

Breaches of Standards for Student Conduct Investigation and Management Procedure

Section 1 - Introduction

Purpose and Parent Policy

- (1) This procedure outlines the steps for providing a transparent and fair process for investigating breaches of standards of student conduct as set out in the [Establishing Overarching Standards for Student Conduct Policy](#).
- (2) It ensures that all students against whom a breach of discipline is alleged are provided with the opportunity to respond to all such allegations and are entitled to a fair investigation.
- (3) This procedure is also relevant to the [Academic Integrity and Good Practice Policy](#).

Responsibilities

Student Responsibilities

- (4) The student is responsible for cooperating with any investigation or procedure arising from an allegation of a breach of standards for student conduct.

College Responsibilities

- (5) The Registrar is responsible for the implementation of this procedure.
- (6) All Staff and Faculty should make themselves aware of this procedure and raise concerns with their Programme Director or Head of Department as necessary, with due regard to confidentiality and a person's right to access personal information.

Section 2 - Procedure to Investigate and Manage Student Breaches of Standards for Student Conduct

- (7) Hibernia College procedures work on the principle of subsidiarity and, where possible, problems are resolved where they occur. They are only escalated to a more central authority if it has not been possible to resolve them at a local level.

Part A - Local Disciplinary Procedure

Initial Allegation and Investigation

- (8) Concerns relating to student behaviour or attitudes which do not comply with the established standards for student conduct are raised with the Programme Director along with any accompanying evidence.
- (9) The Programme Director or nominee reviews the allegation and determines if the matter requires referral to the

Registrar for investigation or can be resolved locally.

(10) Matters which must be referred to the Registrar include:

- a. A matter that may be a criminal offence
- b. Significant breaches of academic good conduct or ethics
- c. Bullying or harassment, sexual or otherwise, intimidation or interference with the rights of a third party
- d. Assault or abuse, physical or verbal assault
- e. Falsification or misuse of any College document, record, stamp, identification mark, seal or identification card
- f. Extensive damage to College property
- g. Failure to comply with any reasonable instruction of a College officer
- h. Behaviour of concern in respect of a student who has previously received a written warning

Notification

(11) The Programme Director, or nominee, contacts the student in writing and advises them that they have been identified as being in breach of a College regulation and/or giving cause for concern and the reasons for this.

(12) As part of the communication, the student is advised that:

- a. They may opt to have the matter investigated under the College process rather than the local process
- b. Should they not be prepared to engage with a local process, or if they do not respond to the communication, the matter will be referred by the Programme Director to the Department of the Registrar for investigation.

Meeting with the Student

(13) The Programme Director or nominee arranges a meeting to provide support or to attain clarity on the codes of good practice allegedly being breached and, where possible, to agree a resolution plan.

(14) The Programme Director or nominee invites:

- a. The student
- b. The Student Support Officer (where relevant, as determined by the Programme Director or nominee)
- c. An appropriate member of the Programme Team

(15) Should the student wish to respond with information of a sensitive, confidential nature as part of the context in which a breach of regulation occurred, they can respond directly to the Programme Director or nominee with a request not to circulate the information beyond those who need to know to assist in the required decision-making.

(16) Where a student chooses not to attend, the Programme Director or nominee continues with the meeting and arrives at a decision in the absence of the student and communicates this to the student.

(17) The Programme Director or nominee, or appropriate nominee, will outline the:

- a. Procedure to be followed
- b. Standards which have been allegedly breached
- c. Possible outcomes of the committee

(18) The meeting affords the student the opportunity to outline any circumstances that might have contributed to the breach of regulation.

(19) The Programme Director or nominee outlines the minimum required standards and the concerns relating to these in respect of the particular student.

Outcomes of the Meeting

(20) Formal minutes of the meeting are taken and shared with all attendees.

(21) The meeting results in an outcome agreed by all parties, which may be:

- a. A warning
- b. Reparation (the student agrees to take action to mitigate the effects of their breach of standards)

(22) Where not all parties agree on the outcome, the matter is referred to the College Disciplinary Procedure.

Warning

(23) The Programme Director or nominee is authorised to issue a written warning to the student.

(24) When a warning is issued, a student is given a timeframe in which to demonstrate the required standard. The deadline is determined by the Programme Director or nominee and considers the seriousness of the matter and upcoming programme requirements that can affect the student's ability to demonstrate the required standard in a shorter or longer timeframe, for example, the timing and duration of placement blocks.

(25) All warnings are communicated in writing and a note retained on the student's record for the purpose of fair and transparent application of this policy.

(26) Any record of a warning on a student's record can be used to influence the provision of a reference for employment, professional registration or further study as appropriate.

(27) Failure to satisfy the required standard by the specified deadline automatically results in the referral of the matter to the College Disciplinary Procedure.

