

STUDENT RULES: UNIVERSITY COLLEGE CORK

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Policy Owner: Deputy President and Registrar/Interim Registrar

STUDENT RULES: UNIVERSITY COLLEGE CORK

A. INTRODUCTION

1. University College Cork positively encourages its students to participate fully in university life and in an atmosphere that supports the attainment of academic achievement.
2. Consequently, the University requires all its members to conduct themselves as responsible members of its community. In particular, the University encourages members to embody the core values of creativity, respect, transparency, responsiveness, integrity, equality, diversity and scholarship which underpin all our activities and initiatives.
3. These Rules are infrequently invoked. However, it is important that you understand what is expected from you and also your rights and obligations should you be someone against whom a complaint is made (a “**Respondent**”), someone who makes or instigates a complaint on behalf of the University (a “**Complainant**”) or a Witness.
4. The Office of Accommodation and Community Life (Office of the ACL), Campus Watch Committee, Discipline Committee and the Deputy President & Registrar administer the Student Rules under the delegated authority of the Academic Council.
5. The Rules describe the standards of conduct expected from our students. Complaints of alleged breaches of these Rules may be made by a student, a member of staff or any other person or body whether internal or external to the University.
6. If an individual is of the view that a student, or students, have breached any of the standards of conduct set out in these Rules they should complete the Student Rules Complaint Form and return same to the Office of Accommodation and Community Life either in paper or electronic format. Where an individual is unable to complete the Student Rules Complaint Form, they should contact the Accommodation & Community Life Officer directly for assistance.

7. Less serious alleged breaches of the Rules are considered by the ACL Officer and/or the Campus Watch Committee (see Section D below). More serious alleged breaches of the Rules are considered by the Discipline Committee (see Section F below). In exceptional and very serious circumstances, a temporary power to suspend may be invoked (see Section E below). The Rules encourage, where appropriate, resolution of any complaint through the use of mediation (see Sections D, F and H below and Appendix 1). The Rules also provide for Appeals (see Section [G] below).
8. Students should be aware they are also bound by the University's academic and other policies and procedures including the Examination Regulations and Procedures and IT Policies. Failure to adhere to, or compliance with, a sanction under these Rules or a breach of the University's Academic, IT or other Policies may also lead to a complaint under the Student Rules in addition to express sanctions already determined and/or set out in the aforementioned policies.
9. Students may also find that certain Complaints/issues may also fall to be dealt with under other University policies such as the University's Fitness to Practice Policy and Fitness to Continue in Study Policy. Students should also note that criminal proceedings may arise in connection with an alleged breach of these Rules.
10. Should you require any clarification and/or guidance in respect to these Rules, please read the Clarification and Guidance as set out in Section H below. A schematic of the Disciplinary Procedure is set out in Appendix 2 and at all times Students are encouraged to utilise the student supports which are available <https://www.ucc.ie/en/studentexperience/supports/>

B. STANDARDS OF CONDUCT

11. The University requires its students to conduct themselves in an appropriate and reasonable manner at all times to ensure:
 - 11.1 Dignity, honesty and integrity;
 - 11.2 Respect for all members of Staff;
 - 11.3 Respect for fellow Students;

- 11.4 Respect for and adherence to the Rules, Regulations and Policies of the University;
- 11.5 Compliance with the academic processes of the University;
- 11.6 That the University is not brought into disrepute;
- 11.7 Respect for local residents and other members of the general public
- 11.8 That the views, values and beliefs of others are respected;
- 11.9 That no damage or injury is caused to any person or property;
- 11.10 That the University community is free from intimidation and discrimination.

12. Any student who acts contrary to the standards of conduct set out in paragraph 11 above shall be in breach of these Rules.

13. The standards of conduct outlined in paragraph 11 above apply to all students regardless of whether said Student is on or off campus, and whether engaged in a placement or study abroad.

14. Section H. 103 sets out examples of the types of conduct which have previously been found by the Campus Watch Committee or the Discipline Committee as being contrary to the Rules. These are examples only.

C. ACCOMODATION AND COMMUNITY LIFE OFFICE (ACL OFFICE)

15. The Director of Student Experience has nominated the ACL Office to receive, in the first instance, complaints under the Student Rules. In exceptional circumstances, where evidence is brought to their attention of an alleged breach of the Student Rules (e.g. inappropriate use of Social Media), the ACL Office may act as a Complainant under these Rules.

16. On receipt of a Complaint or notice of an issue which may be regarded as in breach of the Student Rules the ACL Officer or their nominee shall consider whether the Complaint and/or behaviour brought to its notice comes within the remit of the Student Rules and/or carry out an initial assessment of the Complaint and/or behaviour to establish the facts. This assessment may involve the ACL Officer electing to meet with the Complainant and/or the Respondent.

They may also review any relevant documentary evidence and/or consult with other members of staff. Following this initial assessment, the ACL Officer may decide:

- i. no breach of the Student Rules has occurred in which case the ACL Officer will notify the Complainant and Respondent of same and close the file. In these circumstances, the Complainant may appeal to the CWC by notifying the CWC in writing within 3 days of the notification.
- ii. the matter can be resolved by informal resolution. If it then transpires that an informal resolution cannot be reached, then the ACL Officer may decide to pursue either option (i) or (iii) as appropriate.
- iii. the matter should be escalated to CWC or Student Discipline Committee and refer accordingly. On referral to CWC and/or Discipline Committee for consideration, the ACL Officer shall present their initial assessment to the relevant committee for consideration.

D. CAMPUS WATCH COMMITTEE (CWC)

CWC Role

17. CWC has a general role to promote the welfare of the members of the University community.
18. CWC shall primarily deal with less serious complaints of alleged breaches of these Rules and will encourage informal resolution and mediation as appropriate.

