

PROVIDER NAME: CCT College Dublin (CCT) POLICY AREA: Standard 9: Learning Resource and Student Support		
Policy and Procedure Title: Student Code of Conduct and Disciplinary Procedure	Policy no. CCTP906	Version: 2.1
<p>Policy Statement</p> <p>The reputation of CCT and of its graduates depends on upholding the highest standards of learning, and scholarly activity. Learners should have access to a learning environment, free from ill-discipline of fellow learners. The purpose of this policy is to allow for a consistent approach to the treatment of general learner misconduct in CCT and to promote a culture of learning which is dynamic, interactive, and positive. CCT is committed to the promotion and management of an environment for work and study which upholds the dignity and respect due to each individual. CCT supports every individual's right to work and /or study in a climate which respects their individuality and diversity and in an environment which is free from threat, harassment, intimidation, or bullying. This policy defines and outlines the various categories of general misconduct and the associated means of prevention and detection. It details the penalties associated with levels of general misconduct, and the function of the Disciplinary Committee of CCT, in dealing with alleged acts of general misconduct. This policy also presents the Student Code of General Conduct of CCT and is a related policy to the other published policies on Academic Misconduct and Plagiarism, and Mutual Respect.</p> <p>This procedure is based on a principle of natural justice. Anonymous complaints will not be acted upon. All learners subject to a disciplinary investigation are entitled to be informed of the identity of the complainant, except where it is felt this might present serious risk to the complainant or others associated with him/her. The subject of the disciplinary investigation is also entitled to receive details of the allegations made against them and afforded the right of response.</p> <p>Should the College receive an allegation of breach of conduct which it warrants sufficiently serious, it reserves the right to suspend a learner until such a time as proceedings are concluded. This is without prejudice. Investigatory proceedings will progress as a priority. The College is not liable for any delay in the completion of a programme of study, or the implications of this on entitlement to funding or visas, for any learner who is suspended pending an investigation where a reasonable and justifiable decision to suspend was acted on.</p> <p>This is an internal procedure for the purpose of managing learner conduct. Engagement with or between legal representatives will not normally form part of this process. Any party attending a meeting as part of the implementation of this policy has the right to be accompanied by a friend, family member, fellow learner or a colleague. In all instances, the accompanying party cannot be a legal advocate or representative and their role is to take notes and act as a support to the named party. Discussions are between the named parties and do not involve accompanying parties. The intention to bring an accompanying party, the identity of the accompanying party and their relationship to the named party must be communicated in writing to the meeting organiser not less than 24 hours prior to the meeting.</p> <p>A written record will be made at each stage of this procedure. In the event of a decision that no offence has occurred, all records will be destroyed.</p>		
<p>Staff Involved All full time and part time staff faculty within CCT, Faculty Heads, Dean of School, QA Officer, Faculty Coordinators, Disciplinary Committee, Independent Appeals</p>		

Panel		
Procedure Outline / Method(s) used to carry out this procedure	Responsibility of	Evidence generated by this procedure to ensure its effectiveness
<p>1. Learner Code of General Conduct at CCT</p> <p>Introduction</p> <p>1.1 CCT recognises the right to dignity for every individual associated with the college, and it expects that each of them will be treated with consideration, courtesy and respect, without harassment, or physical or verbal abuse. Every member shall refrain from conduct liable to infringe the rights of others. This Code does not reduce your legal rights. Its goal is to maintain a suitable academic environment for all in the College and to ensure that your rights as a student member will not be less than the rights of other members of the College community.</p> <p>1.2 As a higher education institution CCT recognises the importance and significance of good learner conduct to ensure the environment is a safe, respectful one for all members of the College community. Registering as a learner in CCT, commits all learners to adhering to the following code of conduct:</p> <p>1.3 Learners will conduct themselves with a high standard of behaviour at all times throughout their engagements with CCT, its staff and fellow learners, and any interactions on behalf of the College.</p> <p>1.4 All learners are expected to conduct themselves legally, ethically and responsibly in and out of college and not to engage in any activity that may bring themselves, fellow learners and / or the College into disrepute.</p> <p>1.5 Communications with the College and members of its community, or on behalf of the College will at all times be non-confrontational, and utilise body language, terminology and tone that is appropriate and respectful.</p> <p>1.6 Learners are required to attend regularly and punctually and adhere to the reasonable and lawful instructions of CCT staff and faculty without causing disruption or undue difficulty to the requesting staff member.</p> <p>1.7 It is the learner's responsibility to notify the College at the earliest opportunity of any circumstances that may impact on their attendance or performance. Failure to do so may impact on their enrolment status in the College and, where applicable, their entitlement to a visa.</p>	<p>Learners Staff and Faculty</p>	

