

I NCAD STUDENT CODE OF CONDUCT

1. Introduction

1.1 The National College of Art and Design is a community of staff and students 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. Becoming a member of this community means that you have joined a diverse and vibrant environment, and you have accepted the College's rules and the responsibilities associated with being a student here. It is important that you are respectful in your interactions with others and that you uphold the high standards of personal responsibility and integrity that is expected of everyone at NCAD.

1.2 An Bord and the Director 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 Academic Council, Heads of School, Heads of Department, lecturers or other academic or professional staff, as appropriate in the daily life of the College.

1.3 This code sets out the standards of behaviour the College expects of you. You should familiarise yourself with these expectations as understanding your responsibilities will help you to make the most of your experience and to contribute to a positive learning and living environment for others. The vast majority of students successfully uphold the College's expectations regarding good conduct throughout their time at NCAD. Where breaches of the Student Code of Conduct are reported to the College, the Student Discipline Procedure will be followed.

2. Norms of behaviour

The Student Code of Conduct is established on three principles: respect, responsibility and academic integrity.

Respect

The College promotes a culture which protects the dignity and respect of everyone and which supports your right to study in an environment which is free from discrimination, bullying, harassment and sexual harassment. All members of the College community are expected to respect each other and to contribute to the creation of a positive environment. See the NCAD Dignity and Respect Policy for more information.

Under this Code you are expected to

- Conduct yourself in a manner that demonstrates respect for your fellow students, staff members and the College's facilities and property.
- Respect those living and working around you and members of the local community. Behaviour that adversely impacts on others may impact the College's reputation.

Communicate with your fellow students and staff members in a respectful and courteous manner. This includes formal communications with the College such as feedback mechanisms and surveys.

Responsibility

You are expected to act in a responsible way and take responsibility for your conduct. You should familiarise yourself with the standards of behaviour that the College expects and ensure that you are aware of your responsibilities as an NCAD student.

You are expected to

- Abide by the College's academic and student regulations, policies and procedures including this Student Code of Conduct.
- Acknowledge and respect the authority of staff of the College in the performance of their duties and co-operate with them accordingly.
- Take responsibility for your behaviour, on and off campus, and ensure that your actions don't have a negative impact on yourself, others or the College.
- Uphold the same high standards of good conduct while undertaking internships or work experience placements.
- Be responsible for your student ID ensuring it is not used by others. ID cards must be presented to College staff on request.
- Ensure that you understand and adhere to your responsibilities and obligations under any regulations or codes required by placement providers or host institutions. Students registered to programmes with student fitness to practise requirements should consult their Student Fitness to Practise Programme Statements.

Academic Integrity

Academic integrity is a fundamental principle that should underpin all academic activity. You should value honesty in your scholarship. Working independently, expressing original ideas and appropriately acknowledging the ideas of others are important skills that will benefit you beyond your time at NCAD. Those engaging in academic misconduct negatively impact other students and diminish their own learning experience.

You are expected to

- Regularly and punctually attend the lectures, workshops and classes of the programmes of study for which you have registered and to which you have been assigned and, 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.
- Abide by the Examination Regulations, the NCAD Plagiarism Policy and any other academic conduct policies that the College may establish to ensure a fair and equitable assessment system for all students.
- Ensure that the work that you present for assessment is your own work and that the use of work and / or ideas of others are acknowledged using a recognised referencing system. For information on referencing, citation and how to avoid plagiarism see NCAD Library guidelines.

2. Academic Misconduct

Academic misconduct includes any action or attempted action that may result in creating an unfair academic advantage; this includes plagiarism, copying, possession of unauthorised materials during an assessment and collusion (unauthorised or unattributed collaboration with others in a piece of assessed work). The following is a broad but not exhaustive list of examples of academic misconduct.

Breaches of the Examination Regulations

- 2.1 Failure to be in possession of your College ID card.
- 2.2 Copying or cheating at any examination or other assessments. This includes colluding with others during an online examination. This means seeking the assistance of others, or offering to assist others, during a period in which the examination is taking place.
- 2.3 Sitting/attempting to sit an examination under another student's identity at any examination or in-semester test.
- 2.4 Arranging for someone else to sit an examination under your name / on your behalf.
- 2.5 Bringing unauthorised notes or other materials into an examination or test.
- 2.6 Use, or attempted use, of a mobile phone or any other unauthorised electronic device during an examination or test.
- 2.7 Removing examination scripts, question papers or other stationery from an examination.
- 2.8 Any other breach of the examination regulations or any action that may jeopardise the integrity of an assessment.

