant SETU Officers) to determine which procedure is most appropriate to investigate the Complaint. SETU reserves the right to refer the Complaint under another SETU Policy or Procedure at any time during the Disciplinary Process. A finding of a breach of the Student Code of Conduct will be treated as evidence that the breach occurred for the purpose of any other Policy under consideration.

## **1.5 Sharing of Information**

All information received under this Expected Behaviour Policy will be handled sensitively and in accordance with SETU's suite of Data Protection Policies and associated procedures. SETU shall take all reasonable steps to share all evidence considered in reaching a decision (save for exceptional circumstances), the decision itself, the reasons for the decision and any sanctions, outcomes or measures with the Student whose conduct is the subject of a Complaint (the "Respondent").

Every effort will be made to maintain strict confidentiality and discretion in the processing and investigation of a Complaint. All parties should be aware of their obligations under SETU's suite of Data Protection Policies and associated procedures. Where it is necessary to meet with persons, the importance of confidentiality will be emphasised to the relevant parties. In this regard, all parties will be required to respect the privacy of everyone involved by refraining from discussing the matter with others unless it is deemed as necessary under this Expected Behaviour Policy.

SETU will share the initiation of an investigation, the determination and any sanctions, outcomes or measures taken in respect of a Complaint with the relevant Head of Department/Head of School/Faculty. SETU may also share this information with internal bodies, regulatory bodies and professional bodies where appropriate.

It may also be necessary to share information related to a Complaint with relevant staff in SETU. Any parties (internal or external) with whom information is shared will be advised that the information is confidential and that it is not for onward transmission or general dissemination and will comply with GDPR.

Where formally requested to do so or where SETU believes that there is an immediate risk of harm to someone (including the Respondent), SETU may at any time in this Disciplinary Process disclose information it has received to the Gardaí where appropriate.

The Complaint, documentation/evidence considered by the decision maker, sanctions, outcomes, measures, and findings, if any, will be provided at various stages to the Respondent during the Disciplinary Procedure.

During the Disciplinary Process, a Complainant will be informed as to the progress of their Complaint by the CRO if this is requested by the Complainant. No further information will be provided to the Complainant while the process is ongoing.

Following conclusion of the Disciplinary Procedure, the Complainant will be advised that the Complaint has been dealt with under the Disciplinary Procedure. Complainants may then request, via the CRO, summary information to assist them in understanding the outcomes arrived at by decision makers. The information provided will respect the confidentiality of the Disciplinary Process and of the parties involved, and will consist only of necessary and relevant information.

No further information will be provided to the Complainant unless the sanctions or outcomes concerned, or measures agreed, personally affect the Complainant. The decision maker may, in those instances, advise the Complainant of relevant information to their Complaint; such information will be deemed reasonably necessary to share in order to safeguard the interests of the Complainant.

Regardless of the outcome of the Disciplinary Procedure, parties should not inappropriately identify or inappropriately provide details to third parties that might identify any individual involved in the investigation or subsequent decision-making process.

## **1.6 Oversight**

On a periodic (and at least annual) basis, the CRO will provide an anonymised report of the types of Complaints raised (to include those not ultimately progressed through the Policy), investigation roles, the types of adverse findings of misconduct, outcomes arrived at, and sanctions administered to Academic Council, the Executive Management Team and the Governing Body. This report will also contain relevant information provided by Chairs of Disciplinary and Appeals Committees as they relate to such matters. This information will be used by Academic Council and the Executive Management Team in refining and developing policy and initiatives in this area to seek to prevent Non-Academic Misconduct occurring and to ensure consistency and fairness of approach across the University. In addition, the Vice President for Academic Affairs may, from time to time, review the work of the CRO in addition to the report.

To ensure that the Office of the Vice President for Academic Affairs has oversight of all cases of Non-Academic Misconduct that have given rise to adverse findings, the CRO will provide relevant information to the Office of the Vice President for Academic Affairs when requested on such matters.

## **1.7 Role of the Complaints Resolution Officer (CRO)**

The Complaints Resolution Officer (CRO) is an SETU Officer appointed by the Vice President for Academic Affairs with responsibility for receiving Complaints and considering whether the behaviour complained of is in respect of:

- (a) a Student, and

(b) may be in breach of the Student Code of Conduct.

The CRO has the delegated power to:

- (i) conduct a fact gathering investigation in respect of a Complaint;
- (ii) where appropriate, refer the Complaint to the Head of Department in order to facilitate a voluntary informal resolution between the Complainant and the Respondent;
- (iii) where appropriate, refer the Complaint to the Disciplinary Committee;
- (iv) facilitate an Investigation into the Complaint as directed by the Disciplinary Committee or assist in any Investigation undertaken by a third party on behalf of the Disciplinary Committee;
- (v) facilitate a Voluntary Arrangement or a Formal Outcome under Stage 1 of the Formal Disciplinary Process in respect of a Complaint where appropriate.

This Expected Behaviour Policy and Disciplinary Procedure sets out in more detail what the CRO does or can do at different points and stages in the Disciplinary Process.

A key principle regarding the role of the CRO is for the CRO to appropriately and respectfully engage with all relevant parties involved in the Complaint (including, but not limited to, the Complainant, the Respondent and witnesses) during the Disciplinary Process and to seek to ensure that Disciplinary Procedures are properly followed. It is expected that all relevant parties involved in the Complaint will also appropriately and respectfully engage with the CRO throughout the Disciplinary Process, and follow the Disciplinary Procedures properly.

The CRO will take all reasonably practicable measures to ensure that the relevant parties involved in the Complaint understand the Disciplinary Process and the steps involved in the Disciplinary Procedure, as well as the implications of decisions taken. However, it remains the responsibility of all stakeholders to ensure that they are fully informed of this Expected Behaviour Policy and Disciplinary Procedure and it is incumbent upon them to seek appropriate clarifications themselves from relevant personnel (e.g. the Students Union) and ask questions on any aspects that they do not understand.

### **1.8 Review of Policy**

This policy will be reviewed in advance of the review date i.e. 27 February 2027, and/or as soon as possible following new or updated legislation, national or sectoral policy.

