



**TITLE: LEARNER CODE OF CONDUCT AND DISCIPLINARY POLICY**

<b>Effective Date</b>	13 November 2019	<b>Version</b>	03
<b>Approved By</b>	Academic Council	<b>Date Approved</b>	13 November 2019
		<b>Review Date</b>	21 August 2022 <i>or as required</i>
<b>Superseded or Obsolete Policy / Procedure(s)</b>		<b>Owner</b>	
02 – <i>Learner Code of Conduct and Disciplinary Policy</i> (21 November 2018)		Office of the Registrar	
Policy reviewed and significantly revised to include an updated high-level policy statement, alignment with the CCSP <i>Policy on Policies</i> and reflect current institutional structures.			
01 – <i>Quality Assurance Handbook</i> , pp. 90 – 92 (6 December 2011)			
Initial Issue			

**1. Purpose of Policy**

The purpose of the *Learner Code of Conduct and Disciplinary Policy* at Carlow College, St. Patrick's (hereafter Carlow College) is to establish and uphold acceptable standards of behaviour within the College so as to facilitate the maintenance of a safe and supportive environment for all members of the College community. It also ensures consistent and equitable treatment of all learners who become liable to disciplinary action. This Policy will only be invoked after informal action has been exhausted, however, this may not always be possible, for example, in cases of serious misconduct. Disciplinary action should primarily be corrective and provide the learner with the opportunity, where necessary, to improve conduct to a standard acceptable to Carlow College. Disciplinary action is appropriate when a learner fails to meet satisfactory standards with regard to, for example; conduct, adherence to procedural systems, and the observance of Carlow College's rules and regulations (for a non-exhaustive list of examples see Appendix 1).

## **2. Scope of Policy**

This Code of Conduct and Disciplinary Policy and its subsequent practices and procedures applies to all learners of Carlow College both within the College and on other occasions when they are representing the College and are identifiable as learners of the College.

## **3. Policy Statement**

This Policy and its subsequent procedure(s) is intended to comply with the general principles of natural justice. The objective of this Policy and its subsequent procedures is to ensure consistent and equitable treatment of learners who become liable to disciplinary action. The maintenance of a good atmosphere within the College requires that a minimum number of rules and procedures are in place and are observed. The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals.

It is the aim of the College that the rules and procedures should emphasise and encourage improvement in the conduct of learners, where they are failing to meet the required standards, and not be a means of punishment.

Every effort will be made to ensure that any action taken under this procedure is fair, with the learner being given the opportunity to state his/her case and appeal against any decision that they consider to be unjust. The procedure will only be invoked after informal action has been exhausted.

## **4. Roles and Responsibilities**

### *4.1 Learner Responsibilities*

- All learners are expected to familiarise themselves with this Policy and all other relevant College Policies and regulations available on the Student Gateway.
- Be aware of and adhere to standards of behaviour and the code of conduct expected by the College.
- Keep abreast of any subsequent amendments to this Policy and its subsequent practices and procedures.
- Learners are expected to:
  - participate in all mandatory module activities associated with the programme that they have registered for;
  - fulfil all examination and assessment requirements associated with the programme for which they have registered;
  - deal honestly and with integrity with all other members of the College Community;
  - acknowledge and respect the authority of all staff of the College in the performance of his/her duties and to co-operate with them accordingly; and
  - maintain an awareness of what constitutes appropriate behaviour within the College, when representing it or when identifiable as a member of it, and to behave accordingly.

#### *4.2 Office of the Registrar Responsibilities*

The role of the Office of the Registrar is to;

- ensure fair and consistent application of disciplinary procedures;
- provide advice and guidance, as necessary, at all stages of the process;
- ensure that any disciplinary panel member(s) appointed by the College, has the necessary training required;
- advise College staff on the appropriate response to any concerns which are drawn to his/her attention, i.e. whether they are minor breaches which should be addressed outside the formal Disciplinary Procedure; whether to arrange a hearing in accordance with the Disciplinary Procedure; and whether an investigation is necessary; and (in appropriate circumstances) whether suspension/expulsion should be considered;
- arrange, in appropriate cases, for an investigation to be undertaken in accordance with the Disciplinary Procedure, ensuring that an appropriate person or persons are appointed to undertake the investigation and that there are clear terms of reference and a target completion date;
- manage and store documentation and records associated with the disciplinary process and appeals process.

#### *4.3 Staff Responsibilities*

All members of staff will:

- be made aware of and be fully conversant with this Policy and adhere to its terms;
- be cognisant that isolated issues or omissions of a minor nature will, where possible, be dealt with informally;
- follow and adhere to all Policies and Procedures within the College;
- communicate standards of behaviour and the code of conduct expected by learners;
- adopt an open and adaptable approach in their dealings with learners;
- adopt safe and appropriate management practices and procedures where the staff member has a defined role, for example; Programme Director, Academic Advisor, etc. (this list is not exhaustive).