Plagiarism

2.9 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 the 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) Plagiarism is a form of academic dishonesty and may include, but is not limited to, the following:

- Presenting in your own name, work authored by a third party, such as other students, friends or family (with or without permission), or work purchased through any source or given to you by a third party, including organisations such as essay mills. The original source may be in written form or in any other media (for example, audio or video).
- Presenting ideas, theories, concepts, methodologies or data from the work of another without due acknowledgement.
- Presenting text, digital work, music, video recordings or images copied with only minor changes from sources such as the internet, books, journals or any other media, without due acknowledgement;
- Paraphrasing (i.e., putting a passage or idea from another source into your own words), without due acknowledgement of the source.
- Failing to include appropriate citation of all original sources.
- Representing collaborative work as solely your own, including colluding with or copying from others during examinations.
- Presenting work for an assignment which has also been submitted (in part or whole) for another assignment at NCAD or another institution (i.e. self-plagiarism).

Other

- 2.10 Use of fraudulent or falsified NCAD documents, e.g. transcripts or examination results.
- 2.11 Submission of fraudulent or falsified data or content in work submitted for assessment.
- 2.12 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)

3. General Misconduct

This section provides a broad, but not exhaustive, list of example breaches that the College considers to be 'general misconduct'. This includes any activities or behaviour that adversely impacts the College or members of the College community, or which disrupts the orderly and responsible conduct of any College activity, or which breaches any rules of the College.

3.1 Failure to comply with College rules

Failure to comply with any College regulations, policies, codes and procedures, and any relevant legislation, including but not limited to:

- Behaviour that contravenes any College regulations or policies including those of the NCAD Library and IT Services (Acceptable Use Policy)
- Behaviour that contravenes the College's regulations or policies regarding alcohol consumption.
- 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.
- Refusal to engage with or comply with the Student Discipline Procedure or other processes initiated by the College.
- Refusal or failure to comply with a student discipline decision or penalty (subject to the right of appeal) imposed at any stage of the student discipline procedure.
- Unauthorised sharing of recordings of learning activities as per NCAD's Recording Learning Activities Policy. It is a disciplinary offence to use, modify or distribute recordings without permission, including but not limited to: copying the recording, issuing copies of it to the public, rendering of lending copies of it to the public, playing it in public or broadcasting it.

3.2 Obstructive, disruptive or reckless behaviour

- Activities or behaviour that obstructs or disrupts, or is likely to obstruct or disrupt members of the College from performing their duties or work or another student's right to study, learn or complete an academic activity, such as the disruption of lectures, classes, tutorials, field work, or administrative activities or processes.
- Actions or behaviour that interferes, or is likely to interfere, with college-related activities, including sporting and social activities, either within the College or organised by the College, a College Club or Society.
- Activities or behaviour causing health and safety risks to yourself or others.

3.3 Violent, abusive, threatening, offensive or unacceptable behaviour, including bullying, harassment, sexual misconduct and sexual harassment.

Any form of violent (including assault), indecent, abusive, threatening or offensive behaviour is not acceptable. This includes behaviour and actions that take place face-to-face, online or through messaging platforms.

Complaints of bullying, harassment and sexual misconduct may be made under the procedures of the NCAD Dignity and Respect Policy. Definitions and examples of behaviour associated with bullying, harassment and sexual misconduct are drawn from this policy.

3.3.1 Bullying

In accordance with the NCAD Dignity and Respect Policy, bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work/study and/or in the course of employment/study which could reasonably be regarded as undermining the individual's right to dignity at the place of work/study. An isolated incident of the behaviour described in this definition may be an affront to dignity at work or study but, as a once off incident, is not considered to be bullying.

The College will apply the following criteria:

- an ongoing series of accumulation of seriously negative targeted behaviours against a person or persons to undermine their esteem and standing in a harmful, sustained way.
- behaviour is offensive, on-going, targeted and outside the reasonable "norm."
- a pattern and trend are involved so that a reasonable person would regard such behaviour as clearly wrong, undermining and humiliating.
- involves repeated incidents or a pattern of behaviour that is usually intended to intimidate, offend, degrade or humiliate a particular person or group of people – but the intention is not important in the identification process.

