

# The **NCAD** Student Code

## Contents

1.	Introduction.....	3
2.	Norms of behaviour.....	3
3.	Student conduct with reference to academic courses.....	3
4.	Student conduct on work placements .....	4
5.	Damage to property .....	4
6.	Breaches of discipline.....	5
7.	Complaints and summary procedure.....	7
8.	Procedure of the preliminary hearing.....	8
8a.	Pre-hearing .....	8
8b.	Preliminary hearing procedure.....	8
9.	Disciplinary Committee .....	9
10.	Procedures of the Disciplinary Committee .....	10
10a.	Pre-hearing .....	10
10b.	Written notice.....	10
10c.	Disciplinary Committee procedure.....	10
10d.	Disciplinary Committee penalties.....	11
10e.	Communication of decision .....	12
11.	Appeal.....	12
11a.	Disciplinary Appeal Committee .....	12
11b.	Procedures.....	12
11c.	Communication of Decision.....	13
Appendix 1: Definitions of Bullying & Harassment .....		14
Definition of Bullying/Harassment.....		14
Definition of Sexual Harassment.....		15

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## 1. Introduction

- 1.1. The National College of Art and Design is a community of staff, students and graduates joined together for the common purpose of the advancement and dissemination of knowledge. Its chief officer is the Director and its chief statutory bodies are An Bord and the Academic Council.
- 1.2. The Director, An Bord and the Academic Council have statutory responsibility, under national legislation in matters concerning the conduct and duties of the staff and students of the College. In practice, this responsibility is often exercised through the Heads of School, Heads of Department, lecturers or other academic or non-academic staff, as appropriate in the daily life of the College.
- 1.3. This code sets out NCAD's disciplinary regulations, including guidance on the conduct expected of students, procedures through which breaches of discipline are to be addressed, and the means to appeal the outcome of disciplinary procedures.

## 2. Norms of behaviour

- 2.1. The College sustains commitment to quality in teaching, learning, scholarship and research; emphasises the value of honesty, integrity, commitment, engagement and achievement; and emphasises commitment to equality, and to dignity and respect for all members of the College community. As a consequence, all members of the College community are expected to act responsibly at all times, to observe and abide by the regulations of the College, and not to engage in any activity which might bring the good name of the College into disrepute.

## 3. Student conduct with reference to academic courses

- 3.1. Students are required to attend regularly and punctually the lectures, workshops and classes of the programmes of study for which they have registered and to which they have been assigned, and they shall, in all studio and workshop activity, research work, seminars or any other academic work, conform to the directions of the Head of Department or of the staff member responsible.
- 3.2. Students may experience a range of serious and unanticipated difficulties, which adversely affect their ability to study, complete assessments or attend their required lectures and other learning activities. Normally such circumstances will include serious illness, hospitalisation, accident, family bereavement or other serious personal or emotional circumstances. Students experiencing difficulties should notify their tutor, Head of Department, NCAD Doctor, NCAD Counsellor or the Student Support Officer (see further NCAD Extenuating Circumstances Policy).
- 3.3. Should any student, during lectures and classes, or while engaged in studio, workshops, research work or seminars or any other academic work, be responsible for any breach of good conduct or discipline, or fail to obey instructions from any member of staff, or breach any regulations, such a member of staff may require the student to withdraw from the particular lecture, studio or workshop class or other academic activity; the staff member, if they shall think fit, may bring the matter to the notice of the Head of Academic Affairs or his/her nominee for appropriate action to be taken.