<p>1.8 Learners must respect the property and facilities of CCT, its staff and fellow learners.</p> <p>1.9 Learners must adhere to the behavioural codes of any organisation or institution in which the learner is based as part of the programme of study. In the absence of such codes, the learner is reasonably expected to maintain the standard of conduct expected by the CCT Learner code.</p> <p>1.10 It is the responsibility of the learner to familiarise themselves with the policies, procedures and academic regulations which govern their programme of study, and understand their obligations in relation to same.</p> <p>1.11 Where the College considers it appropriate and necessary, the College may request the learner undergoes an independent professional evaluation. Where a learner refuses to comply with such a request, they will not be permitted to continue their studies with CCT.</p> <p>1.12 The College reserves the right to refuse to provide a reference for the purpose of professional registration, employment or further study for any student who has breached the code of conduct.</p> <p>1.13 Any termination of registration resulting from a breach of the code of conduct will not entitle the learner to a full or partial refund.</p> <p>1.14 A Disciplinary Committee appointed by the Dean of School will oversee all matters of learner discipline. Staff members are bound by the Staff Code of Conduct. As a learner, learners must observe the Learner Code of General Conduct. Learners need to inform themselves about the regulations that concern the use of particular College facilities, laboratories, procedures (including those relating to examinations and assessment), equipment, and evacuation procedures and drills. Authorised members of CCT can enforce these regulations under this Code.</p>	<p>Dean of School</p>	
<p>General Principles</p> <p>1.15 All members and committees of CCT shall observe natural justice and fair procedures in respect of this Code of Conduct, and CCT's Policy on Academic Misconduct & Plagiarism.</p> <p>1.16 Learners should act in accordance with this Code of General Conduct and with any other published regulations of the College and should maintain acceptable standards of behaviour and act in a law-abiding, mature and honest fashion.</p>	<p>CCT Committees</p> <p>Learners</p>	

The following sub-sections describe the process which takes place when a complainant suspects that a learner has committed an act of general misconduct, under the three main categories of general misconduct, as defined in the *Definitions and Principles* section below.

3.1 Procedures and Process

3.1.1 Investigation of the complaint.

A complainant who wishes to make an allegation of misconduct should report the matter to a Lecturer, or Faculty Head.

For matters of a minor nature the Lecturer or Head of Faculty may review all information and/or documentation available with the learner(s) suspected of misconduct and may take into consideration the expert opinion of another CCT staff member of the Senior Management Team (not previously involved in any way with the alleged general misconduct).

If the Faculty Head determines that there is no case to answer for the alleged incident, or if the incident is judged by the Faculty Head to be a minor incident, and the learner admits to responsibility of it and to not repeating into the future, the case is closed, and no formal records are maintained. If the matter is unresolved at this stage the Faculty Head will proceed with step 3.1.2.

3.1.2 If the Faculty Head determines that there is a case to be answered, a statement summarising the alleged misconduct, documenting the evidence reviewed to support this view will be prepared, and submitted to the Dean of School.

