DUBLIN CITY UNIVERSITY
DISCIPLINARY APPEALS COMMITTEE

TERMS OF REFERENCE

MONDAY, 11 OCTOBER 1999

1. CONTEXT OF THE DISCIPLINARY APPEALS COMMITTEE:

1.1 All cases involving an alleged major offence are referred to the Disciplinary Committee. Penalties are determined by the Disciplinary Committee. Where a person has been fined, he or she may request the substitution of a non-monetary penalty and such a request will be considered by the Disciplinary Committee.

1.2 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 current regulations, 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 Disciplinary Committee.

1.3 Decisions of the Disciplinary Committee on major offences may be appealed by the accused person to Academic Council. Academic Council may, if it deems fit, appoint a Disciplinary Appeals Committee to hear the appeal on its behalf. A member of the Disciplinary Committee may not be a member of any Disciplinary Appeals Committee.

1.4 Decisions of Academic Council shall normally be final. There is a right of appeal to Governing Authority in cases involving expulsion or suspension for more than one month. Pending a decision on an appeal by 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.

2. COMPOSITION OF THE DISCIPLINARY APPEALS COMMITTEE:

2.1 The membership of the Disciplinary Appeals Committee will include:
- Registrar (Chairperson)
- Two members of Academic Council being academic staff unconnected with the degree programme of the student in question; and
- One elected student member of Academic Council.

2.2 None of the above members shall be members of the Disciplinary Committee which determined the outcome of the alleged original offence.

2.3 Any member of the Disciplinary Appeals Committee for a particular appeal who is not present when evidence concerning that appeal is considered shall cease to be a member for that appeal.

2.4 The quorum for a meeting of the Appeals Committee shall be three members, including the Chair.
3. THE APPEALS PROCESS:

3.1 A student who is aggrieved by a decision of the Disciplinary Committee may appeal in writing to the Disciplinary Appeals Committee, stating concisely the grounds of the appeal and, if it is proposed to present any additional evidence, the nature of any such new evidence and the reasons why it was not adduced at the hearing of the Disciplinary Committee.

3.2 An appeal must be lodged with the Registrar within fifteen working days of the date on which notification of the decision was despatched to the student concerned by the Secretary. Where relevant, the written notice by the appellant shall set out concisely the circumstances upon which it is claimed an extension of the time limit for the lodging of the appeal should be granted.

3.3 Should the student be able to show to the satisfaction of the Registrar that circumstances beyond his/her control prevented this time limit being adhered to and that injustice would result from adhering to it, the Registrar may, in his/her absolute discretion, extend the time within which an appeal may be lodged up to a period of thirty working days from the date on which notification of the decision was despatched to the student concerned by the Disciplinary Committee.

3.4 Where a student gives such notice of appeal, the Secretary shall send to the Registrar a written report summarising all relevant aspects of the case, including witnesses heard and documents considered, and the reasons for the decision reached and the penalty imposed.

3.5 If in his/her judgement the notice of appeal does not disclose a proper ground for appeal, the Registrar shall notify the student in writing to that effect within ten working days of the receipt by him/her of the written notice of appeal.

3.6 If a prima facie case has been established, the Registrar shall send the student a written invitation, by registered post and upon at least seven days notice, to attend the hearing of the appeal.

3.7 If a student, having previously confirmed his/her intention to appear before the Disciplinary Appeals Committee, fails without reasonable excuse to appear on the day appointed, then the hearing shall proceed in absentia.

4. GROUNDS FOR APPEAL:

A student shall have the right of appeal against a decision of the Disciplinary Committee on the following grounds:

4.1 that there is new evidence or evidence which was for good cause not presented to the Disciplinary Committee which might reasonably have resulted in a different decision;

4.2 that there were procedural irregularities (including administrative error) such as might give rise to reasonable doubt as to whether the Disciplinary Committee would have reached the same decision had they not occurred;

4.3 that the Disciplinary Committee departed from the provisions of the University Regulations in a manner prejudicial to the interests of the appellant;

4.4 that the facts set out in the findings of the Disciplinary Committee do not warrant the resolution that there was a breach of discipline as charged;

4.5 that the penalty imposed by the Disciplinary Committee was unreasonable having regard to all the circumstances of the case.
5. THE DISCIPLINARY APPEALS COMMITTEE MEETING:

5.1 The procedures for hearing the appeal shall follow and be comparable with the procedures used by the Disciplinary Committee.
5.2 For the purposes of preparing an appeal, a student shall be entitled, on request, to obtain from the Registrar the relevant extract of the minutes of the Disciplinary Committee meeting which dealt with the case. The hearing before the Disciplinary Appeals Committee shall not normally involve a re-hearing of the evidence.
5.3 A student who is appealing to the Disciplinary Appeals Committee will be entitled to:
   • make a written submission to the Committee and/or,
   • appear in person before the Committee to present his/her appeal, and/or,
   • with the consent of the Committee, present fresh evidence which was not available at the hearing before the Disciplinary Committee.
5.4 At the hearing of the appeal, the Disciplinary Appeals Committee shall only accept the submission of fresh evidence if:
   • it appears to it that the evidence is likely to be relevant and credible; and
   • it is satisfied that the evidence was not adduced at the hearing of the Disciplinary Committee, but that there is a reasonable explanation of the failure to so adduce it.
5.5 A student who appears in person before the Disciplinary Appeals Committee may be accompanied by a registered student or by a member of the academic or administrative staff of the University.
5.6 Professional legal representation shall only be permitted following prior notification to the Disciplinary Appeals Committee.
5.7 The Disciplinary Appeals Committee may call any witnesses whose evidence appears to the Committee to be necessary to resolve questions raised by the appeal.
5.8 The Disciplinary Appeals Committee may adjourn or postpone the hearing as it considers expedient.

6. DECISION OF THE DISCIPLINARY APPEALS COMMITTEE:

6.1 The decision of the Disciplinary Appeals Committee shall be recorded as one of the following decisions:
   • Appeal rejected with confirmation of the original penalty imposed.
   • Appeal upheld with a recommendation as to what reduced penalty, if any, should be imposed, together with any specific codicils relating to same, if applicable.
6.2 Notwithstanding any procedural irregularity which may have occurred in any previous proceedings, the Disciplinary Appeals Committee may dismiss an appeal if it considers that no substantial miscarriage of justice has actually occurred.
6.3 In no case shall the Disciplinary Appeals Committee impose a more severe penalty than that imposed by the Disciplinary Committee.
6.4 The Disciplinary Appeals Committee may arrive at its decision by a majority vote of its members, each member having one vote where, in the case of a tie, the Chairperson shall have an additional or casting vote.
6.5 The Disciplinary Appeals Committee's decision on the appeal shall be final and no further representations may be made by the student in relation to the case.
6.6 The Disciplinary Appeals Committee shall inform the student of the reasons for its decision on the appeal.
6.7 The Disciplinary Appeals Committee shall report the result of the appeal, including the reasons for the decision made, to the next meeting of Academic Council.