## 4. Student conduct on work placements

- 4.1. Where students, as part of their academic programmes, obtain professional instruction or are placed for training, professional experience or work experience at a school, company, professional practice or other workplace (referred to below as "the host institution"), they should observe the following code of conduct:
- 4.1.1. Students should conduct themselves in such a way as to reflect credit on the College and its students and not to bring the College or the host institution into disrepute.
  - 4.1.2. Students should conduct themselves in such a way as not to bring the College into disrepute with the host institution.
  - 4.1.3. Students should respect the staff, the property and the activities of the host institution as they would the staff, the property and the activities of the College. Conduct which would constitute a breach of this code if directed towards the staff, property or activities of the College shall be considered a breach of the code if directed towards the staff, property or activities of the host institution. Furthermore, section 5 of this code shall apply in relation to damage to the host institution's property as if it were the College's property.
  - 4.1.4. Students should acquaint themselves with any traditions, codes of conduct or internal regulations of the host institution and should comply with such traditions, regulations or codes of conduct.
  - 4.1.5. Students should, if eligible, apply for membership of any professional body relating to the profession for which they are studying, and should conduct themselves within the general ethics of the profession and comply with any professional guidelines in so far as they are applicable to students.
  - 4.1.6. Students should comply with the reasonable and lawful instruction of their supervisors.
  - 4.1.7. Students should comply with any disciplinary procedures or processes of the host institution or of the profession for which they are studying and shall be liable to any penalty which may be imposed following due process.
  - 4.1.8. For the purpose of enforcing this code, the College shall be entitled, but shall not be obliged, to investigate any complaint against a student arising from any alleged breach of discipline while on placement or any alleged failure to comply with a host institution's traditions, regulations or codes of conduct and, following the appropriate disciplinary procedures, the College may impose a penalty in respect of such breaches of discipline or failure to comply with a host institution's traditions, regulations or code of conduct as a breach of the Student Code.

## 5. Damage to property

- 5.1. Students are required to make good to the satisfaction of the College any damage or loss which they intentionally cause to any property of the College or for any such loss or damage which arises as a result of their being reckless or negligent. Students are

similarly required to make good any damage or loss which they cause to the personal property of any other student or member of staff.

## 6. Breaches of discipline

- 6.1. Any act or omission, which adversely affects the rights of any other member of the academic community, or which disrupts the orderly and responsible conduct of any College activity, or which violates any College regulation, shall constitute a breach of discipline.
- 6.2. In particular, and without prejudice to the generality of the foregoing, the following are examples of offences:
  - 6.2.1. Breaches of Examination Regulations:
    - 6.2.1.1. Copying or cheating at any examination or test;
    - 6.2.1.2. Personification of an NCAD student at any examination or test;
    - 6.2.1.3. Bringing notes or other unauthorised materials into an examination venue;
    - 6.2.1.4. Use or attempted use of a mobile phone or any other electronic device during an examination;
    - 6.2.1.5. Removing scripts or other stationery from an examination venue;
    - 6.2.1.6. Any other breach of examination regulations or breach of the integrity of an examination.
  - 6.2.2. Plagiarism, that is the copying of another person's writings or works or ideas in any thesis, essay, project, oral, poster or slide presentation or other exercise, which forms part of the assessment requirement for a module or programme of study without due acknowledgement either wholly or in part of the original source of the material through appropriate citation. For further details on Plagiarism, please see NCAD's Plagiarism Statement, Plagiarism Policy and Procedures ([https://www.ncad.ie/files/download/Plagiarism\\_Policy\\_Procedures.pdf](https://www.ncad.ie/files/download/Plagiarism_Policy_Procedures.pdf)) and any other such policies or regulations as approved by Academic Council governing the academic operation of programmes.
  - 6.2.3. Submission or allowing the submission of work acquired or prepared by another individual as part of any assessment, examination or text.
  - 6.2.4. Failure to conduct research ethically, lawfully or in compliance with the NCAD Code of Good Practice in Research ([http://www.ncad.ie/files.download/NCAD/Code of Good Practice in Research.pdf](http://www.ncad.ie/files.download/NCAD/Code%20of%20Good%20Practice%20in%20Research.pdf)).
  - 6.2.5. Conduct which is disruptive of or which may disrupt teaching, study or research.
  - 6.2.6. Abuse of alcohol or other substances on the campus, including contravention of the regulations, which may be made from time to time relating to the consumption of alcohol on the campus.