3.1.3 The Dean of School will consider the evidence presented and may determine:

- a. further investigation is required
- b. an offence has been committed and a penalty should be issued (minor offences) or the case referred to a disciplinary committee (serious or repeated offences).
- c. there is no offence to consider

If a penalty is imposed for a minor offence the learner is notified and also advised of the appeals procedure. This process will normally be completed, and the outcome notified to the learner, within 14 working days from the report of the incident. When the learner accepts this finding, the incident, under this Code, is regarded as closed. A record is retained on the learner's file for the duration of their studies.

3.1.4 If the Dean of School determines that further investigation is required, he / she will appoint an independent investigator. The complainant will be advised of this and will be required to provide all relevant information including details of witnesses. All parties will be advised of the principles of natural justice and the respondent's right of response. On conclusion of the investigation a report of the findings, accompanied by the file of supporting evidence, should be submitted to the Dean of School who will determine whether there is a case to answer. Where it is deemed there is a case to answer the matter will be referred to a disciplinary committee. At this advanced stage, admission of the offence may also result in referral to a disciplinary hearing.

Lecturer
Faculty Head

Dean of School

Disciplinary

Minutes from meetings

<p>The Disciplinary Committee will consider its decision in private. If the decision is that the conduct in question, is a breach of the learner code of conduct, the Committee will deliberate on the penalty to be imposed.</p> <p>The Committee will consider these representations and decide on the penalty. It will inform the learner of its decision in writing within 5 working days of the end of the meeting.</p> <p>3.1.8 If having regard to the evidence presented at the disciplinary hearing and the submissions made by the learner, the Chair considers that a case of general misconduct has been proven, he/she will notify the decision to the learner in writing and the notification will state:</p> <ol style="list-style-type: none"> a) the decision that general misconduct has occurred b) the level of the misconduct (minor, major, gross) c) the learner's rights of an appeal to an Appeals Board d) the period (5 working days) within which this appeal must be lodged by or on behalf of the learner <p>3.1.9 Should the suspected general misconduct be properly defined as a Gross Academic Misconduct, two further senior CCT members from outside the faculty concerned shall adjudicate the case together with the Chair of the Disciplinary Committee.</p> <p>3.2 Appeals</p> <p>An appeal is not an opportunity for a subsequent hearing or a new investigation. It is a formal request that another body re-examines the procedure or decision of decision-making committee. Disagreement with the decision in itself does not constitute grounds for appeal.</p> <p>A learner who wishes to lodge an appeal may do so on a limited number of grounds. They must clearly identify the elements for which the appeal is being made. The application must also specify the grounds on which the appeal is sought and must contain all information that they require to have taken into account in the appeal.</p> <p>An appeal may be submitted on the following grounds:</p> <ol style="list-style-type: none"> 1. Procedural irregularity 2. Inconsistent implementation of procedures 3. Exceptional personal circumstances not previously reported for good reason; the appeal should explain the reason(s) for previous non-disclosure <p>3.2.1 The learner should submit a written appeal application which must comprise of a written statement explaining the grounds for the appeal and providing evidence or directing the Dean to evidence to support the grounds. Disagreement with the decision of the Complaint Committee does not constitute grounds for appeal. The application must include old and new supporting documentation, addressed to the Dean of Academic Affairs. The Dean of Academic Affairs will normally acknowledge the application within 5 working days.</p> <p>3.2.2 In the first instance the Dean of Academic Affairs will investigate the grounds and determine whether or</p>	<p>Learner</p> <p>Dean of Academic Affairs</p>	<p>Minutes from meetings</p> <p>Correspondence</p> <p>Incident Records / Reports</p>
