

## **DCU Code of Discipline and Code of Conduct**

### **Code of Discipline**

#### **Procedures for the Implementation of the Code of Discipline**

- 1.1 The sequence of these Procedures follows, in general, that of the Code of Discipline.
- 1.2 References to Person can mean more than one person.
- 1.3 An “authorised” person is one working on contract for or with the approval of the University, for example, restaurant staff, outside security officers, persons managing or supervising building projects, Bank staff or University company staff.
  
- 2.1 The Proceedings of the Discipline Committee are entirely confidential. The sole method of communicating the content or results of its deliberations shall be by report to the Programme Board and/or the Progression & Awards Board/Examinations Board with the exception that the decisions of the Committee in cases brought before it should be communicated to the person bringing the case and the accused person as soon as is practicable.
  
- 2.2
  - (i) The quorum for a meeting of the Committee shall be four.
  - (ii) The Chairman of the Committee shall be the Secretary. In his absence from a particular meeting the Committee shall elect an Acting Chairman.
  - (iii) Not more than two of the Student Members and/or alternative members shall be present as members at any Committee meeting.
  - (iv) The Committee shall appoint a Secretary who maybe a member or a non-member of the Committee. If a non-member, the functions of the Secretary shall be restricted to recording the proceedings, drafting the minutes and preparing other relevant documentation, preparing if necessary and presenting documentation on cases to the Committee and speaking at meetings if invited by the Chairman to do so.
  - (v) Meetings shall be convened by the Chairman or Acting Chairman, through the Secretary, by written or electronic notice to Members at least three days in advance of the meeting.
  - (vi) On matters of procedure, decision of the Chairman or acting Chairman shall be final unless challenged by two members and the challenge is sustained by a majority of Members present and voting.
  - (vii) Each member shall have one vote and in the case of a tie, the Chairman shall have an additional or casting vote.

- 2.3 On matters of substance the Committee shall endeavour to reach its decisions by Consensus except in exceptional circumstances. When the Committee reaches a decision on a matter of substance by vote, the record on the matter should explain why the vote was made necessary and shall list those voting for and against the proposal in question.
- 3.1 When adjudicating on each case, the Committee shall hear (a) that person reporting the incident and any witnesses called by him or her (b) the accused person and any witnesses called by him or her and (c) any person whom the Committee feels might be of assistance in coming to a decision. The accused person may be represented by or accompanied by a representative. The accused person (and/or his or her representative) and the person bringing a charge may be present but may not speak during the hearing of witnesses.
- 3.2 Questions may be submitted by either party or by a witness through the Chair. The Chair may put these to the party at whom they are directed. All the proceedings shall be conducted through the Chair, and the Chair shall ensure that the proceedings are conducted in a calm manner, and that no person shall intervene in any way which could cause offence.
4. Alleged criminal offences can be referred by any party concerned to the Gardaí. The reporting of such alleged offences should be notified to the Committee through the Secretary.

#### 5. Penalties

The type of penalties or sanctions which can be imposed by the Disciplinary Committee or by the appropriate Examinations Board for offences include:-

- Caution
- Reprimand
- Severe Reprimand
- Fines
- Community Service
- Suspension from both Lectures and Tutorials
- Suspension from Laboratory, Studio or other Practical sessions.
- Suspension from both Lectures/Tutorials and Laboratory/Studio/Practical sessions.
- Removal of Library and/ or Computer facilities
- Prohibition from access to the campus
- Failure or reduction of marks for an element of assessed work
- Failure or reduction of marks in one subject at an examination
- Failure or reduction of marks in an examination
- Withholding of an award or of examination results
- Suspension from the University
- Expulsion from the University

In relation to each penalty which it imposes, the Committee shall also decide the extent to which the penalty will be formally “recorded”. The methods of “recording” a penalty are:-