CWC Membership

19. CWC shall comprise of:

19.1 The Director of Student Experience and/or their nominee (the “**Chairperson**”) and the following members

- Administrative Officer of the Students’ Union;
- Head of Career Services;
- Director of Sport and Physical Activity;
- Director of Information Technology or nominee;

- Head of Access and Participation Office;
- An academic member of the School of Law nominated by the Dean of Law or other nominee of the Dean of Law;
- Head of Access Office;
- Head of Student Life;
- General Services Officer;
- Up to two Student's Union Sabbatical Officers as nominated by the President of the Student's Union

19.2 It should be noted that the same Student's Union Sabbatical Officers nominated to the CWC may not participate in respect of any other Committee under these Student Rules in respect of the same matter.

So far as is possible, membership of CWC will be representative and will take into consideration equality representation such as gender balance. Secretariat for the CWC will be provided by a member of Accommodation and Community Life Office (separate from the ACL Officer carrying out the initial assessment).

20. The minimum number of members needed to convene a meeting or hearing of CWC shall be three (3). In the absence of the Chairperson, the Chairperson will nominate a person to act as Deputy Chairperson. To hold a meeting, the Chairperson or Deputy Chairperson needs to be in attendance.

Referral of a Complaint to the CWC

21. Following their initial assessment in C16, the ACL Officer may make any of the decisions set out in C16 above. As such, if the ACL officer decides the alleged breach is of a nature not amenable or appropriate for informal resolution, the ACL Officer may refer the Complaint to the CWC to be considered under the Stage 2 Formal Process.

22. At the Stage 2 Formal Process Stage, the Chair of the CWC may determine that:

- a. the Complaint can be considered and determined by the CWC or merits further investigation and refer accordingly to CWC and/or

- b. the matter, on the face of the Complaint should be referred immediately to the Deputy President & Registrar under Section [E] Temporary Suspension below and refer accordingly; and/or
- c. the matter on the face of the complaint should be referred to the Gardaí and refer accordingly; and/or
- d. the Complaint is of a nature which is more properly considered under another University policy such as the Fitness to Continue in Study Policy and refer accordingly.

In exercising his/her power under the paragraph above, the Chairperson may consult with other members of the Discipline Committee and take such advice as deemed to be appropriate.

23. In certain circumstances, the CWC may determine that the Complaint and information gathered as part of the initial assessment requires further investigation (Formal Investigation) prior to further consideration being given to the Complaint, and in such circumstances the CWC shall draft the terms of reference for any investigation and instruct the ACL Officer (or another University Officer) to:

- a. Appoint an internal (external to the CWC) investigator, or external investigator depending on the nature of the allegation, to establish the facts; and
- b. Review the investigator's report and, based on the findings, present to CWC, who shall consider whether the alleged Complaint needs to be referred onwards in accordance with (a) to (d) above or can be considered and determined by the CWC.

In initiating the Formal Investigation referred to above, the Chair of CWC and/or ACL Officer may consult with such other members of the CWC as they think fit, and/or the Deputy President and Registrar and/ or the Chair of the Discipline Committee and take such advice as deemed to be appropriate. Where a referral to the Garda has already or otherwise been made, guidance from the Gardaí shall be sought prior to commencing any investigation or convening any hearing so as not to prejudice any Gardaí investigation.

24. The ACL Officer may be invited to attend any of the CWC (or where appropriate Disciplinary Committee) hearings to assist where appropriate or make such submissions as may be sought but shall have no role to play in making any decision in respect of the Complaint.

25. However, in the exceptional circumstances where the ACL Officer assumes the role of acting as Complainant, that ACL Officer will have no role to play in the decision on whether the Complaint requires formal investigation, or in the presentation of any findings to the CWC or Discipline Committee.

Mediation

26. Not all Complaints are suited to mediation but, where appropriate, the CWC may encourage the parties to engage in mediation and where the parties agree may nominate an external facilitator to coordinate and arrange an agreed mediation between the Parties. Participation in mediation is voluntary. The CWC will set an agreed timeframe to enable this process to be reasonably exhausted. The mediator shall notify the CWC once the mediation has been completed, whether or not a resolution has been achieved. The mediation will be confidential to those persons involved and without prejudice to any subsequent hearing.
27. Normally where mediation has been successful the CWC shall not consider the matter further.
28. Where mediation has been unsuccessful the CWC may consider the Complaint under the CWC Formal Process.

CWC Hearing

29. Where following initial assessment a complaint is not resolved, or deemed not appropriate to be resolved by informal resolution or mediation, (or following a Formal investigation or where the Complainant wishes to appeal the ACL Officer decision that no breach of the Student Rules has occurred pursuant to the Informal Resolution Procedures as set out above), the CWC may decide to proceed to convene a Formal Hearing. Prior to the Hearing, Notice convening the Hearing shall be sent to the Respondent and to the Complainant. The ACL Officer will also be invited to attend.

The Notice shall:

- 29.1 Describe the nature of the Complaint, give the date, time and place (or virtual platform) for the hearing which shall not, except in exceptional circumstances,

be earlier than 3 working days or more than 30 working days from the date of the issue of the Notice;

- 29.2 State that the Respondent and Complainant may be accompanied by a support person, for example, by a fellow student or a member of staff. Neither the Respondent nor the Complainant shall be accompanied by a legal representative.
- 29.3 Refer to the Rule(s) alleged to have been infringed.
- 29.4 Advise the Respondent and the Complainant that if they require additional time, an application can be made to for additional time and the CWC shall have complete discretion to grant such additional time as appears to it to be reasonable in all the circumstances.
- 29.5 Advise the Respondent and Complainant that they may call up to three (3) Witnesses each (with any more requiring the prior written approval of the CWC) and that both Parties may question all witnesses, but that a witness cannot be compelled to answer any question.
- 29.6 Advise the Respondent and Complainant that it is their responsibility to arrange for the presence of any witnesses and the submission of any supporting witness statements and that the CWC may also request the attendance of any witnesses.
- 29.7 Set a date by which the Respondent and Complainant must reply to the Notice.

30. The CWC shall as soon as practical and not, except in exceptional circumstances, later than 3 working days before the Hearing, ensure that the Respondent and the Complainant have copies of all relevant materials, including the written complaint, the Rules and any witness statements.