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<p>not an appeal shall be heard.</p> <p>3.2.3 If an appeal is granted, the Dean will convene an appeal panel, not to be confused with the Appeals Board which deals with academic matters, to review the information and evidence provided. The panel reserves the right to undertake further investigation into the procedures and decision-making that contributed to the decision being appealed.</p> <p>The learner may be invited to attend a meeting as part of the appeal process, depending on the basis of the appeal request, where the Dean deems this to be necessary.</p> <p>The outcome of the appeal will be communicated to the learner at the earliest opportunity.</p> <p>A copy of the application form and any supplementary documentation will be furnished to the Appeal Panel.</p> <p>3.2.4 Unless otherwise notified by the Dean of Academic Affairs, the Appeal Panel will comprise of:</p> <ul style="list-style-type: none"> • The Dean of Academic Affairs as Chair • A member of CCT Management not previously involved in the matter • A member of CCT staff with no previous involvement in the matter. <p>3.2.5 the learner should expect the written confirmation of the outcome of the appeal and any subsequent action which the College intends to take, within 14 working days of confirmation of the appeal being granted. The written response will clearly outline the outcome of the appeal process and the reasons for the decision.</p> <p>3.2.6 In the event that a decision has been taken not to uphold the appeal, the reasons for that decision will be outlined in the response. The Dean of Academic Affairs sends the College's formal appeal outcome to the learner. A copy of the response will also be issued by the Dean of Academic Affairs to anyone named in the response.</p> <p>4. Stage 4 - Second Appeal Applications</p> <p>4.1 Should the learner not agree with the findings arising from the CCT internal appeals process, as outlined above in sub-section 3, the learner may apply to have the case reviewed by an independent ombudsman appointed by the College. This option will be explained in writing (letter / email), to the learner at the end of the previous Stage, and any application for appeal to the ombudsman must be received and considered by the Dean of Academic Affairs.</p> <p>4.2 <u>Grounds for an Appeal to Independent Ombudsman</u> A complainant who wishes to lodge an appeal may do so on a limited number of grounds. They must clearly identify the elements for which the appeal is being made. The application must also specify the grounds on which</p>	<p>Dean of Academic Affairs</p> <p>Learner Dean of Academic Affairs</p> <p>Learner</p>	<p>Incident record / learner record</p> <p>Appeals panel minutes</p> <p>Outcome notification</p> <p>Letter of appeal outcome</p> <p>Appeal application to</p>
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<p>the appeal is sought and must contain all information that they require to have taken into account in the appeal.</p> <p>An appeal may be submitted on the following grounds:</p> <ol style="list-style-type: none"> 1. Procedural irregularity 2. Inconsistent implementation of procedures <p>4.3 A request for an appeal must be received by the Dean of Academic Affairs no later than the date specified in the letter or email notifying the learner of the outcome of the First Appeals process. Only a written request for a second appeal, signed by the learner concerned will be considered. The complainant must supply evidence in support of his/her request. The fee for an appeal is €50, refundable where the appeal is successful.</p> <p>The independence of the ombudsman permits a fresh view on whether the internal process has been adequately handled, to judge whether the response to the problem has been reasonable, and to aim to reach an outcome which is fair and just to all parties concerned - based on evidence. The ombudsman will consider all reports and documentation arising from previous stages, in relation to both parties. The ombudsman is entitled to ask the complainant to address circumstances on which he/she based the appeal. The ombudsman may seek such information or advice as it considers necessary and in such manner as it considers appropriate. Having considered the circumstances, the ombudsman will decide the outcome of the appeal.</p> <p>The College President reserves the right to engage the services of any appropriate professionals deemed necessary.</p> <p>4.4 The complainant will be informed via the Dean of Academic Affairs, in writing (letter / email) of the outcome of the ombudsman's review. Where appropriate, the Dean of Academic Affairs shall notify QQI of the outcome of the appeal.</p> <p>There is no further right of appeal. Should the complainant not be satisfied with the final outcome, he / she can exercise their rights external to the College policies and procedures.</p> <p>5. Application of Penalties</p> <p>5.1 The penalty applicable to confirmed cases of general misconduct is determined by whether or not the incident constitutes a first or subsequent case of minor or major misconduct. The following graduation of penalties aims to ensure that a consistent approach is adopted across all learners. However, the Disciplinary Committee may judge that a single incident could constitute a major or gross misconduct, depending on the severity of the breach of discipline concerned.</p> <p>5.1.1 Penalty for Minor Misconduct, first incident</p> <p>The learner is given a first written warning from CCT to refrain from further general misconduct, outlining the reasons why the incident / case is awarded this grade, and reminding the learner of the general regulations outlined in the CCT Student Handbook. A record of the offence will be held internally.</p>	<p>Ombudsman Dean of Academic Affairs</p>	<p>ombudsman</p> <p>Appeal outcome correspondence</p>
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5.1.2 Penalty for Minor Misconduct, second incident