- (i) Inclusion of a reference to the penalty in the University’s Official Record so that it appears on any Transcript.
  - (ii) Inclusion on the student’s file in the Registry.
  - (iii) Communication of the penalty to the Student’s Personal Tutor and/or Course Board.
6. Where a student fails or refuses to produce an identity card on request, the Member requesting the card should ask the student to accompany him or her to the Registry to establish identity. If the student refuses to do so, the member of staff should go to the Registry with a view to identifying the student. Any complaints and reports referred to the Registry should be referred by it to the Secretary of the Committee.
7. The sequence of reporting an offence can be summarised as follows:-
- 7.1 Where an offence is dealt with under 6.3.2 or 6.3.3 or 6.3.4 of the Code, this should be the end of the matter unless it is appealed to the Committee. Appeals should be lodged in writing with the Secretary of the Committee.
  - 7.2 A person witnessing an apparent offence or who has reason to believe that an offence is being or has been committed should (i) ask the perpetrator for his/her identity card (ii) inform the person that an alleged offence is to be reported (iii) make a report to the Secretary of the Committee either directly or through the Registry. If the witness recognises the perpetrator but cannot warn him or her either because the perpetrator makes off or because the witness would fear for his or her own safety in giving a warning, the witness should report the case and the Secretary of the Committee should ensure that the accused person receives the earliest possible warning.
  - 7.3 At least three working days before the hearing of a charge, or of an appeal, the procedure at 6.1.3 of the Code should be followed.
8. The procedures to be followed by the President in the case of matters dealt with under 6.2.2 of the Code and by the Appeals Committee in the case of appeals under 6.2.3 of the Code, shall be, *mutatis mutandis*, in accordance with paragraphs 3.1 and 3.2 of these Procedures for Implementation. The procedures to be followed by the Governing Authority in relation to cases under 6.2.4 of the Code shall be set by that Authority.

## **University Code of Conduct**

### **1. Preamble**

- 1.1 The aim of these Regulations is to ensure that a suitable academic environment in the University is maintained. They require reasonable behaviour and consideration for others and are intended to assist members in passing a fulfilling and rewarding time at the University.
- 1.2 All matters of student discipline shall be overseen by the Disciplinary Committee which is chaired by the University Secretary and is made up of a representative from each faculty, the Director of Student Affairs and two student representatives.
- 1.3 All Student Members are required to observe the Code of Discipline.
- 1.4 All Members of the University shall refrain from conduct liable to infringe the rights of others.

### **2 Rights of Members**

- 2.1 The provisions of this Code are without prejudice to the legal rights of Members.
- 2.2 No sanction shall be imposed on a Student Member of the University by or in the name of the University except in accordance with this Code, or in accordance with the Guidelines for the Conduct of Examinations.
- 2.3 In the context of this Code, no person may be charged twice with the same offence in relation to the same incident.
- 2.4 At hearings of the Disciplinary Committee or the Academic Council from which disciplinary action could result, an accused person has the right to speak in his or her own defence and to call witnesses including character witnesses. Persons reporting incidents may also call witnesses. Witnesses may be questioned by Members of the Committee, and accused persons as well as persons reporting incidents may submit questions to be put by the Chair. An accused person may also have representation of his or her choice at any hearing; the extent of this representation shall be subject to limitation as to number by the Committee.
- 2.5 No Member of the Disciplinary Committee or of Academic Council shall adjudicate in a case in which he or she is to prosecute or be a witness.

### **3 Enforcement and Related Duties**

- 3.1 All Members of the University are expected to ensure that those on Campus who infringe the Code of Discipline are identified and dealt with according to the regulations of the University.
- 3.2 All Members shall have the right and a duty to demand identification where they feel, with good cause, that a breach of the Code has taken place.

### **4 Identity Cards and Address**

- 4.1 An identity card is issued to all Student Members on Registration, and must be produced on demand to any Member of the University or other person authorised by the University. It must be returned to the Registry if the Student retires during the course of the session. If it is lost, the Student Member must obtain from the Registry a duplicate card, for which a fee will be charged.

4.2 On Registration, each Student Member notifies the Registry of his or her address in Dublin. Immediate notification of any change of home or Dublin address should be given to the Registry. Failure to do so shall be treated as an offence under the Disciplinary Code. Students can also notify the Registry via their Student Portal Page.

## 5 Offences

5.1 Criminal offences (including theft) shall be referred to the civil authorities.

5.2 Where damage is done to University property or private property on Campus full restitution shall normally be made.

5.3 Disciplinary action may be taken against a student in the event that he/she engages in any unlawful act or other conduct, either within DCU or in residences occupied by students of the University or on the way to or from such residences, if such conduct brings or is likely to bring either the student concerned or the University into disrepute.

### 5.4 Major Offences

The following offences are defined as examples of major offences:

- Plagiarism or the use of unauthorised material during an examination or other breaches of the Examination Regulations.
- Furnishing false information to the University with intent to deceive.
- Forging, alteration, or misuse of University documents, records or identity cards.
- Physical abuse of another person.
- Bullying.
- Sexual Harassment.
- Malicious destruction, damage or misuse of University property, including library materials, or of private property on the campus (over €70 replacement value).
- Forcible occupation of University buildings or grounds.
- Unwarranted interference with the University's safety equipment, fire fighting equipment and alarm systems.
- Littering and anti-social behaviour.