## 2. STUDENT CODE OF CONDUCT

Students are expected to act reasonably and to take responsibility for their behaviour and conduct. To that end SETU expects all Students to uphold the tenets of the Student Charter and on entering the SETU Community ensure that they, and where possible, their fellow Students act in a manner that is appropriate and represent SETU at the highest possible standard.

Students are expected to abide by all SETU Regulations, Policies and Procedures including this Expected Behaviour Policy and the law (“Student Code of Conduct”). SETU expects that each Student will conduct themselves appropriately. Behaviour complained of or brought to the attention of SETU which breaches the Student Code of Conduct may give rise to a complaint under this Disciplinary Process.

Certain behaviour which adversely impacts SETU, fellow students, activities of the University and any member of the wider University Community may give rise to a complaint under this Expected Behaviour Policy. Behaviour which may give rise to a complaint under this Policy includes:

- (a) Acts or behaviour which may contravene the Student Code of Conduct, or any SETU Regulation, Policy or Procedure;
- (b) Acts or omissions which reasonably could be considered to cause actual or potential distress or harm to others;
- (c) Acts or omissions which cause actual, or may cause, damage to property;
- (d) Acts or omissions which disrupt the normal operations of SETU;
- (e) Acts or omissions which have the potential to cause reputational damage to SETU; or
- (f) Acts or omissions which impede or interfere with the pursuance of work or study of the SETU Community.

Whilst SETU is primarily concerned with behaviour on campus, SETU reserves the right to investigate allegations of offences which occur off its campuses if it is deemed that a Student’s action may adversely affect the wider University Community and be in breach of the Student Code of Conduct.

If a Student’s action may be in breach of the Student Code of Conduct and pertain to matters of dignity or respect (including bullying, harassment or sexual harassment), this Policy should be read in conjunction with the SETU Dignity and Respect Policy for Students and the SETU Dignity and Respect Policy.

## 2.1 Glossary of Key Terms of the Complaint Procedure

'Appeals Committee' means a committee established by SETU to hear appeals made by Respondents against findings made against them and/or sanctions imposed on them by SETU through the Disciplinary Procedure;

'Complaint' means the description of the behaviour which is believed to contravene the Student Code of Conduct reported by the Complainant through either (a) an informal notification to a Head of Department (which may subsequently result in a formal complaint via the Formal Disciplinary Process) or (b) formally submitted in writing to the CRO via [insert web site] or in a manner that satisfies the CRO that a Complaint has been raised;

'Complainant' means a person who raises an informal or formal Complaint under this Disciplinary Procedure;

'Disciplinary Committee' means a committee established by SETU to hear a formal Complaint made against a Respondent through the Disciplinary Procedure and to arrive at findings (and, if necessary, determine a sanction(s)) arising from the Complaint;

'Investigating Officer' means the CRO or another person who is assigned responsibility for conducting an investigation into a potential breach of the Student Code of Conduct;

'Investigation Report' means the report created by the Investigating Officer following an investigation;

'Non-Academic Misconduct' means a breach of the Student Code of Conduct;

'Respondent' means a Student whose conduct is the subject of a Complaint;

'Student' is any person who has accepted an offer to study and is pursuing a course of study at SETU and includes any Visiting Student.

'Visiting Student' means any Student who may also be bound by the terms and conditions of their contract (of employment and/or the policies and procedures of their host institution) and are considered as Students under SETU Regulations, Policies and Procedures to include this Policy<sup>2</sup> .

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<sup>2</sup> A student from another institution who is only visiting the University (for example, as part of a visiting sports team or while attending an open day on the campus) is considered as a visitor and not as a Visiting Student.

### **3. MAKING A COMPLAINT**

SETU will generally be informed of a potential breach of the Student Code of Conduct by the making of a Complaint. The individual making the complaint (the “Complainant”) may be a person who has been impacted by the reported behaviour, witnessed it, or become aware of the alleged behaviour through other means. For concerns relating to Academic Misconduct, in examinations or otherwise, a complaint may be made under the Student Academic Misconduct Policy and Disciplinary Procedure for SETU [Insert link to same here]. No person making a Complaint will suffer any victimisation for making the Complaint.

To make a Complaint, a Complainant may proceed via the Informal Resolution Process or make a Complaint by completion of and submitting the Complaint Form together with any evidence the Complainant wishes to provide to the CRO [Insert link to form here].

Where a Complaint involves more than one Respondent/Student it will be at the discretion of the CRO or, where appropriate, the Disciplinary Committee to decide whether the Complaint should be separated into separate investigations for some or all of the Respondents. Where a hearing involving more than one Respondent takes place, the personal mitigation of each Respondent shall not be shared with the other Respondents for consideration. Any Appeal of a determination under this Process, where there are multiple Respondents, will usually be considered separately but with the same Appeals Committee.

Where a Complaint is raised under this Disciplinary Procedure, a Respondent must not contact or attempt to contact the Complainant or any potential witness to the alleged misconduct in relation to the Complaint either directly or through a third party. Respondents are entitled to and should continue with their studies including graduation except for in those situations where they are advised otherwise (for example, under section 6.2 below).

### **4. INFORMAL RESOLUTION PROCESS**

#### **4.1 Making an informal complaint**

Where the behaviour of a Student may be in breach of the Student Code of Conduct, an individual may make an informal Complaint about such behaviour directly to the Student’s Head of Department. If the Head of Department is not known, a Complaint Form can be completed with preference noted that the matter be first referred to the relevant Head of Department under the Informal Resolution Process.

The CRO may refer a Complaint to the Head of Department if:

- (a) A Complainant has indicated on the Complaint Form that they would prefer in the first instance for the matter to be referred to the Head of Department to seek informal resolution (if possible); or
- (b) Following an initial review and/or fact gathering investigation of a Complaint (under the Formal Disciplinary Process: Stage 1 below), the CRO is of the view and the Complainant agrees that the Complaint may be addressed through the Informal Resolution Process.