Examples of bullying behaviour include but are not limited to

- Verbal abuse /insults
- Physical abuse
- Intrusion – pestering, spying or stalking
- Unjustifiable exclusion e.g. withholding information, isolation or non-co-operation, non-response or repeated unavailability, exclusion from classroom and social activities.
- Menacing behaviour
- Offensive, intimidating, malicious or insulting behaviour, open aggression, threats, shouting.
- Undermining behaviour
- Controlling, coercive and threatening behaviour
- Humiliation
- Gossip
- Blame for things beyond the person's control
- Misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- Bullying and Harassment on Social Media whether conducted on a personal device or University equipment.

3.3.2 Cyber Bullying

Cyberbullying is bullying that takes place over digital devices such as phones, computers and tablets. It can also occur through SMS, Text, and apps, or online in social media and forums. Cyberbullying includes sending, posting, or sharing (even once) an offensive or hurtful message, image or statement on a social network or another public forum where that message, image or statement can be viewed and or repeated by other people.

3.3.3 Harassment

Harassment is any form of unwanted conduct related to any of the discriminatory grounds¹ under the Equal Status Act which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment can be a one-off incident.

Examples of harassment include but are not limited to: verbal harassment – jokes, comments, ridicule or songs; written harassment – including text messages, social media, including group messages, emails, physical harassment – jostling, shoving or any form of assault, intimidatory harassment – gestures, posturing or threatening poses.

3.3.4 Sexual Misconduct and Sexual Harassment

Sexual misconduct covers a broad range of inappropriate and unwanted behaviours of a sexual nature including sexual harassment and sexual violence. Sexual misconduct can be committed by a person of any gender and it can occur between people of the same or different genders. It is often gender targeted and perpetrated to demean, diminish and intimidate. Sexual misconduct may occur between strangers or acquaintances, including people involved, or formerly involved, in an intimate or sexual relationship.

The following are examples of behaviours associated with sexual misconduct (non-exhaustive list)

- Grooming, psychological abuse and coercive contact.
- Controlling, coercive and threatening behaviour include all or some forms of domestic (emotional, physical, financial, sexual including threats) by a partner or ex-partner.
- Making unwanted remarks of a sexual nature, either directly or via text or social media apps.
- Sharing private sexual materials of another person without consent.
- Any behaviour of a sexual nature that is committed without consent.
- Kissing without consent.
- Touching inappropriately through clothes without consent.
- Non-consensual taking or sharing of intimate images.
- Sexual harassment/sexual misconduct on social media.
- Verbal or physical harassment in a sexual context.
- Inappropriately showing sexual organs to another person.
- Creating, accessing, viewing or distributing child pornography material online or offline.
- Stalking behaviours whether online or offline.
- All forms of sexual violence including attempting to engage in sexual intercourse or engaging in a sexual act without consent.
- Misuse of power, by academic or professional staff towards students or more junior levels of employee or misuse of power in a relationship between students or employees who have unequal institutional power.

This definition of Sexual Misconduct also embraces Sexual Harassment (as defined below).

Sexual Harassment

Sexual Harassment is defined under the Employment Equality Acts 1998 – 2015. It includes any act of physical intimacy, request for sexual favours, other act or conduct including spoken words,

¹ Discriminatory grounds: gender (including gender identity), civil status, family status, socio-economic status, sexual orientation, religion, age, disability, race, membership of the Traveller community.

gestures or the production, display or circulation of written words, picture or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating.

The following are examples of behaviours associated with sexual harassment: (non-exhaustive list)

- Physical contact such as unnecessary touching, patting or pinching or brushing against another body, assault, coercive sexual intercourse or rape.
- Sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.
- The display of pornographic or sexually suggestive pictures, objects, written materials including posters, emails, text-messages, social media messaging.
- Leering, whistling or making sexually suggestive gestures.
- Conduct that denigrates or ridicules or is intimidatory or physically abusive of a person because of their sex.