### 5.5 Minor Offences

The following offences are defined as examples of minor offences:

- Disorderly conduct.
- Causing minor damage to University property or private property on the Campus (up to €70 replacement cost).
- Being in unauthorised areas without permission.
- Violation of detailed regulations
- Failing to identify oneself on request.
- Conduct which disrupts or is likely to disrupt teaching, research, study, examinations, or the administration of the University.
- Conduct which obstructs or is likely to obstruct a member of staff of the University, or a person authorised by the University to carry out specific tasks, in the performance of his or her duties.
- Failing to advise the University of current Dublin and home address.

## 5.6 Offences Related to Examinations

- 5.6.1 When an allegation of infringement of Examination regulations is made to the Examination Office that Office shall report the matter to the Disciplinary Committee in advance of the relevant Progression and Award Board meeting. In considering the matter, the Disciplinary Committee shall provide an opportunity to the Student Member or Student Members concerned, and to the Supervisor making the allegation, to state their case and the provisions of 2.4 of the Code shall apply. The Disciplinary Committee shall advise the Examination Board and the Programme Board of the findings and the sanction, if any, it has imposed.
- 5.6.2 Serious academic offences (e.g. cheating) may, in addition to such reduction in marks or other action as the Committee may decide, be punished by suspension or expulsion from the University in accordance with the provisions of this Code. Should the offence be repeated it shall result in expulsion.

## 6 Procedures

- 6.1.1 If a Member of the University or other authorised person is of the opinion that a student member is in breach of the Code of Discipline or of University regulations he or she shall identify the Student Member by means of the Member's identity card (which must be produced on demand), inform him or her of the alleged offence, and give the Student's name and number to the Registry or the Secretary's Office with instructions to initiate the appropriate procedure in accordance with the Code of Discipline.
- 6.1.2 If a Student Member, having been told of his or her alleged offence, refuses to identify him or herself, this shall be added to the charge laid against the Student, who shall be notified at the earliest practicable opportunity.
- 6.1.3 Any person charged with an offence which is referred or appealed to the Disciplinary Committee shall either be given in person or sent by registered post to the address referred to in paragraph 4.2 above a written copy of the charge and the name of the person who made it at least three days before the initial hearing. He or she shall also be informed in writing of the time and venue of the hearing.
- 6.1.4 A person who fails to comply with a penalty or sanction within one month of receiving notice of the imposition of a penalty or sanction shall be guilty of a further offence, which may be punished by further sanction or penalty.
- 6.1.5 During the INTRA Programme the normal regulations of the employing Company/Organisation will apply to Student Members taken on by the organisation concerned. Breaches of these regulations which are communicated to the University shall be considered to be breaches of the University's Code of Discipline and the provisions of the Code shall apply.
- 6.1.6 When a student is outside the campus on an academic exercise or representing the University, the provisions of this Code will apply.

- 6.1.7 In cases where a Student Member has been found guilty in the Courts of a criminal offence, the University reserves the right to deal with the Member in accordance with this Code. Once a Member has been found guilty of such an offence, the Committee may act as if the case had been referred to it on the day the verdict was delivered, and the provisions of the Code in regard to identification and warning will be considered to have been complied with.

## **6.2 Major Offences**

- 6.2.1 All cases involving an alleged major offence shall be referred to the Discipline Committee, save only a lecturer may deal with an academic matter at local level having first advised the student of his/her right to have the matter referred to the Disciplinary Committee. If the student waives this right a local sanction may be imposed and the Disciplinary Committee advised thereof. A local sanction may not go beyond a reduction of marks in the exercise concerned. Penalties shall be determined by the Committee. Where a person has been fined, he or she may request the substitution of a non-monetary penalty and such a request shall be considered by the Committee.
- 6.2.2 In the case of a major offence, and in exceptional circumstances, where the Disciplinary Committee is not for whatever reason able to convene, the President may, after giving the parties involved the opportunity to state their case in accordance with the provisions of paragraph 2.4, take such action as he/she deems appropriate, and any sanction imposed by him/her in such circumstances shall be subject to the same appeals procedure as if it were a decision of the Committee.
- 6.2.3 Decisions of the Disciplinary Committee on Major Offences may be appealed by the accused person to the Academic Council. The Council may, if it deems fit, appoint an Appeals Committee to hear the appeal on its behalf. A member of the Disciplinary Committee may not be a member of any Appeals Committee.
- 6.2.4 Decisions of the Academic Council shall normally be final. There is a right of appeal to the Governing Authority in cases involving expulsion or suspension for more than one month. Pending a decision on an appeal by the Governing Authority, the decision of Academic Council shall be implemented. Pending the hearing of an appeal by Governing Authority in a case of expulsion, a student expelled by Academic Council shall be suspended.