Following completion of the Informal Resolution Process, the Head of Department will advise the CRO either:

- (a) the Complaint is not appropriate to be resolved by way of Informal Resolution;
- (b) the Complaint has been resolved to the satisfaction of all parties; or
- (c) the Complaint should proceed to the Formal Disciplinary Process.

## **4.2 Informal Meeting**

In advance of any meetings under this section, the Head of Department should contact the CRO for an outline template regarding the process to be followed here.

The Head of Department will consider the Complaint and may seek to arrange and chair a meeting (which can be face-to-face or virtual) at which the Complainant and/or Respondent will be invited to attend. The Head of Department will advise the Respondent that a Complaint has been raised which may fall to be considered under the Disciplinary Procedure. In advance of any proposed meeting, the Complaint will be provided to the Respondent.

The Head of Department may also ask the Complainant to attend a meeting or the same meeting depending on the nature of the Complaint where appropriate.

The purpose of the informal meeting is to discuss the issues identified in the Complaint and take steps, where possible, to agree voluntary informal resolution of the issues raised. This may require additional meetings with the Respondent and the Complainant separately and/or together at the same meeting, depending on the circumstances.

As the meeting with the Head of Department is on an informal basis, either party may bring support in the form of a colleague, friend, Students Union Officer and/or parent or guardian. If the Head of Department wishes, they may ask a colleague to attend the meeting as well.

## **4.3 Outcome of the informal meeting**

The intention of the informal meeting is to enable the Head of Department, in conjunction with the Complainant and Respondent, to reach an agreed voluntary resolution without the need for a possible formal outcome (under the Formal Disciplinary Process: Stage 1) or possible formal sanction (under the Formal Disciplinary Process: Stage 2). In this regard, possible outcomes of the informal meeting under the Informal Resolution Process may include an agreement that no breach took



place, a verbal apology from the Student, a verbal commitment that the relevant behaviour will not be repeated or an agreed penalty.

The outcome of the informal meeting must be acceptable to both the Complainant and the Respondent and, if it is, the matter is considered closed.

If an agreed acceptable outcome cannot be reached at the informal resolution meeting, the Head of Department will refer the matter to the CRO under Formal Disciplinary Process: Stage 1.

Any documentation provided to the Head of Department by either party in the Informal Resolution Process will form part of the Complaint. In addition, where no Complaint form has been completed, the Complainant will have to complete same to progress the Complaint.

## **5. FORMAL DISCIPLINARY PROCESS: STAGE 1**

### **5.1 Initial Assessment**

The CRO is responsible for receiving all Complaint forms. In certain limited circumstances (such as in the case of the incapacity of the Complainant), the CRO may accept a verbal complaint. Where this arises, the CRO will record the Complaint in writing and ask the Complainant to approve this before proceeding.

The Complaint will be considered by the CRO in the first instance who will acknowledge receipt and determine if, on foot of the information to hand, the following criteria are met:

- (a) Does the Complaint concern a Student; and
- (b) Is there an allegation which on the face of it is in respect of behaviour which may be in breach of the Student Code of Conduct?

Where, in the opinion of the CRO, following review of the Complaint both (a) and (b) are not met, the CRO will write without undue delay to the Complainant setting out the views of the CRO and noting that the Complaint does not fall to be considered under the Policy. The CRO will note that under this Disciplinary Procedure the matter is closed and the Complaint will not be taken any further. If the Complainant wishes to resubmit the prior Complaint, by submitting additional information or evidence with the Complaint and identifying that the prior Complaint is being resubmitted on this basis, it will be considered in light of the new information/evidence. In the event that a Complaint is not investigated, it does not preclude a Complainant from submitting a similar Complaint in the future regarding a different Student or alleging new or different conduct regarding a Student who was the subject of a non-investigated Complaint.

Where (a) and (b) are satisfied, the CRO has discretion to consider if the Complaint should be referred to the Head of Department under the Informal Resolution Process (above) or whether the Complaint should proceed by way of Formal Disciplinary Process: Stage 1 or Formal Disciplinary Process: Stage 2.

If the CRO believes the Complaint may be more appropriate under another SETU Policy or Procedure, the CRO can (if they wish) review the Complaint along with any additional information provided with a relevant officer of SETU and/or can refer the Complaint for consideration under another SETU Policy or Procedure. At any stage under this Disciplinary Procedure, a Complaint may be referred for consideration under another SETU Policy or Procedure instead of this Disciplinary Procedure. The Complainant will be advised of this by the CRO.

## 5.2 CRO Receipt and Fact Gathering Investigation

Where a Complaint is made via the Complaint form, the CRO shall write to the Respondent confirming that a Complaint has been received, the nature of the alleged behaviour, the relevant disciplinary offence alleged and the decision of the CRO to proceed with a fact gathering investigation. Where necessary the CRO shall provide a brief summary of the Complaint, the name of the Complainant (save in exceptional circumstances), and describe the fact gathering investigation process and the possible outcomes of the Disciplinary Procedure (including referral under another SETU Policy or Procedure). The Complaint form will be provided to the Respondent in unredacted format, unless the Complaint form makes a Complaint against more than one Respondent. In such circumstances, the names/SETU Student Numbers of other Respondents only will be redacted on the Complaint form provided to each individual Respondent. In exceptional circumstances, it may be necessary to redact the name of the Complainant on the Complaint form provided to the Respondent. The Complainant will also be provided with a copy of the correspondence to the Respondent.

The CRO shall inform the Complainant and Respondent of all avenues of support available to them.

The CRO may, where appropriate, conduct a fact gathering investigation which may involve meeting or meetings with the Complainant and any other parties relevant to the Complaint. In addition, the CRO may request written statements and/or documentation relevant to the Complaint.

The Complainant (and any third party on their behalf) should not engage in investigating the Complaint themselves after the Complaint is made. This is the role of the CRO (and/or appointed Investigating Officer, where appropriate) and may result in the Complaint not being progressed through the Disciplinary Procedure.

The CRO may also meet the Respondent to receive an oral account of the circumstances leading to the Complaint, to receive evidence relating to the Complaint and the names of any witnesses.

