

<b>Document Title/Reference</b>	<b>Disciplinary (Non-Assessment) Policy &amp; Procedures</b>
<b>Purpose</b>	<p>To provide clear rules for the regulation of student behaviour.</p> <p>To minimise misunderstanding between the learning community members through positive staff / student engagement.</p> <p>To provide clear and fair procedures for students and staff in the event of an alleged breach of student discipline.</p>
<b>Scope</b>	<p>Behaviour and discipline outside the field of assessment, e.g. incidents of disruption, violence, harassment, substance abuse.</p>
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<b>Contextual Guidelines</b>	<p>N/A</p>
<b>Related IPA Policy</b>	<p><i>Student Charter</i>  <i>Assessment Regulations and Procedures</i>  <i>Complaints (Non-Assessment Related) Policy &amp; Procedure</i></p>
<b>Audience &amp; Communication</b>	<p>Applicable to all Staff, Students, Education Committee.</p> <p>Policy in relation to breaches of discipline, and procedures for handling disciplinary matters, are available in programme documentation and on the Institute’s website.</p> <p>The code of conduct is also outlined in the <i>Student Charter</i>, which is available on the Institute website.</p> <p>Alleged breaches of discipline by Institute staff are dealt with by the HR department guidelines, which are to be found within the IPA Staff handbook.</p>

<p><b>Policy Owner &amp; Implementation</b></p>	<p>The Head of the Whitaker School has overall responsibility for policy oversight.</p> <p>The power to discipline a student is located in the Discipline Committee. The power to set up committees or sub-committees to examine an alleged breach of discipline is located in the head of Whitaker School and assistant registrar.</p> <p>The Head of the Whitaker School and programme co-ordinators deal with disciplinary matters relating to associate staff.</p> <p>The IPA Human Resource department deals with discipline matters relating to full-time employees.</p>
<p><b>Key Implementation Actions</b></p>	<p>Policy in relation to breaches of discipline, and procedures for handling disciplinary matters, are provided to students and staff in programme documentation and on the Institute’s website.</p> <p>Procedures involve a clear and methodical stepped approach, with timelines and responsibilities, for staff to follow when handling alleged breaches of student discipline, thus ensuring the effectiveness of implementation.</p> <p>Procedures involve ways to settle as many disputes as possible in an informal manner in the interests of good management and cordial relations between students and staff. Staff are issued with guidance notes to assist the informal handling of minor transgressions.</p> <p>Procedures involve completion of pro-forma documentation to record the nature and outcome of each formal case.</p> <p>Procedures include a formal appeal process – an independent and final arbiter – to handle cases where the student contests the decision of the Discipline Committee in formal cases.</p>
<p><b>Monitoring, Evaluation and Continuous Improvement</b></p>	<p>The effectiveness of discipline policy will be determined annually by the registrar’s office based on the number and seriousness of the issues handled, and in the way in which they were managed.</p> <p>Formal cases, which proceed through the Discipline Committee and the Discipline Review Panel, feed into the process of improving the procedure.</p> <p>The Student Charter will also form the basis upon which improvements to this policy are made. Errors, omissions, changes in Institute rules and regulations, and changes in best practice and laws, will be monitored. Timely updates will be undertaken as necessary.</p> <p>A complete review will be undertaken every 3 years under the direction of the head of the Whitaker School.</p>
<p><b>Revision History &amp; Commencement Date &amp; Date of Next Review</b></p>	<p>2006: Version 1 2010: Version 2 2016: Version 3</p> <p>Commencement Date (2016 Version): April 2017</p> <p>Date of Next Review: 2020</p>

## Disciplinary Policy & Procedures (Non-Assessment)

### 1 Policy Statement

The Institute of Public Administration's *Student Charter* outlines the reciprocal responsibilities shared by all members of the learning community and establishes required conduct and behaviour. The Institute has a duty to students and staff to ensure that norms of behaviour and professional conduct are recognised and adhered to, and that breaches deemed detrimental to the learning community are treated as a disciplinary matter and dealt with in a timely and transparent manner. Academic misconduct that brings the learning community into disrepute and contravenes accepted codes of practice, such as plagiarism, falsification of information or cheating in exams, is handled in the *Assessment Regulations and Procedures*. Disciplinary matters relating to staff misconduct are handled by the HR Office under the Institute's HR policies.

In general, grounds for disciplinary action within the scope of this policy include:

- (a) Inappropriate behaviour by any member of the learning community that affects the physical or emotional wellbeing, safety, rights or dignity of a community member; eg. incidents of violence, harassment;
- (b) Disruption to classes or examinations;
- (c) Abuse of alcohol and drugs on Institute premises;
- (d) Damage to Institute property or facilities;
- (e) Failure to act (or not) in a manner that is keeping with the formal and informal rules, policies and procedures adopted by the Institute.