## **6.3 Minor Offences**

- 6.3.1 The Secretary may from time to time establish regulations relating to the handling of minor offences. The Disciplinary Committee shall be advised of the making of these regulations, and shall publish them together with the material referred to below.
- 6.3.2 Basic responsibility for student discipline related to a Programme rests with the academic staff teaching the Programme. In relation to minor academic offences they may take such minor disciplinary action as they think fit.
- 6.3.3 Similar responsibility in relation to their areas rests with the Director of Library Services, the Director of Computer Services, the Manager

of Campus Residences, the Manager of University Sports Facilities, Security Staff, and other Authorised Persons. Students working in laboratories are required to obey the instructions of the staff in regard to safety precautions and to provide themselves with any appliances or clothing which may be required.

- 6.3.4 Minor offences regarding damage or related matters shall be dealt with by the Secretary's Office.
- 6.3.5 Any penalty or sanction imposed in accordance with 6.3.1 to 6.3.4 above shall be carried out unless an appeal is lodged to the Disciplinary Committee within three days of its imposition. Notice of lodgement of an appeal must be made in writing to the Registry or the Secretary's Office. Minor disciplinary action which is appealed shall be suspended pending the hearing of the appeal by the Disciplinary Committee. Decisions of the Disciplinary Committee shall be final in relation to Minor Offences.

#### **6.4 Detailed Regulations**

- 6.4.1 Detailed regulations consistent with this Code may be made in particular areas (such as the Library, the Restaurant and the Car Park and Roadways). The Disciplinary Committee shall be advised of the making of these regulations. As often as it may deem necessary, and not less than once in each Academic Year, the Committee shall have published in full all the regulations in force under this provision. Detailed regulations governing a particular area should be displayed in the area.
- 6.4.2 Students living in Residences on campus are subject to specific regulations which are overseen and implemented by the management of The Residences and the Directors of the company which owns The Residences.
- 6.4.3 **Alcohol Policy**
  - 1) DCU seeks to provide a social environment on campus which is conducive to student health, well-being and safety, and which encourages healthy choices and personal responsibility.
  - 2) Students drinking alcohol on campus are expected to use alcohol in a responsible manner. Being drunk on campus will be deemed to be an offence in the context of the University's Code of Discipline, and being under the influence of alcohol will not be accepted as an extenuating circumstance in the case of any other offences such as engaging in violent or destructive behaviour.
  - 3) The Hub is a licensed premises. Students are not permitted to bring their own drink into the licensed premises or to take any drink out of them.
  - 4) The Hub bar staff will not serve any member who, in their opinion, is showing signs of intoxication, nor will they allow such members to consume alcohol on the licensed premises.
  - 5) The Hub is permitted to sell alcohol under a club licence. To avail of this facility you must be a member of the City Centre Club. By law the Club is

absolutely forbidden to admit to membership, or to allow to be on the licensed premises, anyone who has not reached his or her eighteenth birthday. All visitors must be signed in by means of a visitors' book, and nobody eligible for membership of the Club (e.g. a student or staff member of DCU) can be signed in as a visitor.

- 6) Clubs, societies or other student groups who wish to organise receptions or functions involving alcohol may do so only in one of two ways:
  - a. in the Hub licensed premises, with the permission of the Bar Manager and under the conditions laid down by the Hub Management Committee; or
  - b. by arrangement with the campus caterers, with the food and drink being supplied by the caterers.
- 7) If free alcoholic drinks are provided at any function, free soft drinks must also be provided. In the case of student functions where free alcoholic drinks are provided, the amount of free alcoholic drink per person must be strictly limited to two pints of beer or the equivalent, using a closely monitored voucher system.
- 8) Alcoholic drinks (bottles, cans, etc.) may never be a prize in any competition or given out free anywhere on campus (except as provided for under no. 6 above).
- 9) Drinking competitions are not allowed on campus at any time.
- 10) The Club which runs the licensed premises has agreed rules for members. Any changes will be advised to members.