The CRO shall maintain a note of any meetings and, where necessary, a note taker will assist the CRO. Where appropriate, the Complainant or Respondent may request a third party attend as a support. Such attendees must be advised in advance to the CRO.

Following its fact gathering investigation, in consultation with other appropriate stakeholders where the CRO considers it necessary, the CRO may make one of the following decisions:

- (a) Determine that there is insufficient information/evidence of behaviour which may be in breach of the Student Code of Conduct and advise that there is no case to answer for the Respondent under the Disciplinary Procedure and close the file;
- (b) Determine that the Complaint falls to be considered under the Informal Resolution Process (above) and refer the Complaint to the Head of Department, informing both the Complainant and Respondent of this decision;

- (c) Where appropriate invite both the Respondent and Complainant to a Restorative Meeting with a view to both parties agreeing to a Voluntary Arrangement (Stage 1);
- (d) Determine that on the balance of probability the behaviour complained of may mean that a breach of the Student Code of Conduct has taken place and that a Stage 1 Formal Outcome is appropriate;
- (e) Refer the Complaint directly to the Disciplinary Committee at any stage of the fact gathering investigation where in the opinion of the CRO the behaviour complained of or the circumstances of the case are of such nature that immediate referral under the Formal Disciplinary Process: Stage 2 (below) is the appropriate forum;
- (f) Refer the matter for decision under another SETU Policy or Procedure.

At any stage in the process, the Complainant can withdraw their Complaint. A withdrawal must be made in writing to the CRO, and the matter will then be considered closed.

### **5.3 Voluntary Arrangement (Stage 1)**

If following review of the Complaint and completion of the fact gathering investigation the CRO believes that the Complaint may be resolved between the Complainant and Respondent by way of a Restorative Meeting seeking to arrive at a Voluntary Arrangement, the CRO may offer to chair such a meeting in writing to both parties.

Both parties will be given five working days to respond to the invitation. The purpose of this proposed meeting is to see if the Complaint can be dealt with by way of a Voluntary Arrangement agreed between the parties. The following is an example of non-exhaustive possible agreements which may arise under any Voluntary Arrangement:

- (a) The Respondent will provide an oral apology to the Complainant;
- (b) The Respondent will make a commitment not to repeat the behaviour; or
- (c) An agreement between the Complainant and the Respondent that the Complaint was based on a misunderstanding and the Complaint is now resolved.

The Voluntary Arrangement must be agreed to by both parties and once agreed, the Complaint will be closed and noted on the file.

Where a Voluntary Arrangement is not appropriate or no agreement is reached, the CRO may proceed to the Formal Outcome (Stage 1) procedure or refer the Complaint to the Formal Disciplinary Process: Stage 2.

## **5.4 Formal Outcome (Stage 1)**

If the CRO determines, on foot of their fact gathering investigation, there has been, on the balance of probability, a breach of the Student Code of Conduct and that the behaviour complained of is such that a Stage 1 Formal Outcome is appropriate, the CRO will provide the decision and the reasons for arriving at same with confirmation of the Stage 1 Formal Outcome determined in writing (“CRO Stage 1 Formal Outcome”) in a Formal Outcome Letter.

The CRO may determine one or more of the CRO Stage 1 Formal Outcomes which are set out in Appendix 1.

The Respondent will have five working days from receipt of the Formal Outcome Letter to confirm whether to accept this CRO Stage 1 Formal Outcome or have the case referred to the Disciplinary Committee.

Where the Respondent accepts the CRO Stage 1 Formal Outcome, they must return a signed copy of the Formal Outcome Letter to the CRO as set out in the Formal Outcome Letter. This will be maintained on the Respondents record for the duration of the Respondent’s studies.

The CRO shall refer a Complaint to the Disciplinary Committee under the Formal Disciplinary Process: Stage 2 where:

- (a) The Respondent does not agree to the CRO Stage 1 Formal Outcome;
- (b) Where the Respondent does not comply with the CRO Stage 1 Formal Outcome;  
or
- (c) Where the CRO is unable to determine an appropriate Formal Outcome under this Stage 1 having further considered the behaviour of the Respondent.

## **6. FORMAL DISCIPLINARY PROCESS: STAGE 2**

Stage 2 of the Formal Disciplinary Process is required where the CRO refers a Complaint in writing to the Disciplinary Committee. The Membership of the Disciplinary Committee is set out in Appendix 2.

Where the Complaint is referred to the Disciplinary Committee because either:

- (a) The Respondent does not agree to the CRO Stage 1 Formal Outcome; or
- (b) Where the Respondent does not comply with the CRO Stage 1 Formal Outcome;

the Disciplinary Committee will not be obliged to engage in a further investigation of the Complaint where a fact gathering investigation has been completed by the CRO.

### **6.1 Complaint to the Gardaí**

Where a Complaint is also the subject of a Garda investigation and/or DPP prosecution, the Complaint process may be paused to enable the completion of the Gardaí's investigation and prosecution (if any)<sup>3</sup>. The Complaint will be kept under review by the Chair of the Disciplinary Committee.

## **6.2 Permitted steps in advance of the Disciplinary Committee addressing allegations**

It is incumbent on the University to act on Complaints as soon as possible. However, there may be situations where this is not feasible and steps may need to be taken in advance of the Disciplinary Committee addressing allegations, depending on the circumstances. Where necessary, the Vice President for Academic Affairs may take immediate steps that are appropriate and proportionate on foot of the Complaint to prevent any perceived or actual (a) endangerment of health and safety of any individual (including the Respondent) within the locus of the University or in the course of an SETU activity; or (b) interference, or attempt to interfere with any activities of SETU or member of the SETU Community in the pursuit of their studies or performance of their duties. Such steps (up to and including temporary suspension) shall be taken by the Vice President for Academic Affairs pending conclusion of the Stage 2 Process.