- 6.2.7. Conduct interfering with the proper conduct of examinations.
- 6.2.8. Conduct which is likely to interfere with any meeting or other activity, including sporting and social activities, within the College or organised by the College, a College Club or Society.
- 6.2.9. Conduct that interferes, or is likely to interfere, with the administration or the good order of the College.
- 6.2.10. Obstruction or harassment, including bullying, of any student, member of staff or persons carrying out activities on behalf of the College in the performance of duties, work or other College activity (see Appendix 1).
- 6.2.11. Damaging, defacing, stealing or misappropriating any property of the College, or of any Club or Society of the College, or occupying or using such property other than in accordance with the provisions made by the College, Club or Society.
- 6.2.12. Misuse of a Student Card, or impersonation or activities involving false pretences or dishonesty.
- 6.2.13. Misuse of official College documentation, including, without limitation, the unauthorized amendment or alteration, or defacement of, such documentation, or the use or attempted use of College documentation for fraudulent or other dishonest purposes or in a fraudulent or other dishonest manner.
- 6.2.14. Sexual harassment of any student or member of the staff of the College (see Appendix 1).
- 6.2.15. Smoking in College buildings in contravention of the Public Health Tobacco Act 2002, Section 47 (as amended) and the Tobacco Smoking (Prohibition) Regulations 2003. Under the provisions of that legislation a fine of €3,000 may be imposed on a student found in breach of its provisions.
- 6.2.16. Contravention of any of the College rules or regulations. Detailed regulations applicable to specific areas may be made by the appropriate authority. Where such regulations are made, information as to their content shall be publicised and made available to the student body by posting in appropriate areas, by written communication or otherwise. It is incumbent on students to ensure they are familiar with the regulations applicable for the time being.
- 6.2.17. Acts or omissions by students while outside College engaged in work experience, placement or assignment, organised by the College, or while representing the College or any College Club or Society that would breach these regulations if committed in the College.
- 6.2.18. Activity, which adversely affects, or is likely to adversely affect, the reputation of the College, its students or members of staff.
- 6.2.19. Refusal or failure to pay a fine or comply with any penalty (subject to the right of appeal applicable) imposed for offences.
- 6.2.20. Incitement or encouragement of any other person or persons to do any of the aforementioned things.

## 7. Complaints and summary procedure

- 7.1. Where a complaint of misconduct or alleged breach of discipline by a student has been brought before the Head of Academic Affairs or his/her nominee, the Head of Academic Affairs or his/her nominee will take steps as soon as is practicable to arrange a meeting with the student and will provide, in advance, details of the alleged breach of discipline.
- 7.2. Where it proves impracticable, in exceptional circumstances, for the Head of Academic Affairs or his/her nominee to arrange a meeting with the student, the Head of Academic Affairs or nominee may communicate with the student by telephone, email or by registered letter.
- 7.3. The student may, prior to or during the meeting with the Head of Academic Affairs or his/her nominee, request that the matter be referred to a Disciplinary Committee for adjudication. Where it is impracticable to arrange such a meeting, the student may request that the matter be so referred at any time following receipt of communication from the Head of Academic Affairs or his/her nominee.
- 7.4. Any student who is resident outside of Ireland may request the Head of Academic Affairs or his/her nominee to arrange a non-oral hearing of the Disciplinary Committee if the student wishes to circumvent the necessity of travelling to Dublin to attend an oral hearing. Where the Head of Academic Affairs or his/her nominee decides to grant such a request, a Disciplinary Committee will be convened to consider the allegation(s) against the student on the basis of written submissions from the Head of Academic Affairs or his/her nominee, the complainant, the student and other relevant parties. The student and the complainant will be given an opportunity to respond to the other's submission before the Committee meets.
- 7.5. Where an alleged breach of discipline appears to involve two or more students, such students may be jointly charged and heard together.
- 7.6. Where an alleged breach of discipline may, in the reasonable opinion of the College, constitute a criminal offence, the College will respond and act in accordance with law, which may include an obligation to report the suspected offence to An Garda Síochána. Any such report may be in addition to the implementation of the Disciplinary Procedures set out in this code.
- 7.7. The proceedings and details of student disciplinary cases are private and confidential and where student disciplinary data is reported to Academic Council and An Bord the identity of the students is not revealed. However, it is noted that this does not preclude the College communicating the decisions taken at preliminary hearing; the decisions of the Discipline Committee or the decisions of the Disciplinary Appeals Committee to individual members of staff, including those raising complaints, where it is deemed necessary for the effective administration of the process. To be clear, the principles of natural justice are enshrined in the Student Code and are applicable to both respondent and the complainant.