### **5. Associated Documentation**

- Appendix 1: Learner Code of Conduct and Disciplinary Policy: General Information and Guidelines
- Appendix 1.1: Learner Code of Conduct and Disciplinary Policy: Procedures Flowchart
- Appendix 1.2: Learner Code of Conduct and Disciplinary Policy: Practices and Procedures
- Appendix 1.3: Learner Code of Conduct and Disciplinary Policy: Appeal Procedure

## **6. Referenced Policies**

- *Data Protection Policy*
- *Dignity and Respect Policy*
- *Assessment of Learners Policy*
- *Equality Policy*
- *Fees and Refund Policy*
- *Garda Vetting Policy*
- *Plagiarism Policy*
- *Privacy Note for Learners*
- *Health and Safety Policy*
- *IT Policy*
- *Learner Grievances and Complaints Policy*
- *Learner Admission, Progression and Recognition Policy*
- *Learner Social Networking and Social Media Policy*
- *Library Admissions and User Services Policy*

A number of other policies are currently in development which will be released through the quality assurance process to support (and in conjunction with) this Policy. All learners should ensure to keep abreast of Policy development within the College and speak with his/her Programme Director or the Office of the Registrar should they have any questions.

The Office of the Registrar and Programme Directors are to ensure that all staff and learners are made aware of this Policy and its subsequent Practices and Procedures, including other policies currently available on the Staff and Student Gateways.

## **7. Monitoring and Review**

The Policy will be formally reviewed on an annual basis by the Office of the Registrar to reflect any legislative changes. Staff and learners will be informed of any updates to same. Staff through regular email communication and through the staff portal. Learners will be informed through his/her college email and through Moodle. It will undergo formal review every three years from the date of approval.

## Appendix 1: Learner Code of Conduct and Disciplinary Policy: General Information and Guidelines



### Learner Code of Conduct and Disciplinary Policy: General Information and Guidelines

#### A) Introduction

As members of the College Community, learners have an obligation to know and abide by all College policies and procedures including the *Learner Code of Conduct and Disciplinary Policy*. The need for satisfactory standards of behaviour from learners is essential in order to ensure a friendly and safe environment for all. While the College expects that the common sense of a responsible person will determine if a behaviour is to be avoided, a fair and comprehensive disciplinary procedure is necessary to deal with a learner who deviates from these standards.

Therefore, the following rules and procedures should ensure that: -

- a) the correct procedure is used when inviting a learner to a disciplinary hearing;
- b) that the learner is fully aware of the correct procedure, the standards of performance, action and behaviour required of them;
- c) disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
- d) where a learner is invited to a disciplinary hearing, they should be contacted in advance of the hearing by the Learner Information and Retention Officer (LIRO), who is to inform the learner of the correct procedure, standards of performance, actions and behaviour required of them;
- e) on occasion it may be necessary for the College to conduct an investigation meeting to clarify a particular incident or occurrence prior to any potential disciplinary hearing. The purpose of this investigatory meeting is to establish the facts about a particular incident or occurrence, the details of which will remain private to the parties involved.

The investigation will be carried out by a designated member of the Office of the Registrar or, if necessary, in the case of any possible conflict of interest, an agreed external third party. The learner will receive an invite letter prior to the meeting with details of who will be attending, including any external persons. In either case, the person nominated will have appropriate training and experience and be familiar with the procedures involved. The designated investigator will meet with the learner and any witnesses or other relevant persons individually. The person investigating the complaints will make every effort to carry out and complete the investigation as quickly as possible.

This investigation meeting itself should not be interpreted as a disciplinary hearing as no disciplinary sanction would ever be issued on foot of an investigatory meeting.

Instead, the facts established in an investigatory meeting may be used to identify whether or not a formal disciplinary hearing ought to be conducted.