Any steps taken by the Vice President for Academic Affairs under this section should *not* be viewed as a sanction, will only remain in place as long as is necessary in the circumstances and will be reviewed periodically by the Vice President for Academic Affairs. The Respondent and Complainant will be informed in writing of the relevant steps by the Vice President for Academic Affairs. The Respondent has a right to appeal any such step taken by the Vice President for Academic Affairs to the President in writing, but only where the step taken is for a period longer than two weeks. If the appeal is upheld, the step taken shall be cancelled and confirmed in writing to the Respondent, the Complainant and the Vice President for Academic Affairs.

If the Vice President for Academic Affairs deems that temporary suspension of a Respondent is the appropriate step under the Policy, consideration will be given to the effect that this may have on the Respondent's education and SETU shall, where appropriate and possible, seek to make reasonable alternative accommodations available to the Respondent to avoid academic disadvantage arising pending determination of the Complaint.

## **6.3 Investigation Report**

The Disciplinary Committee may commission a fact finding, or where appropriate, fact gathering Investigation Report of an appointed Investigating Officer under Terms of Reference. Typically, the Investigating Officer will be the CRO unless the Disciplinary Committee decide otherwise (for example, if an investigation requires specialist and/or

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<sup>3</sup> The decision to report a complaint to the Gardaí is that of the Complainant. The University encourages all persons to make a complaint to the Gardaí where it is appropriate to do so. No person will be forced to make a complaint to the Gardaí. However, the University reserves the right to refer a complaint to the Gardaí where it deems that, in the circumstances, this is necessary. Should this arise, the Office of the Vice President for Academic Affairs will make the referral on behalf of the University. Whether a Complainant seeks to make a complaint to the Gardaí or not, the University will endeavour to provide relevant access to services and supports where they are aware of an issue.

additional expertise, or if the CRO declares a conflict of interest), in which case the Disciplinary Committee shall appoint the Investigating Officer(s).

Following conclusion of the investigation under this section 6.3, the Investigating Officer shall provide the Chair of the Disciplinary Committee with their report. The Investigation Report provided will depend on the circumstances of the Complaint and the evidence compiled, but will typically address the following areas (as well as any other areas that are relevant):

- (a) Name of Respondent and SETU Student Number
- (b) Name of Investigating Officer(s)
- (c) Terms of Reference set by the Disciplinary Committee
- (d) Statement of the alleged breach of the Student Code of Conduct
- (e) Summary of Complaint made
- (f) Summary of the evidence compiled by the Investigating Officer which supports the Complaint
- (g) Summary of the evidence compiled by the Investigating Officer which refutes the Complaint
- (h) Documentation relevant to the Complaint (where appropriate)
- (i) Commentary/evidence and supporting documentation provided by the Respondent on the Investigation Report (see below)

In advance of providing the Investigation Report to the Chair of the Disciplinary Committee, the Investigating Officer will provide a copy of the Investigation Report to the Respondent. This is to provide the Respondent with an opportunity to comment on any aspect of the Investigation Report and its contents. These comments will be included in the Investigation Report that is provided to the Chair of the Disciplinary Committee. The Investigating Officer will advise the Respondent as to when they must submit their comments by when providing the copy of the Investigation Report to the Respondent, allowing at least five working days. If no response is received within the timeframe set by the Investigating Officer, they will provide the Investigation Report to the Chair of the Disciplinary Committee and note this fact as part of the Investigation Report.

In preparing the Investigation Report and providing commentary on same, all parties must be mindful of anything that is included or written related to other persons or entities to ensure that this is not in breach of any law. The Chair of the Disciplinary Committee will have discretion to consult with relevant experts (internal or external) on the contents of the Investigation Report if they have any concerns in this regard and may, if they deem it appropriate, redact parts of the Investigation Report before this is shared with members of the Disciplinary Committee in advance of the Disciplinary Committee meeting.

## **7. STAGE 2 DISCIPLINARY PROCEDURE**

### **7.1 Arranging a Disciplinary Committee meeting**

Following conclusion of the Investigation Report (if any), the Secretary of the Disciplinary Committee shall organise a meeting of the Disciplinary Committee and will communicate, on behalf of the Chair, the membership of the Disciplinary Committee, the date, time, and location (in person or remote) of the meeting to the Disciplinary Committee members, the Investigating Officer<sup>4</sup>, and the Respondent.

The Respondent will be provided with a copy of the Complaint, documentation supporting the Complaint and the Investigation Report and will have an opportunity to respond to same within a specified timeframe. The Respondent will also be advised, in the communication, as to the names of the members of the Disciplinary Committee who will be dealing with the Complaint and the names of any witnesses who will attend the meeting, if known, at the time of convening the Disciplinary Committee hearing.

If the Respondent advises the Chair in writing in advance but no later than two working days in advance that they will not be able to attend, the Chair has absolute discretion as to whether to reschedule the meeting for a different date. The Respondent must set out the basis for any sought postponement of the meeting which must be to the satisfaction of the Chair. Otherwise, the meeting should proceed as scheduled (see also section 7.4 below).

### **7.2 Representation at a Disciplinary Committee meeting**

A Respondent is entitled to bring a representative with them to the Disciplinary Committee meeting subject to notification to the Chair in writing (including the name of the representative) no less than two working days in advance of the meeting.

A Respondent representative may speak on behalf of the Respondent if the Respondent wishes. A Respondent is also entitled to bring a support with them to the Disciplinary Committee meeting subject to notification to the Chair in writing no less than two working days in advance of the meeting. The role of a support is primarily that of observer though they may be allowed to interject from time to time at the discretion of the Chair in order to assist and support the Respondent. Failure to notify the Chair in advance of the presence of a representative and/or support may result in the meeting being postponed by the Chair.

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<sup>4</sup> Any reference to an Investigating Officer in the Stage 2 Disciplinary Procedure should be taken as referring to all persons occupying this particular role for the relevant Complaint, including the CRO as appropriate.



If the Respondent's representative is a legal representative, the Respondent must advise the Chair in writing at least four working days in advance of the meeting that they will have a legal representative present and their name.

The Respondent and/or Investigating Officer may, where appropriate, make written submissions to the Chair in advance of the scheduled meeting to be shared with the Disciplinary Committee members.