The learner is given a second written warning from CCT to refrain from further general misconduct, outlining the reasons why the incident / case is awarded this grade, and reminding the learner of the general regulations outlined in the CCT Student Handbook. This letter to the learner will also specify that any further incident of general misconduct will be penalised by way of temporary suspension from their learning at the College. A record of the offence will be held on the learner record and may inform references provided by the College.

5.1.3 Penalty for Major General Misconduct, first incident

The learner is suspended from the programme for a minimum of one week, or until the next semester (depending on the severity of the incident) in which there is an opportunity to retake all modules for that semester. A permanent record of the offence is placed on the learner's file, and the student is placed on a probationary review period for one semester. Additionally, a fine set by the College of €500 will apply to the learner(s).

5.1.4 Penalty for Major General Misconduct, second incident

The learner is suspended from the programme for a period adjudged to be conducive to the severity of the incident. A permanent record of the offence is placed on the learner's file, and the student is placed on a probationary review period for one semester. Alternatively, and depending on the severity of the incident, the learner is expelled from the College and shall not be permitted to re-enrol for a three-year period (pending outcome of a re-entry admissions meeting between the learner, relevant Faculty Head, and Head of Admissions). A permanent record of the offence is placed on the learner's file. Additionally, a fine set by the College of €750 will apply to the learner(s).

5.1.5 Penalty for Gross Misconduct

The learner is expelled from the College and shall not be permitted to re-enrol for a minimum period of five year (pending outcome of a re-entry admissions meeting between the learner, relevant Faculty Head, and Head of Admissions). A permanent record of the offence is placed on the learner's file. Additionally, a fine set by the College of €750 will apply to the learner(s). CCT reserves the right to refuse re-enrolment indefinitely.

Definitions and Principles

In general terms, General Misconduct is an act of improper behaviour contrary to the College's general regulations, which, will not be tolerated by the institution. The reputation of CCT and of its graduates depends on upholding the highest standards of learning and research. Learners should have access to a learning environment, free from ill-discipline of fellow learners, which may adversely affect the learning experience.

The College recognises that there is a distinction between the degrees of severity of minor general misconduct, and, major or gross general misconduct as illustrated by examples below. Please note that breaches of academic regulations, and low class attendance rates, along with alleged incidents of Bullying or Harassment are monitored and dealt with under separate CCT Policies (Policy CCTP905), Academic Misconduct (Policy: CCTP514), and Mutual Respect (Policy:CCTP807).

Examples of General misconduct include, but are not limited to the following:

Examples of Minor General Misconduct - not an exhaustive list (each case / incident is unique, and is dealt with on its merit in terms of severity):

- Eating, chewing gum, and drinking in non-designated areas within the College
- Littering

- Using disruptive behaviour and disruption of the learning experience of other learners
- Use of abusive language
- Minor breaches of College Code of Conduct, Health and Safety Procedures
- Breach of any general class regulation as introduced and presented by faculty staff within CCT
- Minor violation of College regulations
- Disorderly conduct, including being unfit for admission to class, tutorial, assessment, laboratory or other College facility
- Being in unauthorised areas without permission
- Causing minor damage to College property
- Failing to identify oneself to a CCT staff member, on request