Part B - College Disciplinary Procedure

Matters Referred to the Registrar

(28) Where a matter is sufficiently grave, or the local procedure has failed to result in an agreed outcome, the Programme Director or nominee refers the matter to the Registrar in writing, providing:

- a. The detail of the allegation(s)
- b. All relevant supporting information and evidence
- c. A record of any local procedure which took place

(29) The Programme Director or nominee ensures that this communication is copied to the student(s).

(30) The Registrar arranges for an investigation to take place.

(31) The Registrar decides if there is a requirement to suspend a student pending the investigation.

(32) The Registrar refers any allegation of criminal behaviour to the relevant authority.

(33) Where a potential criminal matter is referred to a relevant authority, the College may choose to proceed with the investigation.

Investigation Process

(34) The Registrar appoints an Investigating Manager.

(35) The Investigating Manager analyses the report provided by the Programme Director or nominee, to ascertain whether:

- a. The alleged behaviour is actually in breach of codes of practice or College rules and regulations
- b. There is evidence that the actions took place
- c. The report provides all dates, copies of communication and is focused on the matter of concern only
- d. There is sufficient evidence to warrant the convening of an Investigation and Disciplinary Committee
- e. All relevant information has been collated

(36) Where required, the Investigating Manager will revert to the Programme Director or nominee, student or any other party involved for clarification of any matter in the report.

(37) Normally, the investigation process should take no more than 10 working days from the date of receipt of the report about the student's behaviour from the Programme Director or nominee. Where the process may take longer, this is clearly communicated to all parties along with a rationale for this.

Decision-Making Criteria

(38) The Investigating Manager provides a separate report to the Registrar, documenting the facts of the case, who decides if there is a case for consideration by a Discipline Committee.

(39) The criteria used are as follows:

- a. The allegation involves a breach of College policy.
- b. There is evidence that on the balance of probability the breach took place.
- c. The student has been provided with full and timely information about the investigation to date.

(40) Where the Registrar deems that there is a case to be heard, this is communicated in writing to the student and to the person who referred the matter for full investigation, with a clear explanation of the rationale for the decision.

(41) The Registrar convenes a meeting of the Discipline Committee as soon as practicable, drawing on the membership identified by the Academic Board.

Convening an Investigation and Disciplinary Hearing

(42) The Registrar ensures that:

- a. The committee members have the requisite competence to hear the particular case
- b. The student is fully apprised of the detail of the process and the evidence being presented
- c. Due process is followed and the matter is treated with the utmost confidentiality
- d. Communications with the student are timely
- e. A report is prepared and maintained securely and is made available to the student and other relevant parties
- f. The student is offered an opportunity to attend the hearing
- g. The student is offered an opportunity to present their case

(43) The role of the Investigation and Disciplinary Committee is to:

- a. Consider the evidence presented to it
- b. If appropriate, call witnesses
- c. Establish if on the balance of probabilities the alleged breach of regulation has or has not occurred
- d. Where relevant, assign a penalty to the student

(44) The committee members and the student are within their rights to call witnesses.

(45) Names and contact details of witnesses are established as soon as practicable after a decision to convene a committee has been confirmed and these are shared with the committee and student.

(46) The chairperson of the committee, in consultation with other committee members, has the power to adjourn the hearing if statements submitted by the student or witnesses suggest other enquiries that need to be made before a decision can be reached.

(47) In the event that a conclusion of no breach of regulation is reached, the matter is considered closed and the student is notified in writing that the matter is concluded by the Department of the Registrar.

(48) In the event that a conclusion that a breach has occurred is reached, the decision must be either unanimous or one of consensus.

(49) The Discipline Committee decides what penalty, if any, should be imposed in all breaches of regulation in line with those identified in the parent policy. The penalty will be appropriate to the seriousness of the case and whether or not it is a first offence.

(50) The Registrar notifies the student of the decision in writing, within five working days. This communication must include the:

- a. Decision of the Discipline Committee
- b. Impact of this decision, including any penalty applied
- c. Student's right of appeal and the timeframe within which the appeal must be lodged

Non-Adversarial

(51) The Discipline Committee is not intended to be an adversarial process and the College recommends that a student does not engage legal representation during proceedings.

(52) A student is entitled to be accompanied by a friend, colleague or family member who is not a legal representative or advocate and can also interview any material witnesses.

(53) Where a student seeks to bring legal representation to any meeting, the College will also do so.

(54) Where a student has a friend or family member who accompanies them, and who is from a legal profession, that person cannot act in a legal capacity.

(55) At the commencement of the meeting, the chairperson of the committee describes the role of the committee, the possible outcomes and subsequent actions.

(56) Where the student chooses not to attend, the chairperson arranges for the issue of a letter to the student describing the role of the committee and possible outcomes.

Status and Details

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Effective Date	2nd November 2020
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Approval Authority	Academic Board
Approval Date	23rd September 2020
Expiry Date	Not Applicable
Enquiries Contact	Quality Assurance

Glossary Terms and Definitions

"Procedure" - Procedures are the broad actions that must be carried out to implement a policy. They set out 'how to do' what the policy specifies must be done.