### **7.3 Witnesses at the Disciplinary Committee meeting**

The names of any witnesses attending the meeting must be confirmed to the Chair at least two working days in advance of the meeting. The names of any witnesses will be confirmed to the Respondent and/or Investigating Officer (as appropriate). Witnesses can attend the meeting to provide evidence relevant to the Complaint itself, or may attend to provide relevant medical information or as a character witness.

### **7.4 Non-attendance by a Respondent at Disciplinary Committee meeting**

If a Respondent fails to attend a scheduled Disciplinary Committee meeting, the Disciplinary Committee will meet in their absence and on foot of the information to hand decide whether, on balance, a breach of the Student Code of Conduct is found. The Respondent will be notified in writing of this outcome and any sanction (if required).

### **7.5 Procedure at the Disciplinary Committee meeting**

The procedures set out below and within this document overall shall not be deemed null and void if the conduct of any persons present at the meeting renders compliance with the said procedures impossible or impracticable.

If, in advance of the meeting, at any stage of the Informal, Stage 1 or Stage 2 process the Respondent admits to the alleged breach of the Student Code of Conduct in writing, the Disciplinary Committee shall meet to determine the appropriate sanction only and may determine that no further evidence relating to the Complaint will be required to be presented at the meeting. The Respondent shall be entitled to bring to the attention of the Chair any mitigating facts which may be relevant to the Complaint and to seek, where appropriate, a hearing in person or provision of submissions for consideration.

The Chair of the Disciplinary Committee shall outline at the outset of the meeting the procedure which will be adopted, the timelines afforded to each individual and confirm the confidentiality of the procedure. The Disciplinary Committee meeting shall provide an opportunity for the members to ask questions of the Investigating Officer and the Respondent on the contents of the Investigation Report and any other relevant documentation or information provided to them. The Respondent (or their representative) and the Investigating Officer shall also have the opportunity to make submissions on any matters relevant to the Complaint (including context and any

mitigating facts) which may or may not be addressed in the Investigation Report<sup>5</sup> and/or where appropriate ask questions of the Investigating Officer, Respondent or any witness.

The Disciplinary Committee, through the Chair, can seek expert advice or guidance (which may be internal or external) on any matters raised in the course of the Disciplinary Procedure or to answer any questions that it has at any stage where the Committee believes that this is necessary.

Once the Chair of the Disciplinary Committee is satisfied that it has received all the relevant information, the meeting will be adjourned and the Disciplinary Committee shall reconvene in private to consider the Complaint.

## **7.6 Outcomes of the Stage 2 Disciplinary Procedure**

Following consideration by the Disciplinary Committee of the Complaint, the Disciplinary Committee shall arrive at one of the following decisions:

- (a) Dismiss the Complaint having determined that no breach of the Student Code of Conduct occurred;
- (b) Find that there has been a breach of the Student Code of Conduct.

## **7.7 Determination that no breach of the Student Code of Conduct occurred**

If the Disciplinary Committee determines that no breach of the Student Code of Conduct occurred, the Chair will use all reasonable endeavours to advise the Respondent of its determination as soon as is practicable and ordinarily within five working days of the determination (see also section 7.9 below). The CRO will also be notified of the outcome. Any record of the Complaint and its progress under this Policy will be removed from the Respondent's record.

## **7.8 A finding of a breach of the Student Code of Conduct**

Following a finding by the Disciplinary Committee of a breach of the Student Code of Conduct, the Secretary of the Disciplinary Committee shall be asked to confirm to the Disciplinary Committee any prior breaches, sanctions, formal outcomes (under Formal Disciplinary Process: Stage 1) or findings against the Respondent.

The Disciplinary Committee shall then consider what sanction should be imposed on the Respondent in respect of the Complaint. The Disciplinary Committee shall consider all evidence and submissions made in respect of the Complaint (including any fact gathering investigation or the Investigation Report) as well as any mitigating factors and/or prior sanctions, formal outcomes or findings in arriving at the appropriate

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<sup>5</sup> It is expected, where matters are raised in the Disciplinary Committee meeting that are not already addressed in the Investigation Report, that the parties raising them can provide good reasons for why they were not already addressed in the Investigation Report. The Chair of the Disciplinary Committee will rule on whether such matters may be considered based on the reasons provided.

sanction. The Disciplinary Committee may impose one or more of the sanctions under Appendix 3.

All sanctions imposed by the Disciplinary Committee shall be proportionate to the behaviour complained of.

If the sanction determined is the expulsion of the Student from the University, an expulsion order must be approved and signed by the President. This will also be formally reported to the Governing Body.

### **7.9 Communication of the Disciplinary Committee Sanction**

The Chair of the Disciplinary Committee shall use all reasonable endeavours to ensure that the outcome of the Disciplinary Committee meeting will be confirmed to the Respondent and the CRO in writing, including any sanction imposed (if relevant), ordinarily within five working days of the determination. Any delay and the reason for same will be notified in advance to the Respondent.

Where there is a finding of a breach of the Student Code of Conduct and a sanction has been imposed, while respecting the confidentiality of the process and the right of the Respondent to Appeal such decision, it may be necessary to communicate with certain staff on decisions made to ensure that the Disciplinary Process is appropriately administered and actioned. Such communication will only contain necessary information for this purpose.

### **7.10 Appeal against the determination of the Disciplinary Committee**

The Respondent shall have the right to Appeal the decision of the Disciplinary Committee within ten working days of receiving the written decision to the Appeals Committee.

### **7.11 Appeal**

An Appeal by the Respondent can be submitted on the following grounds (which must be identified at the outset of any Appeal):

- (a) The procedures were not followed properly, or there was bias or reasonable perception of bias during the procedure;
- (b) The Respondent has new information/mitigating information which was not available at the Disciplinary Committee hearing for valid reasons, and which may materially alter the decision of the Disciplinary Committee;
- (c) The penalty imposed was disproportionate in light of the alleged behaviour and previous sanctions/formal outcomes (if any).

Any Appeals of a generalised nature will not be accepted.