Consent

Consent in the context of sexual misconduct is defined as the freely given verbal or non-verbal communication of a feeling of willingness to engage in sexual activity. A person consents to a sexual act if they freely and voluntarily agree to engage in that act. There is no consent if the victim is asleep or unconscious; force or the threat of force is used; they cannot consent because of the effect of alcohol/other drug; they cannot communicate consent because of a physical and mental disability; they are mistaken about the act or about the identity of the other person; the only indication of consent came from a third person, or if they are being unlawfully detained at the time of the act. This is not an exhaustive list and are illustrative only. Consent can be withdrawn at any time, and just because someone has previously given consent, does not preclude that person from withdrawing consent. Non-consensual sexual activity may amount to a prosecutable criminal offence. This definition is consistent with the definition of consent in the Criminal Law (Sexual Offences) Act 2017.

3.3.5 Other Misconduct

Other behaviour deemed unacceptable including a single incident of misconduct may be reported and addressed under the Student Discipline Procedure.

3.4 Misuse of IT Services

The College provides information technology services to students and staff. All users of the services must adhere to the IT Services Acceptable Use Policy. A student's failure to comply with the policy may be considered a breach of the Student Code of Conduct.

The following are examples of unacceptable use:

- Transmitting viruses or other malicious computer code to other users.
- Viewing, downloading, storing or dissemination of any offensive messages or images, indecent images or other material via NCAD email or online platforms.
- Undertaking or facilitating any activity that could jeopardise the integrity, reliability and performance of NCAD IT resources, or compromise their utility or availability to other NCAD users.

3.5 Damage to, or misuse of, property

- Occupying or using College property without permission.
- Damaging or defacing any property of the College, or property of members of the College community.

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.

3.6 Theft, fraudulent and dishonest behaviour

Acts including but not limited to:

- Submitting fraudulent or falsified documents to support claims of extenuating or mitigating factors.
- The unauthorised amendment or alteration of College documentation.
- Production of fraudulent College documentation or attempted use of fraudulent College documentation.
- Misuse of student identification or personation of a student, including the misuse of a student ID card.
- Misappropriation of property or funds of the College, or any associated club, society or a host institution.
- Theft from a retail premises located on campus.
- Making false, frivolous or vexatious complaints.

3.7 Alcohol and drug and controlled substance abuse

- Misuse of alcohol, or other controlled substances on the campus, including contravention of any relevant regulations or policies which may be made relating to the consumption of alcohol on the campus.
- Illegal possession, use, consumption, manufacture, sale or distribution of drugs and/or drug paraphernalia on campus.

3.8 Reputational Damage

Activities or behaviour that may negatively impact the reputation of the College or its members, including misconduct that takes place on or off campus.

3.9 Incitement

Incitement or encouragement of others to do any of the things that are breaches of the Student Code of Conduct.

II STUDENT DISCIPLINE PROCEDURE

4. Student Rights and Responsibilities

Students can expect to be:

- Treated fairly and consistently within the College's Student Discipline Procedure.
- Provided with details of allegations made against them which are subject to be investigated under the Student Discipline Procedure.

- Able to present their case, either in person or writing, at Student Conduct Meetings and Student Disciplinary Committee Hearings.
- Provided with the opportunity to appeal the decision and/or penalty.

Students are required to:

- Familiarise themselves with the NCAD Student Code of Conduct.
- Attend and participate in Student Conduct Meetings and Student Disciplinary Committee Hearings when invited to do so.
- Engage with student discipline procedures in a polite and prompt manner.
- Comply with decisions taken at Student Conduct Meetings and Student Disciplinary Committee Hearings.

5. Definitions

Respondent: Student against whom the report alleges misconduct / breach of the NCAD Student Code of Conduct.

Penalty: A punitive action that is imposed on a respondent when a decision is made that misconduct has occurred.

Outcome: The outcome is a combination of the decision (whether an alleged breach is upheld or rejected) and the penalty.

Appeal: A request by a student for the decision and / or penalty to be reconsidered on specified grounds.

Disciplinary hold: A disciplinary hold prevents a student from accessing their College record or being conferred.

Natural justice: The application of procedural fairness. Within the context of these procedures this means that complainants and respondents will have the right to be heard. All relevant submissions and evidence will be considered and that decision-makers considering complaints of misconduct shall act without bias.

6. Student Discipline Decision-Making

6.1 Acting on delegated authority from An Bord, Academic Council and the Head of Academic Affairs have responsibility for regulating student conduct. The Head of Academic Affairs may nominate an appropriate member of staff to regulate student conduct and to act as the College's representative under the Student Discipline Procedure.