## 8. Procedure of the preliminary hearing

### 8a. Pre-hearing

- 8.1. The Head of Academic Affairs or his/her nominee shall notify the student, in writing, of the allegation that has been made against them. The student shall be invited by the Head of Academic Affairs or his/her nominee to attend a preliminary hearing to address the allegation. Notification shall be sent by registered post to the last known address of the student.
- 8.2. The student must respond to the notification and make an appointment with the Head of Academic Affairs or his/her nominee as soon as is practicable. Failure to respond to the Head of Academic Affairs' or his/her nominee's request to make an appointment will constitute a breach of discipline, and may result in the matter being referred directly to a Disciplinary Committee for adjudication.

### 8b. Preliminary hearing procedure

- 8.3. The function of a preliminary hearing is to permit the Head of Academic Affairs or his/her nominee to consider the case, interact with the student and form an opinion on the seriousness of the case. The process is student-centred and based on natural justice.
- 8.4. Before commencement of the preliminary hearing, the Head of Academic Affairs or his/her nominee shall notify the student that they are being interviewed under the conditions laid out in the NCAD Student Code. The Head of Academic Affairs or his/her nominee shall also explain that it is the student's right to refer the matter directly to a Disciplinary Committee for adjudication at any stage during the interview. The Head of Academic Affairs or his/her nominee must confirm that the student understands the process and is willing to continue. Students may be accompanied to the meeting by a person of their choice such as an NCADSU Officer or relative.
- 8.5. The Head of Academic Affairs or his/her nominee will outline the allegation made against the student and ask them to accept or reject the accusation and offer to consider whatever submission they see fit to make in regard to the charge.
- 8.6. The Head of Academic Affairs or his/her nominee may, following this meeting or communication:
  - 8.6.1. Dismiss the complaint with no further action.
  - 8.6.2. Conclude the process, subject to certain conditions to remedy their behaviour, such as the writing of a satisfactory letter of apology.
  - 8.6.3. Uphold the alleged breach, subject to one or more of the following sanctions:
    - 8.6.3.1. Issue a formal caution via a letter of warning to the student regarding their future behaviour. The Head of Academic Affairs or his/her nominee may refer to the matter should any further allegations be made against the student.
    - 8.6.3.2. Impose a fine not exceeding 5% of the annual fee for Stage 1 Art and Design at the time the fine is imposed. The Head of Academic Affairs or his/her nominee may also require a contribution by the



student towards the cost of remedying, in whole or in part, any damage or loss caused.

- 8.6.4. Refer the matter to the Disciplinary Committee, without making any decision as to guilt, where the Head of Academic Affairs or his/her nominee considers that course of action appropriate having regard to the gravity or nature of the charge or on account of the complexities of the issues. Where the gravity of the matter warrants it, the Head of Academic Affairs or his/her nominee may impose a temporary suspension of the student from the College and/or may postpone the award to the student of a degree, diploma, certificate, scholarship, prize or other academic award and shall in such a case ensure that the Disciplinary Committee is convened without delay.
- 8.6.5. Where an allegation of harassment has been made (under sections 6.2.10 or 6.2.14 above) the Head of Academic Affairs or his/her nominee may decide it is appropriate to recommend the exploration of mediation (see further NCAD's Policy on Dignity and Respect).
- 8.7. The Head of Academic Affairs or his/her nominee may defer the communication of the outcome to the student where a submission made by the student requires further investigation.
- 8.8. The outcome of the preliminary hearing shall be given in writing to the student. The student shall be informed of their right to appeal the outcome to a Disciplinary Committee, the procedure for lodging an appeal and the time limit for lodging an appeal.
- 8.9. Where the matter is resolved at the preliminary hearing stage of the process, the Head of Academic Affairs or his/her nominee shall write to the person who raised the complaint advising them that the matter has been dealt with under the procedures of the preliminary hearing and related outcome noted.