31. Unless the CWC has agreed otherwise, should the Respondent and/or Complainant fail without a good reason to appear before the CWC on the day of the Hearing, the CWC, provided that it is satisfied that every reasonable effort was made to serve the Notice upon the Respondent and the Complainant, may proceed to deal with the matter in their absence.
32. At the Hearing, if a Complaint is denied in whole or in part by the Respondent, unless the CWC permits otherwise the Complainant shall first present their case and the Respondent shall then present their case. Both parties shall be entitled to: (i) call any witness and/or produce any document which they consider relevant to their case; (ii) question any witness. The CWC may call any witnesses to the Hearing that it considers appropriate. In addition, the ACL Officer who initially assessed the Complaint may be invited to present findings and any documents collated during the course of such initial assessment or investigation where appropriate.
33. If during the Hearing, the CWC considers that the evidence given by the Complainant would, in the absence of explanation by the Respondent, establish that on balance that these Rules have been breached by the Respondent, it may so inform the Respondent. Thereafter the CWC may draw such inference as it thinks reasonable from the absence of any such explanation by the Respondent.
34. In the course of a Hearing or during any prior investigations all persons shall be expected to cooperate with any reasonable guidance or request by the CWC.
35. Any student Witness who knowingly gives false information may be deemed to be in breach of these Rules.
36. The CWC shall be entitled to seek such advice as it deems appropriate.

CWC Decision

37. So far as is possible, the CWC will make findings of fact and may draw inferences from such findings and determine the matter accordingly, on the balance of probabilities.
38. All decisions of the CWC will be determined by a majority of those present and who are entitled to vote.

39. The decision of the CWC shall be communicated as soon as practicable in writing to the Respondent and the outcome communicated to the Complainant.

40. The decision of the CWC shall set out any penalty to be imposed upon the Respondent and the rights of appeal available to the Respondent and the Complainant.

Sanctions

41. Where the CWC agrees to consider and determine the Complaint, the CWC may impose or agree one or more of the following penalties on or with a Respondent found to have committed a breach of these Rules in proportion to the nature of the breach and/or method of resolution: -

- i. An order for the reparation of any damage or loss caused;
- ii. A formal written reprimand/warning;
- iii. Compulsory attendance at a workshop or coaching session;
- iv. A fine or charitable contribution not exceeding €1,000;
- v. Voluntary work internal to UCC as the CWC shall deem appropriate.

42. The CWC may, at its discretion, elect to defer (suspend) /postpone the implementation of any penalty for a fixed duration, but no longer than for the period during which the Respondent is enrolled at the University. The CWC may further elect to defer (suspend) /postpone the implementation of any penalty, stipulating certain conditions as to any future standards of behaviour required of the Respondent, which if found to be breached by the CWC following a complaint under these Rules, will result in the penalty being implemented and without prejudice to the right of the University (through the CWC or the Discipline Committee) to treat that further breach of these Rules as an additional and fresh complaint against the Respondent.

43. In order to identify patterns of disruptive and threatening behaviour, the CWC will also keep records of incidents of such behaviour for the duration of the student's registration at UCC and may, in certain circumstances, inform relevant academic and administrative units or any other person as it deems appropriate. The Student(s) concerned will be informed of the retention of such records and their onward notification.

Appeal of CWC Decision

44. The Respondent shall have the right to appeal a Decision of the CWC. The Complainant shall have the right to appeal a Decision of the CWC if they have not already appealed the decision of the ACL Officer.
45. Such an Appeal must be in writing and lodged in hard or soft copy with the Deputy President & Registrar within 10 days from the date of the of notification of the CWC's Decision to the Respondent and Complainant. The Appeal must state in sufficient detail the grounds for Appeal.
46. The appeals process and the role of the Appeal Committee are set out below under Section G.

E. TEMPORARY SUSPENSION

47. At any stage in the process, where it appears in the opinion of the Deputy President & Registrar that a potentially serious infringement of these Rules may have occurred, then they, having sought such advice as they deem appropriate, shall be entitled to temporarily suspend a student on the following basis:
- 47.1 Such suspension is temporary and necessary to protect the University community and on balance, the Deputy President & Registrar is of a view that the duty of care owed to others is overriding in the particular circumstances.
- 47.2 Temporary suspension may be limited to certain premises or University activities or modules of study ("**exclusion**").
- 47.3 Temporary suspension or Exclusion shall not be regarded as an indication as to whether or not the Complaint is proven.
- 47.4 In certain circumstances, communication of temporary suspension or exclusion may be verbal and shall take effect as the Deputy President & Registrar deems appropriate. A verbal communication of temporary suspension, or exclusion, shall be confirmed in writing as soon as is practicable.

- 47.5 All Temporary suspensions or Exclusions shall be reviewed on a regular basis by the Deputy President & Registrar in consultation where appropriate, with other relevant Offices of the University.
- 47.6 All Temporary suspensions or Exclusions under this Section [E] will be notified to the Academic Board at its next scheduled meeting by the Deputy President & Registrar. The Deputy President & Registrar will update Academic Board at its scheduled meetings for the duration of that temporary suspension or Exclusion.
- 47.7 Every reasonable effort will be made to continue to support the student's academic studies so that, insofar as possible, the student is not disadvantaged academically. In the case of suspension due to health concerns (Section E 47.9), continuation of support for the student's academic studies during the Temporary suspension may not be possible.
- 47.8 Temporary suspension or Exclusion shall be for no longer than the time necessary for an investigation under the Formal Process above to be completed and/or the Discipline Committee to have been convened, heard and decided on the matter or for an Appeal to have been heard and decided upon.
- 47.9 In cases of suspension or exclusion due to health concerns, the Deputy President & Registrar shall consider whether the Complaint or suspension should be referred to the Director of Student Experience under the Fitness to Continue in Study Policy.
- 47.10 This power shall be exercised with caution and with due regard to natural justice and fair procedures.
- 47.11 The Deputy President & Registrar shall be accountable to the Academic Council in respect of the exercise of their power of temporary suspension.

48. Where the Deputy President & Registrar exercises the power of suspension under paragraph 47 above, they shall, as soon as practicable notify the Chairperson of the Discipline Committee and refer the matter accordingly. The Chairperson shall call a meeting of the Discipline Committee as soon as practicable

49. In the event a temporary suspension will have a duration beyond three weeks, a student can request that the decision of temporary suspension be referred to the President for review. The President's decision shall be final.