6.2 NCAD encourages minor student conduct issues to be resolved at the level closest to the relevant parties. Where this is not possible or appropriate, and a student's behaviour is considered to have breached the Student Code of Conduct, or if an alleged breach is of such gravity or urgency, the matter may be referred, without decision, to be dealt with under the Student Discipline Procedure.

6.3 Under the Student Disciplinary Procedure the Head of Academic Affairs or their nominee may make decisions regarding alleged breaches of the Student Code of Conduct in accordance with section 8 of this procedure. Where the matter is referred to a Student Disciplinary Committee for adjudication committees are convened on a case by case basis.

7. Procedure

7.1 Communications

Communications with students will normally be conducted via email using NCAD student email addresses.

7.2 Reporting Breaches

Alleged breaches of the Student Code of Conduct are usually reported to the Head of Academic Affairs or their nominee as a Student Misconduct Incident Report. Reports should be submitted to the Head of Academic Affairs (hanrahans@staff.ncad.ie).

7.3 Group Allegations

Where reports of alleged misconduct involve more than one student the Head of Academic Affairs or their nominee may decide to proceed with a joint Student Conduct Meeting or joint Student Disciplinary Committee Hearing.

7.4 Confidentiality and Record Management

Records relating to student conduct cases are treated with confidentiality and are held separately to the general student record. Breaches of the Student Code of Conduct will not appear on transcripts. Student discipline documents will be used for student discipline case handling and appeal purposes only. Where statistical student discipline data is reported to the College it is anonymised.

Access to student discipline case information is limited to those with responsibility for:

- The administration of the Student Discipline Procedure
- Decision-making
- Implementing decisions and student support professionals, where appropriate.

Confidentiality does not preclude the College from communicating the decisions to complainants and members of staff where it is necessary for the effective administration of the process. The principles of natural justice are applicable to both respondent and the complainant.

7.5 Complaints of Bullying, Harassment and Sexual Harassment

The College has a separate procedure for investigating complaints of bullying, harassment and sexual harassment made against staff or students (NCAD Dignity and Respect Policy). Where an investigator, under the Dignity and Respect complaint procedure, upholds a complaint of bullying, harassment or sexual harassment against a student, the matter will be referred to the Head of Academic Affairs or their nominee to be dealt with under the Student Discipline Procedure.

7.6 Criminal Proceedings

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 the law, which may include reporting the suspected offence to An Garda Síochána. The College may pause any College process pending the outcome of a Garda investigation.

7.7 Previous Breaches

Where a second or subsequent allegation is referred to a Student Disciplinary Committee a history of previous breaches will not be shared with the Committee until after a student has been found to

be in breach of the Student Code of Conduct. Information relating to previous breaches will be used to help the Committee determine an appropriate penalty.

7.8 Support Person

Students may choose to be accompanied to a Student Conduct Meeting or a Student Disciplinary Committee Hearing by a person of their choice, such as an NCADSU Officer, a friend or relative. Students are required to speak for themselves at meetings; the role of the person accompanying the student is to provide support. The support person may be invited to contribute to the meeting of hearing by the Chairperson. A support person will not normally be a legal representative and it will be the College's discretion whether such a person shall be permitted to attend.

7.9 Fitness to Continue in Study

Where a student's reported behaviour or actions are deemed to be impacting adversely on, or pose a risk to the learning, working or living experiences of themselves or others, the Head of Academic Affairs or their nominee may refer the matter to be dealt with under the NCAD Fitness to Continue in Study Policy.

8. Student Conduct Meeting

8.1 Reports of alleged misconduct are reviewed the Head of Academic Affairs or their nominee, and where the matter warrants it, the Student Discipline Procedure will be initiated. The student against whom the allegation is made, hereafter the respondent, will be contacted and invited to attend a Student Conduct Meeting. Respondents will be advised that they may be accompanied by a support person of their choice. Failure to respond to the request to attend a meeting will constitute a breach of the Student Code of Conduct and may result in the matter being referred directly to the Student Disciplinary Committee for adjudication.

The respondent will be notified of the details of the allegations against them. A *disciplinary hold* will be placed on the respondent's record which will prevent access to examination results. Holds will be removed when the discipline procedure has been completed. A Student Conduct Meeting will be arranged as soon as is practicable.