## **9. Disciplinary Committee**

- 9.1. The Disciplinary Committee shall be appointed by the Head of Academic Affairs or his/her nominee and composed of a Chair and two further members of tenured academic staff.
- 9.2. Each Discipline Committee shall have at least one male and one female member.
- 9.3. The following are eligible to chair Committees of Discipline:
  - 9.3.1. Heads of Faculty;
  - 9.3.2. Heads of Department;
  - 9.3.3. Academic staff representatives on Academic Council.
- 9.4. A member of the administrative staff shall be appointed as a non-voting secretary of the Committee.
- 9.5. Decisions of the Committee shall be taken by a simple majority.
- 9.6. A record, written or otherwise, of the proceedings shall be made.

## 10. Procedures of the Disciplinary Committee

### 10a. Pre-hearing

- 10.1. The Head of Academic Affairs or his/her nominee shall prepare a summary containing particulars of the alleged offence and shall forward the summary to the Disciplinary Committee.
- 10.2. The Committee shall cause notice of the hearing to be sent by registered post to the last known address of the respondent student at least ten days before the date of the hearing or to be handed personally to the said student.

### 10b. Written notice

- 10.3. The written notice referred to in paragraph 10.2 shall contain a copy of the summary compiled by the Head of Academic Affairs or his/her nominee and a note of any documents on which the College proposes to rely at the hearing. In addition, the notice shall state that the respondent student is entitled within reason to call the attendance of witnesses for the purpose of the hearing, to inspect all relevant documents and to obtain copies of any documents listed in the notice upon which the College intends to rely. The notice shall also state that the student may be represented at the hearing by a person of the student's choice, such as the President of the Students' Union, parent(s) or, if wished, a practicing lawyer. The student shall be informed that written submissions may be made to the Disciplinary Committee in advance of the hearing.

### 10c. Disciplinary Committee procedure

- 10.4. The Head of Academic Affairs or other College representative appointed by the Head of Academic Affairs or his/her nominee shall present the case to the Committee.
- 10.5. The student shall be asked to admit or deny the alleged offence.
- 10.6. If the student admits the substance of the charge or complaint to be true, it shall not be necessary for the Head of Academic Affairs or Head of Academic Affairs' representative to offer evidence, although both parties may make such submissions or addresses as they wish in relation to the penalty.
- 10.7. If the student denies the alleged charge, the subsequent procedure shall be fair and reasonable having regard to the nature of the breach of discipline and the penalties laid down in these Regulations. In particular, the following practices shall be observed:
  - 10.7.1. All the evidence shall be heard in the presence of the student and of the student's representative and they shall be given the opportunity to cross-examine all witnesses called by the Head of Academic Affairs or Head of Academic Affairs' representative who likewise may cross examine witnesses called by the student;
  - 10.7.2. The student shall be given the opportunity of offering evidence themselves and witnesses and documentation relevant to the issues;
  - 10.7.3. The Head of Academic Affairs or Head of Academic Affairs' representative and the student or student's representative(s) shall be given the opportunity

to make submissions after evidence has been taken including representations in regard to the penalty where the Disciplinary Committee has found that the charge has been proved against the student.