- f) With regard to the sharing or distribution of records connected with the student disciplinary process; records are handled in accordance with data protection laws, the College's Data Protection Policy and the College's Privacy Notice for Learners. Records connected with disciplinary processes are shared between Carlow College, St. Patrick's staff on a need to know basis only. Where records are given to an external third party (for example an investigator) such person will be under an appropriate contract to protect the personal data. Records are also shared as required or permitted by law or court order, for example, information may be shared with An Garda Síochána in connection with the prevention, investigation or detection of crime; or with TUSLA in connection with a Child Protection matter; or the College may seek legal advice on how to deal with a matter etc;
- g) on some occasions temporary suspension from a programme of study may be necessary to ensure that an uninterrupted investigation can take place. This must not be regarded by the learner as disciplinary action or a penalty of any kind;
- h) other than for an 'off the record' informal reprimand, learners have the right to be accompanied by a fellow learner or Students' Union Representative, who may act as a witness or speak on his/her behalf, at all stages of the formal disciplinary process. However, the fellow learner or Students' Union Representative are not there to answer questions on the learner's behalf;
- i) a learner will only be disciplined after careful investigation of the facts and the opportunity to present his/her side of the case at a disciplinary hearing; and
- j) if a learner is disciplined, they will receive an explanation in writing of the penalty imposed and will have the right to appeal against the finding and the penalty.

## **B) Disciplinary Rules**

It is not practicable to specify all disciplinary rules or offences which may result in disciplinary action, as they may vary depending on the nature of the infringement. In addition to the specific examples of minor misconduct, major misconduct and gross misconduct outlined in this Policy, a breach of other conditions, procedures, rules, etc. within this Policy will also result in the disciplinary procedure being used to deal with such matters.

## **C) Rules Covering Minor Misconduct**

**(these are examples only and not an exhaustive list)**

A learner will be liable to disciplinary action if they are found to have acted in any of the following ways: -

- a) failure to abide by the general health and safety rules and procedures;
- b) unauthorised use or negligent damage or loss of the College's property;
- c) rudeness towards other learners, College staff, members of the public, objectionable or insulting behaviour or bad language;
- d) littering.

## **D) Rules Covering Major Misconduct**

**(these are examples only and not an exhaustive list)**

- a) persistent rudeness towards other learners, College staff, members of the public, objectionable or insulting behaviour or bad language;
- b) failure to abide by College rules and regulations as may relate to particular areas of the College (including, but not confined to, computing facilities, Library and Archive, Campus residences, sporting facilities, car parks and roadways);
- c) failure to abide by College rules and regulations as may relate to academic matters such as; plagiarism or the use of unauthorised material during an examination, or other serious breach of Exam Regulations; or research misconduct;
- d) failure to comply with any reasonable oral or written, individual or collective instruction given by any staff member in the performance of his/her duties;
- e) unauthorised use of college e-mail and internet facilities;
- f) failure to report immediately any damage to property or premises caused by the learner;
- g) smoking in breach of College policy/designated non-smoking areas;
- h) persistent use of mobile phones/other devices so as to cause continued disruption in lectures.

## **E) Rules Covering Gross Misconduct**

**(these are examples only and not an exhaustive list)**

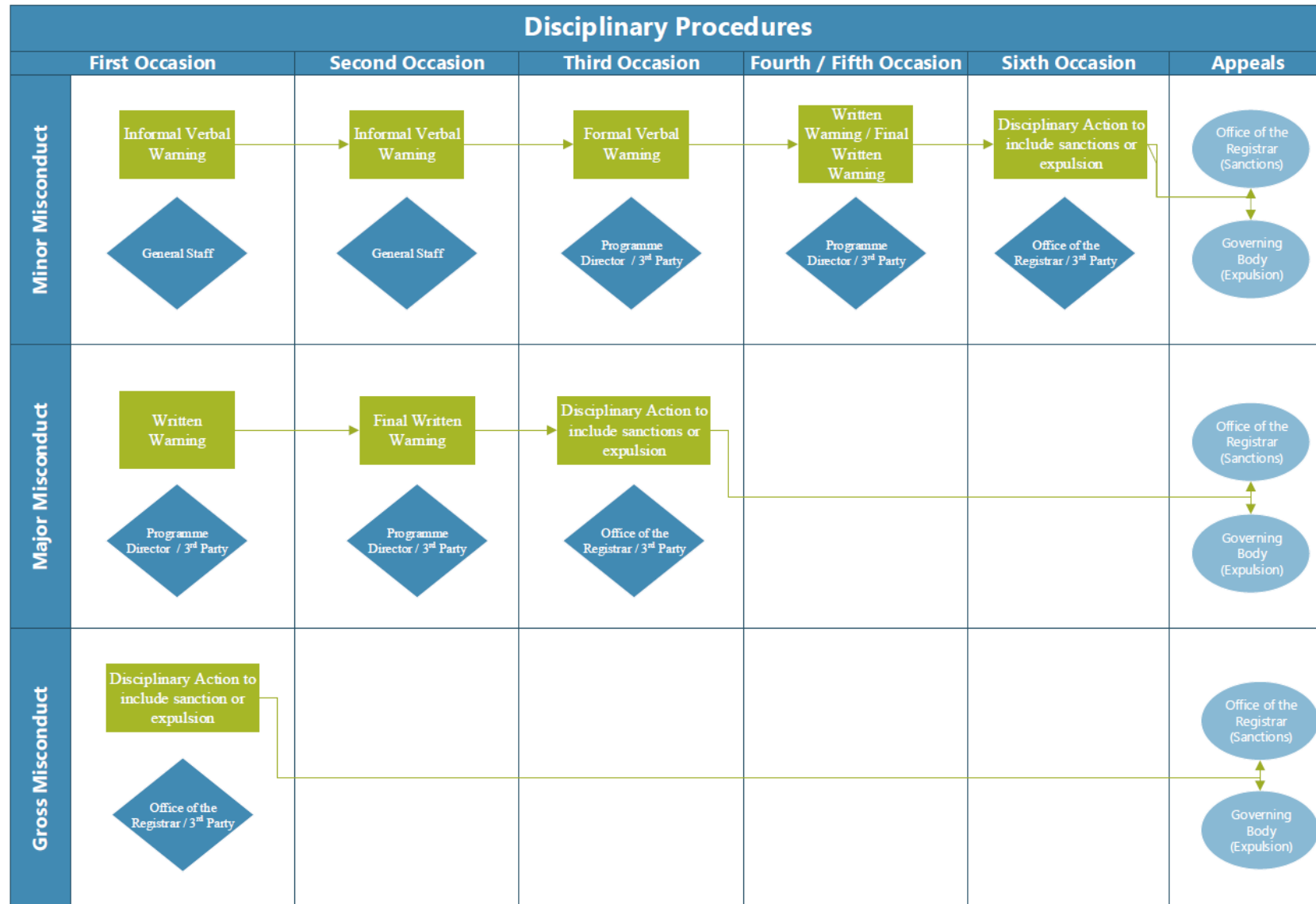
A learner will be liable to disciplinary procedures if they are found to have acted in any of the following ways: -

