


Student disciplinary procedures		
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Student Disciplinary Procedures

Revision History

Revision	Date	Revision Description DCRT#	Originator
01	21 August 03	Conversion of OP103	Lisa Whelan
02	30 December 2003	Inclusion of reference to apprentice learners	Registrar
03	21 November 2008	Inclusion of reference to Garda vetting policy 2MP24 and editorial update	Registrar

1. Purpose

- The purpose of this document is to record disciplinary procedures for students.

2. Scope

- This document is relevant to all staff and students of the Institute, including apprentice learners.

3. Reference

- Student Charter (3SS03)
- Student Appeals Board (3SS09)
- Policy relating to approval of students for participation in environments with children or vulnerable adults (2MP24)

4. Responsibilities and Obligations

- The Institute is concerned that all its students should be aware of their obligations with regard to conduct including standards of work performance and of the likely consequences of the failure to meet these obligations.
- The Institute has an obligation to ensure, so far as is reasonably practicable, that all students at the Institute are acquainted with the rules applying to their particular areas of activities and know the expected standards of performance and behaviour. These are documented in the Student Charter (3SS03).
- Students have a responsibility to familiarise themselves with the rules and procedures related to their particular areas of activities and such amendments as may be made and drawn to their attention from time to time.

5. Importance of Procedures

- Procedures are necessary to ensure both that discipline is maintained in the Institute and that disciplinary measures can be applied in a fair and consistent manner. Apart from considerations of equity and natural justice, the maintenance of a good atmosphere within the Institute requires that procedures are in place and are observed.
- Such procedures serve a dual purpose in that they provide a framework that enables management to maintain satisfactory standards, and students to have access to procedures whereby alleged failures to comply with these standards may be fairly and sensitively addressed.
- The Procedure may be implemented at any stage if the students alleged misconduct or unsatisfactory performance warrants such action.

6. Principles

- No formal disciplinary action will be taken against a student until the case has been investigated. The student will be informed of the name of the member of staff appointed as investigating officer.
- At every stage of the procedure the student will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- At all stages of the disciplinary procedure, the student will have the right to be accompanied by a representative of the Students Union or a colleague.

- A student will have the right to appeal against any disciplinary penalty imposed (see 3SS09).
- When determining disciplinary action to be taken, the need must be borne in mind of satisfying the test of reasonableness in all the circumstances. Account should be taken of the student's record and any other relevant factors.

7. Disciplinary Procedure Stages

- Where a student's conduct or standard of performance is called into question, the Head of School or Department will arrange for the matter to be investigated. The student will have the opportunity to state their case.
- If, following the preliminary investigation, the Head of School or Department considers that disciplinary action is necessary, they shall arrange for this to be undertaken in accordance with the following procedures.
- The issue will be escalated to the appropriate stage as described below. It is not necessary to work sequentially through the stages if the perceived seriousness of the case suggests immediate elevation to a specific stage.
- Where it is alleged or suspected that a student has committed an act of gross/serious misconduct, the Registrar (or in their absence, the President) will be informed and they will decide upon the need for the immediate suspension of the student whilst the alleged offence is investigated and/or pending the disciplinary hearing.

8. Stage One – Formal Oral Warning

- The Registrar or Head of School or Head of Department is empowered to issue formal oral warnings. The formal warning will advise the student of the reasons for the warning, of the seriousness of the issue and the possible consequences if there is no improvement or if an offence is repeated.
- A disciplinary warning will be considered to have expired after the time limit imposed has passed provided that the behaviour has been satisfactory and no further warnings have been issued and no disciplinary action has been taken against the student during that period.
- The student will be notified in writing, when the warning is given, of the time limit imposed, which will not exceed one year other than in exceptional circumstances.
- A review period will be established during which the behaviour will be monitored.

9. Stage Two – Formal Written Warning

- If the offence is considered to be more serious, or if there has been further failure to conform to the required standards following an oral warning, the Registrar or Head of School or Head of Department is empowered to issue a formal written warning. The formal warning will advise the student of the reasons for the warning, of the seriousness of the issue and the possible consequences if there is no improvement or if an offence is repeated.
- The student will be notified in writing, when the warning is given, of the time limit imposed, which will not exceed one year other than in exceptional circumstances.
- A review period will be established during which the behaviour will be monitored.