- 10.7.4. The Committee shall deliberate in the absence of the complainant, respondent student and/or representatives but shall be entitled to seek legal advice on any legal matter arising in the course of the proceedings.
- 10.7.5. These procedures set forth above shall be deemed vitiated if the conduct of the student or the student's representative or any other person or persons on the student's behalf, in the opinion of the Disciplinary Committee, renders compliance with the said procedures impossible or impracticable.
- 10.8. Where a student fails to attend a Disciplinary Committee hearing and the College has made reasonable attempts to accommodate the student, the Committee may decide to adjudicate on the matter in the student's absence, relying on the documentation furnished to the student and to the Discipline Committee according to Section 10.3 of these Disciplinary Procedures.

#### 10d. Disciplinary Committee penalties

- 10.9. Where a student is found guilty of the breach or breaches of discipline charged, the Committee is empowered to impose any of the following penalties, either separately or in combination:
  - 10.9.1. Expulsion from the College.
  - 10.9.2. Suspension from the College for a stated period, or until such time as any requirements laid down by the Committee such as payment of a fine or the restitution of damage or loss are fulfilled.
  - 10.9.3. Exclusion from specific College facilities.
  - 10.9.4. Debarring from examinations for a specified period.
  - 10.9.5. A fine not exceeding 5% of the annual fee for Stage 1 Art and Design at the time the fine is imposed.
  - 10.9.6. A reprimand and a note on the student's record.
  - 10.9.7. In the case of an offence of plagiarism or of copying, cheating or other offence in connection with an examination, exclusion from the examination in question and deprivation from any benefits connected therewith, in part or *in toto*, and/or from the academic course being followed by the student or any part of it.
  - 10.9.8. An order for the reparation of any damage or loss caused, either to the College or to any of its members of staff or students or members of the public.
  - 10.9.9. Deprivation of award of degree, diploma, certificate, scholarship, prize or other academic award.
  - 10.9.10. A suspended sentence.

10.10. The Committee may, in exceptional cases, having regard to all the circumstances of the case, decide not to impose any penalty.

#### 10e. Communication of decision

10.11. The determination of the Disciplinary Committee in every case brought before it, shall be given in writing, and a copy thereof forwarded in due course to the student concerned or the student's duly appointed representative. The student should be informed of the right to appeal to An Bord, the procedure for lodging an appeal and the time limit for lodging an appeal. Decisions of Discipline Committees are sent for noting by Academic Council in an annual report. A determination involving deprivation of a scholarship or other prize shall be referred to the decision of An Bord.

10.12. The Head of Academic Affairs or his/her nominee shall write to the person who raised the complaint and advise them of the decision of the Disciplinary Committee, noting that the student has the right to appeal the decision.

### 11. Appeal

11.1. An appeal may be made to An Bord within two weeks from the date of issue of the decision of the Disciplinary Committee and the appellant shall submit in writing the grounds for appeal. The date of issue of the said decision shall be the date on which the decision is posted by registered post to the student's address as appears on the College's register of students, or the date on which the said decision is handed to the student.

#### 11a. Disciplinary Appeal Committee

11.2. An Bord delegates to the Disciplinary Appeal Committee of An Bord the power to hear appeals from decisions of the Disciplinary Committee of the Academic Council. The Disciplinary Appeal Committee shall be composed of an uneven number of members of An Bord.

11.3. The Registrar (College Secretary) shall act as Secretary and convenor of the Disciplinary Appeal Committee.

11.4. No member of the Disciplinary Committee who had adjudicated on the original complaint may serve on the Disciplinary Appeal Committee.

11.5. Decisions of the Disciplinary Appeal Committee shall be taken by a simple majority.

11.6. A record, written or otherwise, of the proceedings shall be made.

#### 11b. Procedures

11.7. A copy of the appellant's grounds of appeal including the appellant's submission, if any, shall be provided to the Committee.

11.8. A copy of the relevant record of the Disciplinary Committee of the Academic Council shall be obtained from the said Disciplinary Committee.

11.9. The appellant or appellant's representative, and the Head of Academic Affairs or other College representative may make oral submissions to the Disciplinary Appeal Committee.