To progress an Appeal, the Respondent will have to submit an Appeal to the Secretary of the Appeals Committee [Insert link] within ten working days of the receipt of the

determination. The Respondent must identify the grounds for Appeal and, where necessary, the information/evidence the Respondent seeks to rely upon in the Appeal.

The membership of the Appeals Committee is set out in Appendix 4.

The Appeals Committee will be entitled to determine the Appeal in private or may, where necessary, seek further materials and/or meeting with the Respondent and any other relevant party to the Complaint. If the Respondent attends a meeting with the Appeals Committee, they may bring a support and representative with them on the same basis as the Disciplinary Committee procedure (above).

Where an Appeal is on (b) above, the Appeals Committee in coming to a decision may at its discretion refer such additional information to the Disciplinary Committee for further consideration of the Complaint. The Disciplinary Committee may, following consideration of such additional information, review and amend its determination accordingly and advise the Appeals Committee of such revision.

The Appeals Committee may, following its review of the Appeal:

- (a) Accept the Appeal and overturn the original Disciplinary Committee decision (in whole or in part)
- (b) Reject the Appeal and uphold the original Disciplinary Committee decision (in whole or in part)
- (c) Set an alternative sanction to that imposed by the Disciplinary Committee.

The Chair of the Appeals Committee shall use all reasonable endeavours to ensure that the outcome of the Appeals Committee meeting will be confirmed to the Respondent and the CRO in writing ordinarily within five working days of the determination. Any delay and the reason for same will be notified in advance to the Respondent.

While respecting the confidentiality of the process, it may be necessary to communicate with certain staff on decisions made by the Appeals Committee to ensure that the Disciplinary Process is appropriately administered and actioned. Such communication will only contain necessary information for this purpose.

The Appeals Committee shall be and is the final arbiter in respect of alleged breaches of the Student Code of Conduct. If a Respondent remains unhappy with the determination of the Complaint, the Respondent may make a complaint to the Ombudsman ([www.ombudsman.ie](http://www.ombudsman.ie)).

## **7.12 Imposition of sanction and follow-up**

Where a sanction has been imposed under this Disciplinary Procedure, the Respondent must comply with same. Where appropriate the CRO or Chair of either the Disciplinary or Appeals Committee shall ensure that there is follow-up with relevant members of staff to ascertain that any sanction has been complied with.

If the decision maker is of the view that the Respondent has not satisfactorily complied with a sanction, the CRO shall be required to engage with the Respondent to explain the implications of non-compliance. If this is unsuccessful, the CRO can refer the matter to the Chair of the Disciplinary Committee who may make a recommendation to the Vice President for Academic Affairs that the Respondent be temporarily suspended until they have complied with the sanction. Should the Vice President for Academic Affairs accept this recommendation, the temporary suspension and the terms of this will be confirmed to the Respondent.

## APPENDIX 1: CRO STAGE 1 FORMAL OUTCOMES

When determining an appropriate formal outcome at Stage 1 level, the CRO will seek to ensure that the Respondent who has had an adverse finding against them in the context of Non-Academic Misconduct learns from the experience but also that the formal outcome itself has consequences for the Respondent that are proportional to the misconduct.

The conduct of the Respondent throughout the process (for example, engaging openly with the process or admitting to Non-Academic Misconduct at an early stage) can be considered in determining an appropriate formal outcome.

The following are examples of appropriate CRO Stage 1 Formal Outcomes which may include one or more of:

- (i) A written warning to the Respondent as to future behaviour which will be placed on the Respondent's records and may be referred to should further breaches be found against the Respondent;
- (ii) A written undertaking as to good behaviour entered into by the Respondent;
- (iii) An appropriate written letter of apology from the Respondent to the Complainant;
- (iv) Require the Respondent to engage in and complete specified activities/works which would be advised in advance (i.e., Depending on the breach, agreement to perform pro bono community service may be appropriate) and/or make recommendations as to restorative steps;
- (v) Require the Respondent to complete a written reflection on the behaviour complained of.

## **APPENDIX 2: MEMBERSHIP OF THE DISCIPLINARY COMMITTEE**

A Disciplinary Committee will be formed where Stage 2 of the Formal Disciplinary Process is required. The membership of the Disciplinary Committee will be drawn from members of Academic Council.

A Chair of the Disciplinary Committee will be appointed by the Vice President for Academic Affairs for each specific Complaint where Stage 2 of the Formal Disciplinary Process is required. The Chair will be a member of University staff at management grade.

The Disciplinary Committee, for any Complaint under Stage 2 of the Formal Disciplinary Process, should consist of five members incorporating gender balance, to include (where possible) at least one Student member<sup>6</sup>. A majority of members of the Disciplinary Committee must be non-Student members.

The selection of members of the Disciplinary Committee is a matter for the Vice President for Academic Affairs. The membership of the Disciplinary Committee for a specific Complaint will depend on the nature of the Complaint.

No member of the Disciplinary Committee for a specific Complaint will have an actual or perceived conflict of interest.

All members of the Disciplinary Committee will be provided with a copy of this Policy in advance of the meeting.

The Secretary of the Disciplinary Committee, appointed by the Vice President for Academic Affairs, shall be responsible for organising the meeting of the Disciplinary Committee and the provision of the information available as well as scribe for the purpose of the Disciplinary Committee meeting minutes. The Secretary of the Disciplinary Committee shall not otherwise participate in the meeting or decisions.

Decisions of the Disciplinary Committee shall be made on a majority voting basis, with a show of hands of those present at the meeting required. If there is an equality of votes, the Chair of the Disciplinary Committee shall have the casting vote.

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<sup>6</sup> If it is not possible to have a Student member, the Disciplinary Committee can still be formed as long as there are five members.

## APPENDIX 3: STAGE 2 SANCTIONS

When determining an appropriate sanction at Stage 2 level, the Disciplinary Committee will seek to ensure that the Respondent who has had an adverse finding against them in the context of Non-Academic Misconduct learns from the experience but also that the sanction itself has consequences for the Respondent that are proportional to the misconduct.

The conduct of the Respondent throughout the process (for example, engaging openly with the process or admitting to Non-Academic Misconduct at an early stage) can be considered in determining an appropriate sanction.