10. Stage Three – Final Written Warning

- If the offence is considered to be more serious, or if there has been further failure to conform to the required standards following earlier warnings, the Registrar is empowered

to issue a final written warning. The final warning will advise the student of the reasons for the warning, of the gravity of the situation and the appropriate disciplinary action (for example suspension or expulsion) if there is no improvement or if an offence is repeated.

- The student will be notified in writing, when the final warning is given, of the time limit imposed, which will not exceed one year other than in exceptional circumstances.
- A review period will be established during which the behaviour will be monitored.

11. Stage Four – Expulsion

- Expulsion is a very serious step. Only the Registrar is empowered to dismiss a student.
- Gross misconduct is misconduct of such a nature that the Institute is justified in no longer tolerating the continued presence at the Institute of the student who commits an offence of gross misconduct. Examples of offences of gross misconduct which may lead to the expulsion of students and which, if committed by students of the Institute, will be regarded as breaches of disciplinary rules, include:-
 - Stealing from the Institute, members of staff or the public, and other offences of dishonesty.
 - Sexual offences, sexual misconduct at work and/or sexual harassment
 - Fighting or physical assault
 - Malicious damage to the Institute's property
 - Serious breaches of safety regulations endangering other people, including deliberate damage to, neglect of, or misappropriation of fire and other safety equipment.
 - Serious drug related offences
 - Criminal behaviour adversely affecting the Institute's reputation
 - Repeated and unacceptable disruption in classes
 - Unacceptable attendance level at formal classes without prior arrangement or justification
 - Failure to disclose information as part of a Garda vetting process or in compliance with Institute policy 2MP24 relating to approval of students for participation in environments with children or vulnerable adults.

This list is neither exclusive nor exhaustive, and in addition there may be other offences of a similar gravity that would constitute gross misconduct.

- In cases of gross/serious misconduct, where the student faces possible expulsion, the Registrar will hold a disciplinary hearing. The student will be given at least five days notice in writing of the date, time and place of any disciplinary hearing. When given this notice, the student will:
 - be informed of the nature and details of the alleged misconduct;
 - be told of his/her right to be accompanied at the hearing by a representative of his/her choice, and of his/her right to call witnesses;
 - be supplied with a copy of any written report which is to be considered.
- Not later than two clear days before the hearing, the student will give the name and status of his/her representative;

- The student may submit a written statement if they wish, either personally or through their representative;
- The student will be informed who will conduct the hearing and the names of any witness to be called.
- If a student fails to attend a disciplinary hearing, without good cause, the hearing will be held and a decision will be made in their absence.
- At the hearing the student and/or their representative may address the Registrar. The student and/or the representative may be questioned on the statements made by or on behalf of the student and the member of staff presenting the management case may be questioned by the student and/or their representative on any relevant aspect of the case. Witnesses may be called by either party and opportunity will be given for them to be questioned on their statements. However, if witnesses are called by either side, every effort will be made to limit numbers to the minimum necessary for fair hearing of the case.
- In cases where the decision is not notified at the end of the hearing, it will be given in writing within five days of the hearing. If the decision is notified at the end of the hearing, it will be confirmed in writing within five days. In either event, the letter will state the grounds for decision, confirm that the student has a right of appeal and state how this may be exercised.
- If, following a disciplinary hearing, it is substantiated that the student has committed an offence of gross misconduct, gross negligence or gross incompetence, the student may be summarily expelled.
- If the student fails to attend a disciplinary hearing without substantiated grounds, the student may be expelled.

12. Appeal process

- The student has the right at any stage to appeal a decision imposed as part of the Student disciplinary procedure. Application should be made in writing to the President, who will establish a group to consider the grounds for such an appeal. The decision of this group will be final. Students should refer to the Student appeals board procedure (3SS09)
- Where the Head of School or Department has taken action, the Registrar will hear the appeal and where the Registrar has taken action a panel as determined by the President will hear the appeal. The student has a right of appeal against formal oral or written warnings or against an extension of the time limit for written warnings. The student also has a right to appeal against a notice of expulsion. Notice of the appeal should be given in writing within five working days of the notification to the student of the result of the disciplinary process that is being appealed

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