- a) grossly indecent or immoral behaviour, deliberate acts of unlawful discrimination or serious acts of harassment;
- b) dangerous behaviour, fighting or physical assault;
- c) possession, supply or use of illegal drugs;
- d) taking part in activities which result in adverse publicity or reputational damage to the College;
- e) theft or unauthorised possession of money or property, irrespective of value, whether belonging to the college, staff member, fellow learner or a third party;
- f) wilful destruction/sabotage of College property, or any property on the premises;
- g) serious breaches of health and safety rules that endanger the lives of learners, staff or any other person;
- h) interference with or misuse of any equipment that may cause harm;
- i) gross insubordination and/or continuing refusal to carry out legitimate instructions;
- j) repeated and unacceptable disruption in classes;
- k) abuse of the Dignity and Respect and Equality Policies;
- l) unauthorised consumption of alcohol on the premises;

- m) deliberately bringing a complaint against a fellow learner or staff member that is known to be false or malicious;
- n) forcible occupation of College buildings and grounds;
- o) forgery, alteration or misuse of College documents, records or identity cards;
- p) furnishing false information to the College with intention to deceive;
- q) failure to disclose information as part of a Garda Vetting process;
- r) sexual offences, sexual misconduct and/or sexual harassment;
- s) possession of firearms, other weapons, any item that might be construed as being a weapon, explosives, or dangerous substance; and
- t) persistent failure to abide by College rules and regulations as may relate to academic matters such as: plagiarism or the use of unauthorised material during an examination, or other serious breach of Exam Regulations; or research misconduct.



**Appendix 1.1: Learner Code of Conduct and Disciplinary Policy: Procedures Flowchart**



## Appendix 1.2: Learner Code of Conduct and Disciplinary Policy: Practices and Procedures



### Disciplinary Practices and Procedures

#### A) Disciplinary Procedure

b) Disciplinary action taken against a learner will be based on the following procedure:

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION	FIFTH OCCASION	SIXTH OCCASION
Minor Misconduct	Informal Verbal Warning	Informal Verbal Warning	Formal Verbal Warning	Written Warning	Final Written Warning	Disciplinary Action to include sanctions and expulsion
Major Misconduct	Written Warning	Final written Warning	Disciplinary Action to include sanctions and expulsion			
Gross misconduct	Disciplinary Action to include sanctions and expulsion					

- c) Carlow College retains discretion in respect of the disciplinary procedures to take account of the severity of the infringement and the record of the learner and to vary the procedures accordingly.
- d) If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, or disciplinary action, and full details will be communicated to the learner. All warnings will be effective from the date they are initially communicated to the learner in writing. Warnings will be issued in accordance with the College's disciplinary procedures, and will be for corrective purposes.
- e) In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the procedure in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to suspension and/or expulsion if the warnings are not heeded.