Appropriate non-academic sanctions<sup>7</sup> (which can be combined) may include:

- (i) A written warning to the Respondent as to future behaviour which will be placed on the Respondent's records and may be referred to should further breaches be found against the Respondent;
- (ii) A written undertaking as to good behaviour entered into by the Respondent;
- (iii) An appropriate written letter of apology from the Respondent to the Complainant;
- (iv) Require the Respondent to engage and complete specified works which would be advised in advance (i.e., Depending on the breach, agreement to perform pro bono community service may be appropriate);
- (v) Require the Respondent to complete a written reflection on the behaviour complained of;
- (vi) A fine, with the sum of money paid to an appropriate fund to assist students who are in financial difficulty;
- (vii) An obligation to make a financial reimbursement (to an individual or entity/organisation) to cover any loss or damage that arose directly because of the Non-Academic Misconduct;
- (viii) The exclusion of the Respondent from the use of certain specified facilities or the withdrawal of access rights to parts of the University for a specific period of time;
- (ix) The suspension of the Respondent from the University and University activities for a specific period of time or until such time as other specified actions have been completed by the Respondent (e.g., payment of a fine or financial reimbursement);
- (x) The expulsion of the Respondent from the University.

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<sup>7</sup> In the case of sanctions listed here or of a similar nature imposed as part of the Formal Disciplinary Process: Stage 2, these will generally only be recorded on the Respondent's record until the Respondent graduates from the relevant programme of study or ceases to be a Student. However, this will not apply to a sanction that involves the expulsion of the Respondent, as this sanction would prevent the Respondent from studying at the University again. A sanction of expulsion will continue to be recorded on the Respondent's student record permanently to ensure that the Respondent is not able to register with the University again in the future.



If the sanction is the expulsion of the Respondent from the University, an expulsion order must be approved and signed by the President. This will also be formally reported to the Governing Body.

## APPENDIX 4: MEMBERSHIP OF THE APPEALS COMMITTEE

An Appeals Committee will be formed where a Respondent to a Complaint exercises their right to Appeal the decision of the Disciplinary Committee within ten working days of receiving the written decision. The membership of the Appeals Committee will be drawn from members of the University executive management and (where possible) a member of the Student Body.

A Chair of the Appeals Committee will be appointed by the Vice President for Academic Affairs for each specific Appeal. The Chair will be a member of the University executive management.

The Appeals Committee, for any Complaint, should consist of three members incorporating gender balance, to include (where possible) one Student member<sup>8</sup>. A majority of members of the Appeals Committee must be non-Student members.

The selection of members of the Appeals Committee is a matter for the Vice President for Academic Affairs. The membership of the Appeals Committee for a specific Complaint will depend on the nature of the Complaint.

No member of the Appeals Committee for a specific Complaint will have an actual or perceived conflict of interest.

All members of the Appeals Committee will be provided with a copy of this Policy in advance of the meeting.

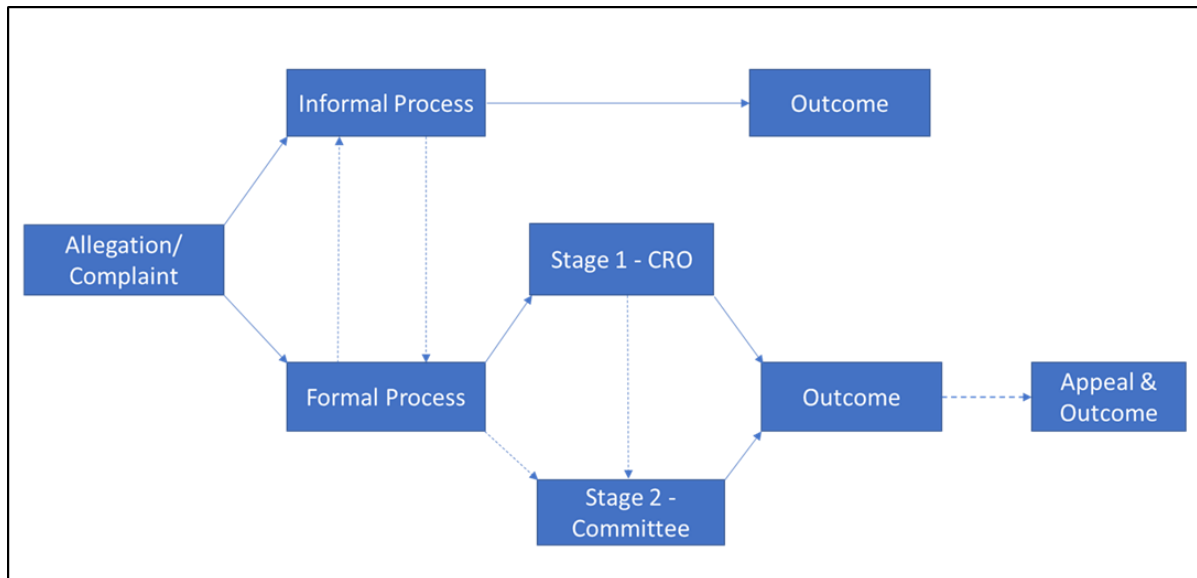
The Secretary of the Appeals Committee, appointed by the Vice President for Academic Affairs, shall be responsible for organising the meeting of the Appeals Committee and the provision of the information available as well as scribe for the purpose of the Appeals Committee meeting minutes. The Secretary of the Appeals Committee shall not otherwise participate in the meeting or decisions.

Decisions of the Appeals Committee shall be made on a majority voting basis, with a show of hands of those present at the meeting required. If there is an equality of votes, the Chair of the Appeals Committee shall have the casting vote.

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<sup>8</sup> If it is not possible to have a Student member, the Appeals Committee can still be formed as long as there are three members.

## APPENDIX 5: HIGH LEVEL WORKFLOW DIAGRAM OF STUDENT EXPECTED BEHAVIOUR POLICY AND DISCIPLINARY PROCEDURE



Key:



Typical paths through Procedure



Additional paths through Procedure which may arise due to referrals between processes/stages or appeal