The profile of the IPA as a provider of part-time and blended learning programmes to professionals in full-time employment in the public or private sector means that the Institute does not generally experience on-campus student problems. However, students against whom a breach of discipline charge is made have a right to a fair and unbiased hearing, a right of access to all information that has been taken into account by the Institute when deciding whether to bring a charge, and a right to appeal the findings of the Institute. The following procedures give effect to these rights.

### 2 Principles Governing Student Discipline

The IPA is committed to the provision of education in an environment that is professional, supporting, safe and conducive to learning. To ensure this, the IPA undertakes to establish rules of discipline, which students are expected to observe, and to implement procedures to take disciplinary action in the event of any serious breaches.

### **3 Scope of the Rules of Discipline**

- 3.1 Procedures for dealing with academic misconduct, such as plagiarism and suspected cheating at an examination or as part of continuous assessment, are dealt with in detail in *Assessment Regulations & Procedures*.
- 3.2 Disciplinary matters within the remit of this section include harassment, coercion, bullying, discrimination, general misbehaviour, violence, property damage, alcohol or drug abuse or any other matter which seriously disrupts another student or staff member, in the classroom, on the premises of the IPA, or any on-line or physical environment used by the IPA for educational purposes.
- 3.3 The IPA will ensure that rules of discipline are widely available to students and staff.

### **4 Rules of Discipline**

A breach of any of the following rules of discipline will lead to disciplinary action as laid out in section 5 below.

#### **4.1 General Misbehaviour**

- 4.1.1 Students are forbidden from consuming alcohol in the classroom, on the premises of the IPA, or any physical environment used by the IPA for educational purposes, unless officially sanctioned by the Institute or one of its educational partners.
- 4.1.2 Students are forbidden from consuming illegal drugs in the classroom, on the premises of the IPA, or any physical environment used by the IPA for educational purposes.
- 4.1.3 Students who attend lectures, seminars, tutorials or examinations in a state of intoxication or under the influence of illegal drugs will be required to leave, and will be subject to disciplinary procedures.
- 4.1.4 Students who are disruptive in class or behave in a manner that is considered threatening or hostile by other students or staff will be required to leave, and will be subject to disciplinary procedures.

4.1.5 Students will not misbehave, either on the premises of the IPA or any physical environment used by the IPA for educational purposes, in a manner that degrades the professional demeanour of the Institute.

4.1.6 Students are liable for damage they cause to the Institute's property.

## **4.2 Harassment and Bullying**

4.2.1 Students will not discriminate against or harass another student or member of staff on the grounds of gender, marital or civil status, family status, sexual orientation, religion, age, disability, membership of the Travelling Community or race including colour, nationality, or ethnicity.

4.2.2 Students will not threaten or verbally abuse or physically assault another student or member of staff.

4.2.3 Students will not make a false or malicious complaint or allegation against another student or member of staff.

## **4.3 Internet and E-mail Policy**

4.3.1 Students will conform to the Internet Usage Policy and will not download offensive or pornographic material on Institute equipment.

4.3.2 Students will not send or circulate e-mails or attachments that are pornographic, obscene, contain abusive or defamatory messages or cause offence.

4.3.3 Students will conform to the IT Usage Policy and always scan personal storage devices for viruses when they insert them into IPA equipment. Student must never import non-text files or unknown messages without first scanning them for viruses.

## **5 Procedures for Handling Disciplinary Cases**

The procedure to use in disciplinary cases is determined by the seriousness of the case. Minor transgressions may be handled informally. The Discipline Committee handles all other breaches of the rules of discipline.

### **5.1 Informal Handling of Disciplinary Cases**

5.1.1 Minor transgressions, as determined by the faculty member closest to the incident, may be handled informally. If an associate lecturer or member of the administrative staff receives a

complaint or witnesses a breach, they may pass the matter to either the Head of the Whitaker School, assistant registrar, programme co-ordinator, module co-ordinator.

- 5.1.2 The issue should be resolved in a sensitive and non-judgemental way.
- 5.1.3 The student should be informed about the relevant rule of discipline governing the behaviour under dispute. *For example, a lecturer may ask to see a disruptive student after class and issue them with a verbal warning. A member of staff may approach a student to warn them that their behaviour towards another student is unacceptable. The staff member is strongly advised to keep a record of both the initial incident or complaint and the subsequent meeting with the student. The record may be used as evidence if any party takes the matter further.*
- 5.1.4 If the meeting is the result of a complaint lodged by another student, the faculty member who receives the complaint should undertake to resolve the issue and respond to the complainant in a timely manner.