- f) The College reserves the right, at its discretion, the authority to bypass any step in the disciplinary process if the College feels that the severity of the action warrants it. The College will be fair in the application of such discretion.

## **B) Disciplinary Authority**

The operation of the disciplinary procedure contained in the previous section, is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher or lower level of seniority (i.e. Senior Management / Line Management), in the event of the appropriate level not being available, or suitable, progressing any action at whatever stage of the disciplinary process.

<b>ALL LEARNERS</b>	
<b>Formal verbal warning</b>	Programme Director/3 <sup>rd</sup> Party
<b>Written warning</b>	Programme Director/3 <sup>rd</sup> Party
<b>Final written warning</b>	Programme Director/3 <sup>rd</sup> Party
<b>Disciplinary to include Sanctions and expulsion</b>	Office of the Registrar/3 <sup>rd</sup> Party

## **C) Period of Warnings**

### a) **Formal verbal warning**

A formal verbal warning will normally be disregarded for disciplinary purposes after a six-month period.

### 1) **Written warning**

A written warning will normally be disregarded for disciplinary purposes after a twelve-month period.

### 2) **Final written warning**

A final written warning will normally be disregarded for disciplinary purposes after a twelve-month period.

## **D) Extended Warnings**

The College may extend, at its discretion, a final written warning if in its opinion the learner has not reached the required standard following a disciplinary process but has shown some improvement.

## **E) Spent Warnings**

A 'spent' warning forms part of a learner's history but cannot be used to accelerate the disciplinary procedure to the next level warning. However, in certain limited circumstances it may be used in consideration of the learner's total standing, especially where any future offences or incidents are related.

## **F) General Notes**

- a) Expulsion is a serious action. Only the Office of the Registrar is empowered to dismiss a student.
- b) In exceptional circumstances, suspension from an academic programme for a determined period as an alternative to expulsion (except for gross misconduct) may be considered by the Office of the Registrar.
- c) If a learner fails to attend a disciplinary hearing, or continually frustrates attempts to hold a disciplinary hearing, without substantial grounds, the learner may be dismissed.
- d) A learner has the right to appeal against any disciplinary action.

## **G) The role of the accompanying representative**

The role of the person accompanying any learner met as part of the disciplinary process is to act as support. The person is permitted to make an opening and closing statement however they should not answer the questions on behalf of the learner being interviewed. During the meeting the learner can take some time to consult with the person accompanying them (in private if necessary) as long as it does not cause too much disruption to the meeting. The learner must supply the name and status of his/her representative to the Office of the Registrar prior to the meeting.

## Appendix 1.3: Learner Code of Conduct and Disciplinary Policy: Appeal Procedure



### Disciplinary Appeal Procedures

- a) The disciplinary rules and procedures which form part of College regulations incorporate the right to lodge an appeal in respect of any disciplinary action taken against a learner.
- b) If a learner wishes to exercise this right they should apply, preferably in writing, within five days of being informed by the Office of the Registrar, of the disciplinary decision, to the Office of the Registrar. From time to time it may be necessary to appoint an external person to hear an appeal; such an appointment will be deemed a last resort and only used where absolutely necessary. Should it be deemed necessary to engage an external person to hear an appeal, all such hearings carried out will be in accordance with College procedures. The learner will receive a letter of invitation prior to the appeal with details of those in attendance, including any external persons.
- c) Any disciplinary penalty imposed on the learner, as a result of the College's disciplinary procedures, will be effective from the date the penalty was initially imposed.
- d) An appeal against a formal warning or disciplinary action should give details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances.
- e) The disciplinary appeal procedure will normally be conducted by a member of the Senior Management team and two staff members who have been appointed by the Office of the Registrar and who have not previously been involved with the disciplinary process. This will ensure that an independent decision into the severity and appropriateness of the disciplinary action can be made.
- f) In accordance with *Instrument of Governance* (2017) section 6.1(d), appeals concerning the expulsion of a learner in accordance with the regulations of the College will be heard by the Governing Body.
- g) If a learner appeals on the grounds that they have not committed the offence, then the appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.
- h) The learner may be accompanied at the appeal hearing by a fellow learner or a Students' Union representative, who may act as a witness or speak on his/her behalf. The result of the appeal will be made known to the learner in writing within five working days after the hearing. This decision is final.

### Queries

For all queries in relation to the above the Office of the Registrar should be contacted:

- Email: [officeoftheregistrar@carlowcollege.ie](mailto:officeoftheregistrar@carlowcollege.ie)

- T: 059 91 53 270