F. DISCIPLINE COMMITTEE

50. The Discipline Committee shall be comprised of members of the Discipline Panel approved by Academic Council at least every three years.

51. The Panel shall comprise the following:

- i. 4 nominations of Academic Council.
- ii. 2 nominations of the Executive Committee of the Students Union.
- iii. Dean of Undergraduate Studies.
- iv. Dean of Graduate Studies.
- v. 1 nomination of the Director of Buildings & Estates.
- vi. 1 nomination of the Corporate Secretary.

52. So far as is possible, the proposed Chairperson and Deputy Chairperson of Discipline Panel should have relevant expertise including prior Committee membership. The Chairperson of Academic Council shall nominate a Chairperson and Deputy Chairperson from nominations under i, iii or iv above, subject to ratification at the next scheduled meeting of Academic Council. A Secretary shall also be appointed to support the Discipline Panel. So far as possible, membership of the Discipline Committee will be representative and will take into consideration equality representation such as gender balance.

53. The minimum number of members required for any meeting of the Discipline Committee will be three (3) and the minimum number required for any Discipline Committee Hearing shall be five (5) in both cases including either the Chairperson or Deputy Chairperson. For the avoidance of doubt, a meeting or hearing of the Discipline Committee may be held by teleconference or such other electronic means as is deemed appropriate by the Chair (or in their absence by the Deputy Chair).

Role of the Discipline Committee

54. The role of the Discipline Committee is to hear more serious alleged breaches of these Rules, whether referred to it by the CWC, or otherwise.

55. From time to time, the Discipline Committee may issue guidance upon student conduct or any other relevant matter in respect of these Rules.

Procedure

56. Complaints of an alleged breach of the Rules being referred to the Discipline Committee should be in writing (hard or electronic copy) and shall be referred to the Chairperson of the Discipline Committee, and following such written notification of the Complaint, the Chairperson shall act as follows:

- a. consider whether to convene a meeting of the Discipline Committee taking into account the timescales below; and or
- b. consider whether the complaint appears less serious or merits further investigation and should be more properly considered by CWC and refer accordingly; and/or
- c. consider whether, on the face of the complaint, the matter should be referred to the Deputy President & Registrar under Section E Temporary Suspension above and refer accordingly; and/or
- d. consider whether the student is registered for a course of study which is subject to the Fitness to Practise Policy, and whether the Discipline Committee should notify the relevant Head of School of the matter being considered under the Student Rules;

57. In exercising his/her power under paragraph 56 above, the Chairperson may consult with other members of the Discipline Committee and take such advice as deemed to be appropriate.

58. Once a meeting is convened, the Discipline Committee will first determine whether it considers that the complaint received is within its remit and whether it is relevant to these Rules. The Discipline Committee shall take the steps set out in paragraph 56 above. Where a referral under paragraph 56 (b) has been made and/or the matter has otherwise been referred to the Garda, guidance from the Gardaí shall be sought so as not to prejudice any Garda investigation. Where appropriate, the Discipline Committee may also decide:

- (a) that the issues arising under the complaint fall under and should be dealt with under Section F paragraphs 74-78 (Discipline and Health Concerns); and/or
- (b) to initiate a mediation process as described in paragraphs 62-65 and/or
- (c) that the complaint appears less serious or merits further investigation and should be more properly considered by the CWC and refer accordingly; and/or
- (d) to suspend or adjourn a Hearing, having regard to any criminal or civil proceedings arising out of the subject matter of the complaint, until any action(s) consequent on those proceedings are complete; and/or
- (e) to notify the relevant Head of School of the matter being considered under the Student Rules where the student is registered for a course of study which is subject to the Fitness to Practise Policy.

59. Where the Discipline Committee decides that it should proceed to consider the Complaint, it shall write in hard and soft copy to the Complainant and Respondent accordingly and set out the process to be followed, including relevant timescales.

Notice

60. If the Discipline Committee decide that it is appropriate, it shall convene a Hearing and invite the Respondent to appear before it to answer the complaint. A Notice convening the Hearing shall be sent to the Respondent. The Notice shall also be provided to the Complainant in the same manner.

61. The Notice given to the Respondent and/or Complainant shall:

- 61.1 Include a copy of the Rules, the Complaint and any other relevant documentation. The Notice shall also set out the date, time and place (or virtual platform) for the hearing which shall not, except in exceptional circumstances, be earlier than 10 days or more than 30 days from the date of the issue of the Notice;
- 61.2 State that the Respondent and Complainant may be accompanied by a support person, for example, by a fellow student or a member of staff. Neither the Respondent nor the Complainant shall be accompanied by a legal representative unless they seek, and are given permission to do so, by the Discipline Committee in advance of the Hearing.
- 61.3 Refer to the Rule(s) alleged to have been infringed.
- 61.4 Advise the Respondent and the Complainant that if they request additional time, the Discipline Committee shall have discretion to grant such additional time as appears to it to be reasonable in all the circumstances.
- 61.5 Request the Respondent and the Complainant to indicate their preference for an oral Hearing or for the matter to be dealt with by way of written submissions (while clarifying the Discipline Committee shall have the final decision on how the matter is dealt with). In either case, the Respondent and Complainant shall make a written statement to the Discipline Committee and should include any witness statements or documents that are considered to be relevant to the matter.
- 61.6 Advise the Respondent and Complainant that they may call witnesses and that both Parties may question all witnesses, but that a witness cannot be compelled to answer any question.
- 61.7 Advise the Respondent and Complainant that it is their responsibility to arrange for the presence of any witnesses and for the submission of any supporting witness statements, and that the Discipline Committee may also request the attendance of any witnesses.

- 61.8 Advise the Respondent how to proceed where they seek to make a relevant counter complaint. For further information on counter complaints, Respondents should refer to Section H.116.
- 61.9 Set a date by which the Respondent and Complainant must reply to the Notice.