Examples of Major and Gross General Misconduct - not an exhaustive list (each case / incident is unique, and is dealt with on its merit in terms of severity)

- Major breaches of College Code of Conduct, Health and Safety Procedures
- Smoking on the College property
- Any act deemed in breach of the mutual respect policy, not considered gross misconduct.
- Fighting with students or other persons, disruptive and/or hostile behaviour
- Theft of College or personal property
- Failure to obey the instructions of CCT Staff /fire marshals during a Fire Drill, Health and Safety Drill, or during an Emergency
- Fraudulent behaviour (including falsification of any College documentation or College attendance register)
- Unauthorised use of College property of any kind
- Possession, supply, or use of illicit drugs
- Being in an intoxicated state while on the College premises
- Making false allegations of personal injury / accidents on campus
- Giving false or misleading information to CCT calculated to mislead and deceive
- Bullying
- Repeated or aggravated incidents of minor offences
- Unwanted interference with CCT's safety equipment, alarms, fire-fighting equipment, or failure to comply with reasonable request(s) from CCT staff with regard to situations which endanger life, health, or property

Examples of Gross Misconduct - not an exhaustive list (each case / incident is unique, and is dealt with on its merit in terms of severity)

- Breaches of College Code of Conduct, Health and Safety Procedures
- Any act that intimidates, threatens, disgraces, or degrades any staff member, visitor, or student, communicated verbally, non-verbally including by gesturing or deemed in breach of the mutual respect policy.
- Assault on college employees
- Repeated instances of theft
- Extortion, use of intimidation, coercion or force
- Malicious damage or destruction of school or personal property
- Possession, supply, or use of illicit drugs
- Gross indecent or immoral behaviour
- Forgery, alteration or misuse of any College document, record stamp, or identity card, or staff identity

- Sexual Harassment
- Repeated or aggravated incidents of major offences

All alleged cases of general misconduct must be thoroughly investigated by CCT, discrimination must be avoided, and procedure should be adhered to including carrying out disciplinary meetings.

Students are advised that CCT College Dublin will report unlawful behaviour to the Gardai. In such cases, the student may be liable for civil and legal sanctions.

Monitoring

Monitor (Job Title)	Frequency	Monitoring Method(s)
Dean of School	Annually – August 2018	Incident Reports & correspondence Minutes from Committees – Discipline & Appeals Panel

POLICY CONTROL SHEET

Policy Title	General Misconduct Policy and Student Code of General Conduct
Responsible Officer(s)	Dean of School, Heads of Faculty
Issuance Date	Sept 2017
Effective Date	Sept 2017
Last Review Date	March 2018
Supersedes	Version 1.0
Next Review Date	August 2019
Designated Reviewer(s)	Dean of School
Scope	Internal staff (full and part time); Learners; Appeals Board

Revision History

Revision	Approval Date	Revision Description	Originator	Approved By
New Policy	Sept 2015	New QA system	Senior Management Team	Head of Academics, College Registrar
Version 2.0	September 2017	Updating to reflect organisation roles and responsibilities. Addition of extended code of conduct. Addition of CCT's right to suspend a learner pending investigation and clarification regarding representation and absence of legal representatives from this internal process.	Senior Management Team	QA Committee
Version 2.1	March 2018	Renaming to Learner Code of Conduct and Disciplinary Procedure. Amendments to the disciplinary procedures to more accurately reflect the investigatory stage of the process. Separation of major and gross misconduct	Dean of Academic Affairs	Academic Council.

References upon which the Policy section is based

CCT Policy area	Learning Resources & Student Support
Statutory & System Wide Basis	The Irish Qualifications and Quality Act (Education and Training), 2012; European Standards and Guidelines for QA in the European Higher Education Area, Relevant QQI Standards and Guidelines
Related CCT Policies / Forms	CCTP905 – Class Attendance & Punctuality Policy CCTP514 – Academic Misconduct & Plagiarism Policy CCTP807 – Mutual Respect Policy