Student Conduct Meetings are usually held face-to-face. Where the respondent is not resident in Ireland the Student Conduct Meeting may be facilitated with video or telephone call or respondents may choose to submit a written response to the allegation.

8.2 The purpose of a Student Conduct Meeting is for the Head of Academic Affairs or their nominee to discuss the allegation with the respondent and form an opinion regarding the seriousness of the case. The Head of Academic Affairs or their nominee will determine whether the case can be concluded at the meeting or whether the matter requires referral to a Student Disciplinary Committee. A note-taker will be in attendance and a summary record of the meeting and related outcomes will be kept.

8.3 At the meeting the respondent will:

- Be advised that the meeting is taking place in accordance with the procedures of the Student Code of Conduct and will be asked if they have read it.
- Be advised of their right and the College's right to refer the matter directly to a Student Disciplinary Committee for adjudication at any stage during the meeting.

- Be asked to confirm that they understand the process and state whether they are willing to continue with the meeting. If the respondent is not willing to proceed with the meeting, the meeting will be suspended, and the matter will be referred to a Student Disciplinary Committee.
- Be presented with an alleged breach and asked to respond to it.

8.4 The allegation made against the respondent will be outlined and they will be asked to accept or reject the allegation.

8.5 At the conclusion of the meeting, the Head of Academic Affairs or their nominee may:

- Dismiss the alleged breach with no further action.
- Uphold the alleged breach and conclude the process subject to certain conditions. Conditions may include but are not limited to, requiring that the respondent writes a satisfactory letter of apology or makes good any damage to property caused. Such conditions are intended to provide the respondent with a learning and remediation opportunity deemed appropriate to the nature of the breach.
- Uphold the alleged breach and apply one or more of the following penalties.
 - Issue a letter of warning to the student regarding their future behaviour. The matter may be referred to should any further allegations be made against the respondent.
 - Impose a fine not exceeding €250.
 - Require the respondent to pay for, or contribute towards making good any damage or loss they have caused.
 - In the case of academic breaches, reduction of an assessment component grade (assessment where breach occurred) up to and including the application of No Grade (NM).
 - In addition to the penalties above, a respondent may be required to undertake an activity / action intended to satisfy the College that the respondent understands the consequences of their conduct and learns from the experience.
- Refer the matter to a Student Disciplinary Committee, without making any decision.
- Where an alleged breach is of a serious nature, and without prejudice, impose a temporary suspension of the respondent from the College, or postpone the conferral of academic award, scholarship or prize pending the outcome of a Student Disciplinary Committee.

8.6 Decisions will be made based on all the information available, including the student's response to the allegation and the nature and seriousness of the matter. The outcome will be communicated to the student in writing.

8.7 A note taker will attend and a summary note of the meeting will be kept. Where the matter is referred to a Student Disciplinary Committee Hearing for adjudication the summary note will be submitted to the hearing.

8.8 Where a submission by a respondent at a Student Conduct Meeting requires further investigation, decisions may be deferred.

8.9 Appeals may be made against penalties imposed under section 8.5.c of this procedure, in accordance with the Student Appeal Procedure and within 10 working days, see section 11 (Appeals). Referral to a Student Disciplinary Committee Hearing or a decision to impose a suspension is determined without any decision regarding the allegation and therefore cannot be appealed.

8.10 Where the matter is resolved at the Student Conduct Meeting stage of the process, a communication will be issued to the complainant / reporting party to advise that the matter has been dealt with and to communicate the outcome of the meeting.

9. Procedures of the Student Disciplinary Committee

9.1 Where a matter has been referred to a Student Disciplinary Committee Hearing, a meeting will be convened as soon as is possible. The Student Disciplinary Committee shall be appointed by the Head of Academic Affairs or their nominee and composed of a Chairperson and two further members of tenured academic staff. Each Committee shall have at least one male and one female member. One member of the Committee will chair the meeting.

9.2 Any student who is resident outside Ireland may request a non-oral Student Disciplinary Committee Hearing (a paper-based procedure using written submission). At the discretion of the Head of Academic Affairs or their nominee, non-oral hearings may also be used to facilitate other respondents who are, at the time of the proposed hearing, unable to travel to the campus. Non-oral Disciplinary Committee Hearings will follow the procedures set out in section 9.4 using written submissions.