Mediation

- 62 Where appropriate, the Discipline Committee shall encourage the Complainant and the Respondent to engage in mediation as set out in Section H. 112 below.
- 63 When there is agreement to mediation, the Discipline Committee may nominate an external facilitator to coordinate and arrange an agreed mediation between the Parties. With the agreement of the Parties, the Discipline Committee shall establish a timeframe to enable this process to be reasonably exhausted. The mediator shall notify the Discipline Committee once the mediation has been completed, as to whether or not a resolution has been achieved. The mediation will be confidential to those persons involved and without prejudice to any subsequent hearing.
- 64 Normally, where mediation has been successful the Discipline Committee shall not consider the matter further.
- 65 Where mediation has been unsuccessful the Discipline Committee may consider the complaint.

Hearing

- 66 The Discipline Committee will determine, at its discretion, whether the complaint can be dealt with by way of written submissions or by an oral Hearing in person (or by a virtual oral hearing). In reaching such a decision the Discipline Committee shall take into account the response(s) received to the Notice, as referred to in paragraph 61.5 above. Where additional material is received, it shall be at the discretion of the Discipline Committee as to whether such additional material constitutes an additional complaint which needs to be considered separately by the Discipline Committee or material relevant to the complaint in question.

- 67 Should the Discipline Committee decide to proceed to a hearing, the Discipline Committee shall as soon as practical and not later than 5 days before the Hearing, ensure that the Respondent and the Complainant have copies of all relevant materials, including witness statements and any additional material relevant to the complaint such as the initial assessment or Terms of Reference and findings of any investigation.
- 68 Unless the Discipline Committee has agreed otherwise, should the Respondent fail without a good reason to appear before the Discipline Committee on the day of the hearing, the Discipline Committee, provided that it satisfied that every reasonable effort was made to serve Notice upon the Respondent, may proceed to deal with the matter in their absence.
- 69 At any Hearing, if a complaint is denied in whole or in part by the Respondent, unless the Disciplinary Committee decides otherwise: (a) the Complainant shall first present their case; and (b) the Respondent may then present their case. Both parties shall be entitled to call any witness or produce any document which he/she considers necessary to his/her case. The Discipline Committee may call any witness to the Hearing that it considers appropriate and question any witness during the Hearing. The ACL Officer who has carried out the initial assessment of the Complaint (or any third party charged with an investigation) may be invited to present the findings of same to the Disciplinary Committee.
- 70 If during the Hearing the Discipline Committee considers that the evidence given for the Complainant would, in the absence of explanation by the Respondent, establish on balance that these Rules have been breached by the Respondent, it may so inform the Respondent, and decide accordingly in the absence of any such explanation.
- 71 In the course of a Hearing or during any related investigations all persons shall be expected to cooperate with any reasonable guidance or requests by the Discipline Committee.
- 72 Any Respondent or student Complainant or witness who knowingly gives false information may be deemed to be in breach of these Rules.
- 73 The Discipline Committee shall be entitled to seek such advice as it deems appropriate.

Discipline and Health Concerns

- 74 Formal disciplinary procedure will apply to all students, and the decision to proceed initially to disciplinary action will be based on an assessment of the severity of the offence, regardless of mitigating circumstances.
- 75 At any stage of disciplinary proceedings, if the Discipline Committee is of the view that there may be health and welfare issues which should be considered or in the event of a student seeking leniency/clemency or pleading mitigating factors due to health and welfare issues, advice will be sought from an external Occupational Health Service Provider and, if appropriate, an opinion will be obtained from a medical professional nominated by the external Occupational Health Service Provider. Any such referral will be made through the Director of Student Experience who will liaise with the external Occupational Health Service Provider to commission expert consultation and/or advisory services. Agreement must be given by the student to the free exchange of confidential information/submission of a medical report. Failure to submit to this examination or provide necessary information will result in progression of the Disciplinary Process in the normal way.
- 76 In the event that the Disciplinary Committee is of the opinion that the student is unable to engage in the disciplinary process, or that the Committee feels unable to proceed because it is of the opinion that the student may be unwell, the process will be temporarily suspended until the student seeks expert opinion/help, or is so facilitated by the appropriate medical personnel at the University and a report is obtained from a medical professional nominated by the University. The Report from the medical professional nominated by the University will be submitted directly to the Chairperson of the Discipline Committee. In such cases, where the Discipline Committee is of the view the student should be temporarily suspended from the University by the Deputy President & Registrar, the Discipline Committee may make a recommendation to them in relation to the suspension of the student, which shall be considered by the Deputy President & Registrar in accordance this clause and with Section E of the Student Rules. In addition, a referral to the Director of Student Experience under the Fitness to Continue in Study Policy may also be appropriate.
- 77 The student will be made aware that the process is intended to be supportive, that involvement of a medical professional is in their interest, but that the suspension of the disciplinary process is temporary and may/will be reactivated.

- 78 Failure on the part of the student to co-operate with this process within a time period specified by the Discipline Committee will result in immediate lifting of the suspension of the process and the re-activation of the Disciplinary Procedure.

Decision

79. So far as is possible, the Discipline Committee will make findings of fact and may draw inferences from such findings and shall determine the matter accordingly, on the balance of probabilities.
80. All decisions of the Discipline Committee will be determined by a majority of at least two-thirds of those present (rounded up to the nearest whole number) and being entitled to vote.
81. The Discipline Committee shall have available to them, in proportion and relevant to the nature of the breach of the Rules one or more of the following penalties:
- 81.1 A fine (not exceeding €5,000).
 - 81.2 Removal of library and/or computer facilities for such period of time as the Discipline Committee shall determine.
 - 81.3 Prohibition from access to the campus for such period of time as the Discipline Committee shall determine.
 - 81.4 Withholding of an award of examination results.
 - 81.5 Suspension from the University for such period of time as the Discipline Committee shall determine.
 - 81.6 Prohibition from taking examination(s) or other assessments.
 - 81.7 Expulsion from the University.
 - 81..8 Other forms of penalty as the Committee considers fit in all the circumstances.

The Penalties provided for in 81.5, 81.6 and 81.7 above shall only be implemented in circumstances where such a penalty has been approved by the Deputy President & Registrar.