## **5.2 Formal Handling of Disciplinary Cases**

- 5.2.1 Breaches of the Institute's Rules of Discipline, considered outside the scope of the informal process outlined in 5.1, will be handled by a Discipline Committee; in which case, the assistant registrar will:
  - (a) Inform the student that the matter is being referred to the Discipline Committee;
  - (b) Notify in confidence other relevant parties such as the Director General, Head of the Whitaker School, and programme co-ordinator in the event that they are not aware of the case.
- 5.2.2 A student who makes a complaint against another student for breaches of the Rules of Discipline must complete a Student Formal Complaint Form (see section on Student Complaints) and submit it to the Head of the Whitaker School. This must be done within 2 weeks of first becoming aware of the incident or issues giving rise to the complaint. Complaints against the Head of School should be addressed to the Director General, and to the IPA Board if against the Director General. The process for handling Student Complaints will follow the procedures outlined in *Complaints (Non-Assessment Related) Policy and Procedures*.

## **5.3 The Discipline Committee**

### **5.3.1 Composition & Procedure**

- 5.3.1.1 The Discipline Committee will have delegated authority from the IPA Faculty to deliberate upon serious breaches of the Rules of Discipline referred to it by the Head of the Whitaker School or an appropriate person delegated by the Head of School.
- 5.3.1.2 The Discipline Committee will comprise: Head of School, Assistant Registrar or relevant programme/module co-ordinator and one external appointee nominated by the Head of School. The Head of School shall act as Chairperson. Where a conflict of interest clearly arises – for example, personal or professional relationship with the student or where a person’s prior involvement in the case may preclude them from membership – or where a member becomes incapacitated, or a position is vacant, the Committee may agree to the nomination of a replacement member or Chairperson.
- 5.3.1.3 The Committee will appoint a Secretary who will be a non-member. The Secretary will keep records as requested, draft minutes, prepare documentation and provide meeting notifications to members as requested by the Chairperson; they will have no voting rights and they will not otherwise participate in meetings unless invited to do so by the Chairperson.
- 5.3.1.4 On matters of procedure, the decision of the Chairperson should be adopted unless an objection is raised by a member and supported by a majority of members.
- 5.3.1.5 In reaching a decision on a case, the Committee should strive for consensus. In situations where this proves impossible, the decision may be reached by vote. Each member will have one vote.
- 5.3.1.6 The Committee shall conduct its affairs in a fair and impartial way. Its proceedings shall remain confidential.

### **5.3.2 *Reviewing a Case***

- 5.3.2.1 The Discipline Committee will be constituted by the Chairperson as soon as possible after receiving notification of a disciplinary case.
- 5.3.2.2 The Chairperson shall provide the student with a copy of the documentation made available to the Discipline Committee.
- 5.3.2.3 The Committee shall invite the student to a meeting, allowing the student sufficient notice to attend. The student shall be permitted to bring a representative, but will be required to notify the Committee, stating the name of the representative and the nature of their relationship, no less than 72 hours before the scheduled hearing.
- 5.3.2.4 Where the case involves multiple students, they may be heard together at the same meeting of the Discipline Committee.

5.3.2.5 The Committee has the right to request extra documentation from the student(s) and third-party witnesses, or any reasonable additional assistance to help it with its deliberations.

5.3.2.6 At a hearing, the Chairperson will conduct business in a fair manner. Both parties have the right to state their case without interruption, and both parties should behave in a courteous and respectful manner.

### **5.3.3 Making a Decision**

5.3.3.1 The Discipline Committee will determine appropriate penalties, up to and including expulsion from the IPA, if a breach has been established. This is without prejudice to the legal rights of any of the parties involved.

5.3.3.2 The IPA also reserves the right to report any incident to An Garda Síochána.

5.3.3.3 In establishing the appropriate penalty, the Committee may consider, among other factors that arise in the case, the following circumstances: 1) whether this is a repeat offence (and the Committee reserves the right to ask the student whether any other similar charge has been previously upheld in the IPA or any other institution); 2) whether there are mitigating circumstances that should be taken into account; 3) whether the student has fully acknowledged and accepted the charge and fully cooperated with the Committee; 4) the nature, scale and gravity of the breach.

### **5.3.4 Communicating a Decision**

5.3.4.1 The Discipline Committee will communicate the decision to the student by post.

5.3.4.2 The IPA reserves the right to respond to queries from other academic institutions and employers in the future about a student's behaviour.