9.3 Respondents will be notified of the date and time of the Student Disciplinary Committee Hearing within 10 working days in advance of the hearing. Prior to the Student Disciplinary Committee Hearing a respondent student is entitled to:

- Request the participation of witnesses, within reason.
- Review all relevant evidence that the College intends to rely on at the hearing, including the summary note of the student conduct meeting and any other relevant material.
- Be supported at the hearing by a person of the respondent's choice; a support person may be an NCADSU Officer, a friend or a parent.
- May provide written submissions to the Student Disciplinary Committee in advance of the hearing.

9.4 Disciplinary Committee Hearing Procedure

The following procedure will be followed by the Student Disciplinary Committee:

9.4.1 The Head of Academic Affairs or their nominee or other College representative appointed by the Head of Academic Affairs will present the case to the Committee, drawing on the summary note of the Student Conduct Meeting.

9.4.2 The respondent will be asked to admit or deny the allegation.

9.4.3 If the respondent accepts that the substance of the allegation is true, the committee may proceed to determine an appropriate penalty. Both parties may make submissions regarding a penalty.

9.4.4 If the respondent denies the allegation, the following steps will be taken:

- All the evidence will be discussed in the presence of the respondent and the Head of Academic Affairs or their nominee.
- The committee may ask questions of both the respondent and the Head of Academic Affairs or their nominee.

- The respondent and the Head of Academic Affairs, or their nominee, will be given the opportunity to make submissions, including submissions regarding any potential penalty in the event that the Student Disciplinary Committee upholds the allegation.
- The committee will deliberate in private and will be entitled to seek advice, including legal advice, during their deliberations.
- Decisions will be taken by a simple majority and will be made on the balance of probabilities.
- The Chairperson of the Student Disciplinary Committee may terminate the hearing if the conduct of the respondent or the support person renders compliance with the procedures impossible or impracticable.

9.4.5 Where a respondent fails to attend a Student Disciplinary Committee Hearing and the College has made reasonable attempts to accommodate them, the Committee may decide to adjudicate on the matter in their absence, relying on the documentation submitted to the respondent and to the Student Disciplinary Committee.

9.4.6 The decision of the Student Disciplinary Committee will normally be communicated to the respondent at the end of the meeting and will be issued by email after the meeting and within five working days.

10. Student Disciplinary Penalties

Where a respondent is found to have breached the Student Code of Conduct, the Committee may impose any of the penalties available at the Student Conduct Meeting stage of the process, and any of the following penalties, either separately or in combination as appropriate to the breach or nature of the breach.

- 10.1 A written reprimand;
- 10.2 A fine not exceeding €1000²
- 10.3 Reduction of a component assessment grade or module grade up to and including the application of No Grade (NM) for the module;
- 10.4 Exclusion from assessment for a specified period;
- 10.5 Withholding of any academic award, scholarship or prize, including on a permanent basis;
- 10.6 Require 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;
- 10.7 Suspension from accessing specific College facilities;
- 10.8 Permanent exclusion from accessing specific College facilities;
- 10.9 Suspension from the College for a specified 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;
- 10.10 Permanent expulsion from the College.

² Fines imposed under sections 8 and 10 of this procedure will be donated to the Student Assistance Fund.

10.11 In addition to the penalties above, a student may be required to complete an activity / action intended to satisfy the College that a student understands the consequences of their actions.

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

11. Appeal

11.1 An appeal may be made to the College's Student Appeals Committee within ten working days from the date of issue of the decision of the Student Disciplinary Committee. Details of the appeal procedure can be found in the **Student Appeals Procedure**.

11.2 Appeals may be made on the following grounds:

- **New evidence:** Information directly relevant to the decision, which for good reason was not available to the Student Disciplinary Committee. This may include an appeal against a penalty made on grounds that the penalty is unreasonable, in light of new evidence presented.
- **Procedural irregularity:** There is evidence that the procedures relating to a decision were not followed properly, which may have impacted on the Student Disciplinary Committee's decision.
- **Disproportionate penalty:** The penalty applied was disproportionate with regard to the circumstances of the case.

11.3 Decisions of the Student Appeals Committee. The Committee may:

- Uphold the Appeal
- Reject the Appeal

11.4 The Student Appeals Committee may also decide to decrease or increase a penalty, or vary the nature of the penalty.

11.5 On upholding an appeal a Student Appeal Committee may require the appellant to meet specified conditions.