82. The Discipline Committee may at its discretion elect to defer (suspend) /postpone the implementation of any penalty for a fixed duration, but no longer than for the period during which the Respondent is enrolled at the University. The Discipline Committee may also elect to defer/postpone the implementation of any penalty, stipulating certain conditions

as to future standards of behaviour required of the Respondent, which if found to have been breached by the Discipline Committee following a complaint under these Rules, will result in the penalty being implemented and without prejudice to the right of the University (through CWC or the Discipline Committee) to treat that further breach of those Rules as an additional and fresh complaint against the Respondent.

83. The Discipline Committee shall, in the determination or recommendation of any sanction under these Rules, decide whether, to what extent and for what duration, the sanction shall be recorded on the student's official record and on any transcript in relation to the student and shall inform the Deputy President & Registrar accordingly. The Student Records & Examinations Office shall maintain a record of such sanction/penalty for such period as decided by the Discipline Committee.
84. Nothing contained in paragraph 83 above or in these rules generally shall prevent the University from disclosing the imposition of a sanction which may have in the meantime been expunged from the official student record by the University, particularly in relation to admission to a professional body where that body requires such information as part of the qualification process.
85. In respect of students subject to the Fitness to Practise Policy, the Discipline Committee may decide to refer the outcome of a disciplinary process to the relevant Head of School for consideration under the Fitness to Practise Policy due to serious fitness to practise concerns but only if exceptional circumstances warrant such a referral. The Discipline Committee must ensure that the timeframe for appeal has expired and the student has not appealed the decision of the Discipline Committee before making such a referral.
86. The decision of the Discipline Committee shall be communicated as soon as practicable in writing to the Respondent and the outcome shall be provided to the Complainant.
87. The decision of the Discipline Committee shall set out the penalty and right of appeal available.

G. APPEAL TO APPEAL COMMITTEE OF ACADEMIC COUNCIL

88. The Academic Council shall establish an Appeal Committee to consider any appeals arising from a decision of the CWC or Discipline Committee.
89. The Appeal Committee shall comprise of 5 members of Academic Council, one of whom shall be a member of the Student's Union. So far as is possible, members should have relevant expertise.
90. The minimum number of members needed to convene a meeting or hearing of the Appeal Committee shall be three (3).
91. The Appeal Committee shall hold office for a period of 3 years.
92. No member of the CWC or the Discipline Panel shall be a member of the Appeal Committee.
93. The Appeal Committee will, at its absolute discretion, consider the Appeal in such a manner it deems appropriate to the circumstances of the case, having regard to fairness and due process.
94. A Respondent or Complainant may appeal against a decision of the CWC or the Discipline Committee within 10 days of the receipt of the CWC or Discipline Committee's decision. The Appeal must state in detail the grounds of the Appeal.
95. Such an Appeal must be in writing and lodged with the Academic Secretary within 10 days of the relevant Decision of the CWC or the Discipline Committee.
96. Where an Appeal is made in accordance with these Rules, then the Decision which was made by the relevant Committee shall be deferred until the Appeal is determined. This provision for deferral does not apply in relation to Section E, Temporary Suspension.
97. On receipt of an Appeal the Academic Secretary shall as soon as practicable send notice of the Appeal to the Appeal Committee and to the CWC or Discipline Committee and request the CWC or Discipline Committee to furnish to the Appeal Committee an

accurate summary of the evidence and the submissions made by the parties, the documentation tendered by the parties, the findings of CWC or Discipline Committee and any penalty imposed on the Respondent, as well as the reasons for the choice of this penalty. The Chairperson of the CWC or Discipline Committee shall furnish this to the Appeal Committee so far as is practical within 10 days of being so requested to do so by the Academic Secretary.

98. The Appeal Committee shall not be obliged to hear or accept further submissions from the Respondent or Complainant, whether written or oral, but if it decides to do so, the Respondent or Complainant must be notified in writing and that notification must specify the date, time and location for the making of any oral submission or the date for the delivery of written submissions which date, in either case, must not, except in exceptional circumstances, be earlier than 10 days or more than 30 days from the date of such notification, unless stated otherwise.
99. The Appeal Committee shall determine the Appeal, and make whatever decision it considers appropriate in the circumstances on the balance of probabilities. The Appeal Committee shall have power to revoke or amend the decision of the CWC or Discipline Committee in full or part or issue a revised penalty as it sees fit. The Appeal Committee may direct either the CWC or the Discipline Committee to reconsider the position further.
100. In respect of students subject to the Fitness to Practice Policy, the Appeal Committee may decide to refer the outcome of a disciplinary process to the relevant Head of School for consideration under the Fitness to Practice Policy due to serious fitness to practice concerns but only if exceptional circumstances warrant such a referral.
101. The decision of the Appeal Committee shall be final and binding and shall be reported to the Deputy President and Registrar as Secretary of Academic Council who shall communicate the decision to the Respondent and the Complainant and to Chair of the CWC and/or Discipline Committee as appropriate.

H. CLARIFICATION AND GUIDANCE

102. Complaint or Allegation

In these Rules, where there is reference to a “complaint” or “allegation” or “the receipt of a complaint” or “an alleged breach” of these Rules, then such a reference will be regarded as having no material difference. The complaint must concern conduct contrary to the standards of conduct set out in paragraph 1 of Section B above. In most instances, unless urgency and seriousness require otherwise, a Complainant shall put their complaint in writing.

However, there need not be a formal complaint to invoke these Rules. Certain matters may come to the attention of either the ACL Officer, CWC or the Discipline Committee, or which may be referred to the CWC or the Discipline Committee.

103. Examples of Breaches of the Rules

Paragraph 11 of Section B sets out the standards of conduct required of the Students of the University.

It is impossible to provide an exhaustive list of what may or may not be regarded as a serious or more minor breach of these Rules. Each case will be considered on an individual basis.

However, for the purposes of illustration only, it is likely that the following would be regarded as a breach of the Student Rules:

- i. Use of an offensive weapon;
- ii. Assault;
- iii. Forging documents;
- iv. Damage to property;
- v. Bullying and/or Harassment;
- vi. Sexual harassment;

- vii. Conduct which disrupts or is likely to disrupt teaching, research, study, examinations, or the administration of the University;
- viii. Inappropriate use or abuse of social networks/internet/e-mail/IT resources;
- ix. Anti-social behaviour;
- x. Littering;
- xi. Non-payment of library fine.