## **5.4 Appeals against Decisions of the Discipline Committee**

5.4.1 A student can appeal against the decision of the Discipline Committee. The appeal must be made on a Student Discipline Appeal Form (attached as Appendix) to the Director General and must reach the IPA within 10 working days of the student having been notified of the decision.

5.4.2 The student must outline the grounds for appeal.



- 5.4.3 The Director General will convene a Discipline Review Panel.
- 5.4.4 The appeal will be heard by the Discipline Review Panel, which has delegated authority from the IPA's Education Committee to hear appeals arising from decisions of the Discipline Committee.

## **5.5 Procedure of the Discipline Review Panel**

- 5.5.1 All parties involved will be notified of the date, time and place of the hearing not less than 1 week in advance of the meeting. Such notification will normally be in writing, but if this is not practicable, then by other means.
- 5.5.2 Anyone implicated in the disciplinary case has the right to appear in front of the Panel. The Panel may interview or seek written evidence from any other person who in the Panel's judgement may have relevant information to contribute.
- 5.5.3 The Panel will receive copies of the all documentation relevant to the case. If any of the parties concerned wishes additional documentation to be considered, he or she must request approval from the Director General not less than five days in advance of the Panel meeting, outlining in detail why the documentation was not presented at the Discipline Committee.
- 5.5.4 All parties have the right to see all documentation to be considered by the Panel.

## **5.6 Discipline Review Panel**

- 5.6.1 The Director General will make the appropriate arrangements to form the Discipline Review Panel.
- 5.6.2 The Discipline Review Panel will consist of 1) the Director General, 2) Chairman of the Education Committee or another member nominated by the Chairman, who will be the Chairman of the Discipline Review Panel, and 3) one other member of the Education Committee. As the Education Committee meets three times a year, it may not be possible to nominate a member for the Review Panel. In such cases, the third member will be proposed by the Chairman of the Education Committee.
- 5.6.3 Where a conflict of interest clearly arises or where a member becomes incapacitated, the Education Committee may agree to the nomination of a replacement member or Chairperson.
- 5.6.4 The Panel will appoint a Secretary who will be a non-member of the Committee. The Secretary will keep records as requested, draft minutes, prepare documentation and provide

meeting notices to members as requested by the Chairperson; they will have no voting rights and they will not otherwise participate in meetings unless invited to do so by the Chairperson.

- 5.6.5 On matters of procedure, the decision of the Chairperson should be adopted unless an objection is raised by a member and supported by the other member.
- 5.6.6 The Chairperson shall in written communication provide the student with any further documentation not already in his or her domain following the decision of the Discipline Committee. The written communication will also outline the composition and authority of the Discipline Review Panel.
- 5.6.7 The Discipline Review Panel shall consider the appeal on the grounds on which it is based, and shall as appropriate consult with members of the Discipline Committee and the student and any other relevant parties.
- 5.6.8 The Discipline Review Panel shall determine the appeal by giving a decision. The Discipline Review Panel can:
- (a) uphold the appeal;
  - (b) reject the appeal;
  - (c) decrease or increase the penalty or vary the nature of the penalty.
- 5.6.9 In reaching a decision on a case, the Discipline Review Panel should strive for consensus. In situations where this proves impossible, the decision may be reached by vote.
- 5.6.10 The Discipline Review Panel shall conduct its affairs in a fair and impartial way.

## **5.7 Decision of the Discipline Review Panel**

The Chairperson of the Panel shall inform the appellant of the outcome of his/her appeal. The Discipline Review Panel shall inform the Head of the Whitaker School and the Discipline Committee regarding the outcome of the appeal. Its decision will also be reported and noted in the minutes of the next Education Committee meeting.

The decision of the Discipline Review Panel is final and no further correspondence will be entered into on the matter.

## Appendix

### STUDENT DISCIPLINE APPEAL FORM

Students must be familiar with the Student Discipline Procedure before completing the form. Every effort will be made to ensure confidentiality, consistent with a full investigation of the complaint.

1. Name: (BLOCK CAPITALS)

Course:

Student Number:

2. Address for correspondence (with postcode):

Telephone

3. Details of Appeal\*:

\* Please ensure that all relevant details are provided, including the circumstances that gave rise to the disciplinary action. You may use an additional sheet if necessary.

4. Summary of informal action and formal action taken to resolve the issue:

I declare that to the best of my knowledge, this form contains a complete and accurate account of all the factors relevant to my appeal. I understand that a copy of this form may be provided to a member of staff who is involved in the disciplinary matter.

Signed:.....

Date:.....

*The completed form should be addressed to the Director General.*