11.10. Where in the opinion of the Disciplinary Appeal Committee the requirements of justice so dictate, the Committee may consider evidence which was not tendered at the hearing before the Disciplinary Committee but provided always that the intention to adduce such fresh evidence has been notified to the student or to the Head of Academic Affairs or other College representative, as the case may be, in time sufficient to enable the student or the Head of Academic Affairs or other College representative to consider properly the said fresh evidence and to deal therewith adequately at the hearing of the appeal.

11.11. The Disciplinary Appeal Committee may:

11.11.1. Allow the appeal;

11.11.2. Decrease or increase the penalty, or vary the nature of the penalty;

11.11.3. Reject the appeal.

#### 11c. Communication of Decision

11.12. The determination of the Disciplinary Appeal Committee shall be given in writing and a copy thereof forwarded to the student concerned by prepaid registered post to the student's address appearing on the College register of students, or to the student's representative.

11.13. Determinations of the Disciplinary Appeal Committee shall be reported for noting to An Bord and to the Academic Council.

11.14. The Chair of the Disciplinary Appeal Committee shall write to the person who raised the complaint and advise them of the decision of the Disciplinary Appeal Committee.

## Appendix 1: Definitions of Bullying & Harassment

The following guidance in respect of definitions of bullying, harassment and sexual harassment are taken from the NCAD Policy on Dignity and Respect. As per section 8.6.5 above, where an allegation of harassment has been made under sections 6.2.10 or 6.2.14 above, the Head of Academic Affairs or his/her nominee may decide it is appropriate to recommend the exploration of mediation. In such instances, the context and procedure to be followed is given by NCAD's Policy on Dignity and Respect.

### Definition of Bullying/Harassment

At NCAD, bullying or harassment is defined as 'repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others that could reasonably be regarded as undermining the individual's right to dignity at their place of study/work'. An isolated incident of the behaviour described in this definition may be an affront to dignity at study/work but as a once off incident may not be considered to be bullying.

Bullying puts at risk the safety, health and welfare of people at their place of study/work.

A pattern of the following behaviours are examples of types of bullying:

- Exclusion with negative consequences
- Verbal abuse/insults
- Being treated less favourably than colleagues
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Intimidation
- Aggression
- Undermining behaviour
- Humiliation

This list is not exhaustive.

Bullying at one's place of study does not include reasonable and essential discipline arising from the good supervision of a student's progress or actions taken which can be justified as regards the safety, health and welfare of students/employees. For example, a student whose performance is continuously signalled at a level below required standards may feel threatened and insecure in their work but this in itself does not necessarily indicate bullying.

Harassment on the grounds of marital status, family status, sexual orientation, disability, age, race, religion or membership of the traveller community is any act or conduct that is unwelcome to the student/employee and could reasonably be regarded as offensive, humiliating or intimidating. The unwanted act or conduct may consist of written words, pictures or other material.

Many forms of behaviour may constitute harassment including:

- Verbal harassment: jokes, comments, ridicule or songs;
- Written harassment: including faxes, text messages, e-mails or notices (physical or virtual through social media);
- Physical harassment: jostling, shoving or any form of assault;
- Intimidatory harassment: gestures, posturing or threatening poses;
- Isolation or exclusion from College related social activities.

This list is illustrative rather than exhaustive.

### Definition of Sexual Harassment

Sexual harassment is any form of verbal, non-verbal or physical conduct of a sexual nature that could reasonably be regarded as violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. A single incident may constitute sexual harassment.

Many forms of behaviour can constitute sexual harassment. Examples include:

Physical conduct of a sexual nature includes unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another student/college employee's body.

Verbal conduct of a sexual nature includes sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside College after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.

Non-verbal conduct of a sexual nature includes the inappropriate display of pornographic or sexually suggestive pictures, objects, written materials, e-mails, text messages or faxes. It may also include leering, whistling or making sexually suggestive gestures.

This list is illustrative rather than exhaustive.

The intention of the perpetrator of the harassment or sexual harassment is irrelevant. The fact that the perpetrator has no intention of sexually harassing or harassing the student/employee is no defence. The effect of the behaviour is what is important.