104. What to do if you are either a Complainant, Respondent or Witness under these Rules

Complainant

If you are a Complainant, you are advised to seek the help and support from the sources listed under paragraph 105 below. Complaints should so far as possible be put in writing, unless extremely serious and urgent (in which case you must follow up in writing as soon as practicable).

Complaints must be made in good faith. You will be expected to adhere to the instruction of the CWC or the Discipline Committee in following these Rules. You should, so far as is possible, attempt to engage in mediation or informal resolution of your complaint. These Rules encourage the Parties to explore mediation whenever appropriate. Confidentiality should be maintained, so far as is possible. Please read these Rules carefully so that you understand your rights and obligations in making a complaint.

Respondent

If you are named as a Respondent to a complaint made under these Rules, you are advised to seek the help and support from the sources listed under paragraph 105 below. You will be expected to adhere to the instruction of the CWC or the Discipline Committee in following these Rules. You should, so far as is possible, attempt to engage in mediation or informal resolution of the complaint. These Rules encourage the Parties to explore mediation whenever appropriate. Confidentiality should be maintained, so far as is possible. Please read these Rules carefully so that you understand your rights and obligations and that you are aware of support from the sources listed under paragraph 105 below.

Witness

If you are requested to attend the CWC or Discipline Committee or Appeal Committee as a Witness, you should make every reasonable effort to do so. Normally you will be asked

to be a Witness by either the Complainant or Respondent, but it is possible that the relevant committee might ask you directly. This may involve attending an oral hearing or making a written statement. On occasion, in more serious matters, you may be asked to do both.

As a Witness, the relevant committee cannot oblige you to give evidence. However, the CWC or the Discipline Committee or the Appeal Committee shall be entitled to request your attendance at a hearing.

You are however, expected to cooperate with reasonable requests from a Committee and should you knowingly give false information to a Committee then it is possible that you will be deemed to be in breach of these Rules.

105. Where to go for Advice and Guidance

The University has established, through its student support structures, a number of difference sources of advice and guidance for all its students. Whether you are a Witness, Respondent or Complainant, you are encouraged to make use of the services available to you.

Who to contact:

Student Advisor and Ombudsman
Student Counselling & Development
Student Health Service
Chaplaincy
Students Union Welfare Officer

For these and to view the full range of Student Services, please visit:

<http://www.ucc.ie/en/studentexperience/>

<https://www.uccsu.ie/>

The University Student Advisor and Ombudsman hears and considers grievances of students. The Ombudsman functions as a mediator and attempts to resolve concerns and grievances informally. The Ombudsman does not have authority to take disciplinary action, reverse decisions or over-ride University Regulations.

106. Timescales

It is in the interests of all concerned to ensure that timescales which are specified within these Rules are adhered to. On occasion, and for good reason, it may not be possible for either the CWC, the Discipline Committee or Appeal Committee to adhere to a particular deadline. This will not render any process under these Rules void. The Committee concerned will write to the Complainant and Respondent accordingly, giving notice of any new date, which so far as is practicable, should be agreed between the Parties. With good reason, either the Respondent or the Complainant may seek a change of date of hearing, but proof of their inability to attend a hearing arranged must be provided. All reference to days in these Rules shall be reference to normal working days.

107. Conduct

The CWC, the Discipline Committee and the Appeal Committee may take into account the conduct of either the Respondent or the Complainant in determining any penalty to be imposed, once a decision is reached. All Parties are expected to act within the meaning and spirit of these Rules, cooperate accordingly and to afford appropriate dignity and respect for any person involved in a process under these Rules, including members of a Committee, witnesses or parties to the complaint. Failure to do so may be considered a breach of these Rules and/or taken into account when determining any penalty to be imposed when a decision is reached.

108. Confidentiality

All reasonable endeavours will be made by the ACL Officer, CWC, the Discipline Committee and the Appeal Committee (and any other person on behalf of the University who may receive information in respect to any complaint under these Rules) to maintain confidentiality. It will be incumbent upon the Respondent, Complainant and any Witnesses also to maintain confidentiality. However, there may be a duty or an obligation upon the University to make a disclosure of a complaint or decision of a Committee.

109. Anonymous Complaints

It is recognized that making a complaint under these Rules may be personally difficult for a Complainant. To ensure fairness to a Respondent and to ensure due process, the ACL Officer, CWC and the Discipline Committee will be reluctant to accept anonymous complaints. Investigations into anonymous complaints are often limited, inconclusive and may be unfair to the person against whom an anonymous complaint is made. It shall be at the discretion of either CWC or the Discipline Committee to determine whether an anonymous complaint should be investigated or not.

110. Vexatious/Malicious Complaints.

It is recognised that to be named as a Respondent is also personally difficult. Therefore, all complaints must be made in good faith. Every opportunity should be taken to resolve issues informally and through mediation. Should it be determined by the CWC or any other determining body or investigation that a Complaint, is on the balance of probability, vexatious or malicious the matter may be referred to the Discipline Committee for further consideration. A Complaint which is determined to be vexatious or malicious will be regarded as a serious breach of these Rules.

111. Legal Representation on behalf of Respondent or Complainant

The role of the CWC is to deal with less serious complaints and to encourage resolution, either through mediation, or otherwise. In the circumstances neither the Respondent nor the Complainant are entitled to be legally represented at any Hearing. The participants may bring someone for support purposes only.

The Discipline Committee will deal with more serious complaints made under these Rules. Nevertheless, part of its role is also to encourage resolution, where possible through mediation. A Respondent may request, in advance of a hearing of the Discipline Committee or of the Appeal Committee, that the relevant Committee permit the Respondent to have legal representation present. The relevant Committee will consider such a request on merit.

112. Mediation

Often less serious issues which have arisen between fellow Students can be resolved at Department/School level and do not require the involvement of the various committees set out in these Rules. If the matter falls under these Rules, then where appropriate, the parties will be encouraged to refer the matter to internal mediation as a means of resolving a Complaint or allegations of breach of these Rules.

In certain circumstances however, mediation may not be relevant or appropriate. This will be for either the CWC or the Discipline Committee to determine, as appropriate.

When the matter is before the Discipline Committee for consideration, the Discipline Committee may recommend that external mediation be appropriate as a means of resolution.

The University has a separate guide entitled "Mediation" which is appended to these Rules (Appendix 1).

It must be emphasised that mediation can only occur and be effective if all parties are willing to participate.

113. Examination Regulations

The Examination Regulations and Procedures: Handbook for Students sets out the regulations and procedures for examinations, and guidelines as to their implementation for all students. The Section that deals with Breach of these regulations and Procedures defines such breaches and the possible penalties that can arise. The Examination Regulations and Procedures can be found at:

<https://www.ucc.ie/en/exams/procedures-regulations/>

114. Fitness to Practice

Fitness to Practice relates to students undertaking specified programmes that are listed in the full Fitness to Practise Policy at:

<http://www.ucc.ie/en/academicsecretariat/fitnesstopractise/>

115. Fitness to Continue to Study

Fitness to Continue to Study applies to all registered UCC students, except those students who are registered on programmes subject to Fitness to Practise requirements. The Policy can be found at:

<https://www.ucc.ie/en/academicgov/policies/student-policies/#fitness-practise-study>

116. Counter complaint by Respondent

On occasion a Respondent may wish to make a counter complaint against the Complainant. Normally, if the counter complaint is relevant to the original complaint, then this will be treated as part of the same process as the original complaint, albeit with some adjustment to the timescales to enable the Complainant to be able to respond. This shall be at the discretion of the CWC or Discipline Committee as appropriate. Should the CWC or Discipline Committee decide not to treat the counter complaint as part of the same process as the original complaint, then the counter complaint by the Respondent will be treated as a separate complaint under these Rules. When a counter complaint is made, for the purposes of these Rules, then in respect of the counter complaint the Respondent shall be the Complainant and the Complainant shall be the Respondent.

117. Placements/Exchanges

Should a student participate in a placement or exchange as part of their programme of study or elect to take part in a student exchange, then the student should be aware that the host organization will normally have in place its own rules of conduct and behaviour.

It will always be the case that the rules of conduct and behaviour of a host organisation will take precedence over these Rules. As such, an alleged infringement of the rules of conduct and behaviour of the host organization by a Student will be considered by the host organisation.

Where however, a host organization considers that a particular matter would be more appropriately dealt with by the University, for instance where it considers that it has insufficient power to hear a serious matter or where a Student is due to complete a placement or exchange and there is insufficient time for the host organization to process the matter under its rules, then the matter may be referred to either the CWC or the Discipline Committee.

If the University is the host organization and the Student is a student of a partner organisation then these Student Rules will apply to the student as if they were enrolled as a student of the University.

118. Payment of Fines

Fines imposed by the CWC or by the Discipline Committee shall be paid to the University Bursar within 15 days of the issue of notification of the imposition.

In exceptional circumstances an extension of the time limit may be allowed by either the Chairperson of the CWC or the Chairperson of the Discipline Committee as the case may be.

Where a Student fails, without good reason, to pay any fine imposed by either the CWC or the Discipline Committee under these Rules, the Deputy President & Registrar may decide to withhold any examination results or certificate of attendance until the fine imposed is paid in full. Good reason will include notification to the Deputy President & Registrar of an appeal made against the Decision of either the CWC or the Discipline Committee under these Rules.

Fines shall be credited to a charitable fund as may be determined by the University.

119. Interpretation and Review

These Rules shall be interpreted in such a manner to give a purposeful interpretation/meaning. The Rules have been written in plain language in order to enable ease of use. In the first instance, matters of interpretation shall be determined by the relevant committee under these Rules.

For example, where a reference is made to a Chairperson of any Committee, then in his/her absence the relevant Deputy Chairperson shall be entitled to exercise all the powers of the absent Chairperson under these Rules. In a similar way, where the Deputy President & Registrar is absent, then his/her deputy shall be entitled to exercise all the powers of the absent Deputy President & Registrar under these Rules.

The Rules shall be reviewed by Academic Council on a regular basis.

Reviewed and approved by Academic Council 25/06/21

APPENDIX 1: MEDIATION

Mediation is a **process** in which two or more people involved in a dispute meet and with the help of a **neutral third party**, work out a solution to their problem

- Both sides describe the dispute from their point of view and in their own terms
- Both sides explain how they think the matter can be resolved.
- The mediator helps focus attention on relevant issues and helps the parties identify a workable solution.

Why use mediation?

Power remains with the parties.

- It reduces a deterioration in relationships
- It is effective
- It is private
- It is 'without prejudice'

Mediation is a **facilitative** process.

It is **non-judicial**.

No **assessment** or **recommendation**

No **finding**

No **advice**

Benefits of Mediation

- The process is neutral and the mediator is impartial
- Unlike a judgment format, it empowers parties to find the solution to their difficulties
- It uses various techniques to separate the issues from the personalities involved and brings a new and incisive awareness of other perspectives.
- Solutions found in this manner, because they are owned by individuals, tend to be more stable and longer lasting.
- It is confidential. All parties sign a confidentiality agreement. Information disclosed during mediation **will not be revealed to anyone**.

- Lengthy litigation can be avoided.
- It can save time and money.

Important points to note in UCC

- Mediation requires agreement from both parties to partake in mediation.
- It is not suitable for clear discipline issues;
- It must be opted into by both parties;
- Proceedings can be halted at any stage by either party

Depending on the level or stage to which an issue has progressed the Campus Watch Committee or the Discipline Committee will decide when mediation should be offered.

Record Keeping associated with Mediation within CWC

- Records will be maintained by the Mediator during the mediation process
- The formal Record of mediation will be brief and contain the following: referral date, meeting dates, note to identify whether an agreement has been put in place
- These records will be sent in a sealed envelope to the Accommodation and Student Activities Office where they will be stored in a secure place.

Appendix 2: Disciplinary procedure

