

STUDENT RULES: UNIVERSITY COLLEGE CORK

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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.
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 a Respondent to a complaint, a Complainant or a Witness.
4. The Discipline Committee and Campus Watch administer the Student Rules under delegated authority of the Academic Council.
5. The Rules describe the standards of conduct expected from our Students. Less serious alleged breaches of the Rules are considered by the Campus Watch Committee (see Section C below). More serious alleged breaches of the Rules are considered by the Discipline Committee (see Section E below). In exceptional and very serious circumstances a temporary power to suspend may be invoked (see Section D below). The Rules encourage, where appropriate, resolution of any complaint through the use of mediation (see Sections C, E and G below and **Appendix 1**). The Rules also provide for appeals (see Section F below).
6. Students should be aware that they are subject to and may take advantage of the University's Whistleblowing Policy, and are bound by the Examination regulations and Procedures and that breaches of these may also lead to sanctions.
7. Should you require any clarification and/or guidance in respect to these Rules, please read the Clarification and Guidance as set out in Section G below. You are encouraged to make use of the Student Services available to you.

8. A schematic of the Disciplinary Procedure is set out in **Appendix 2**

B. STANDARDS OF CONDUCT

1. The University requires its Students to conduct themselves in an appropriate and reasonable manner at all times to ensure:
 - 1.1 Dignity, honesty and integrity;
 - 1.2 Respect for all members of Staff;
 - 1.3 Respect for fellow Students;
 - 1.4 Respect for and adherence to the Rules, Regulations and Policies of the University;
 - 1.5 Compliance with the academic processes of the University;
 - 1.6 That the University is not brought into disrepute;
 - 1.7 Respect for local residents and other members of the general public
 - 1.8 That the views, values and beliefs of others are respected;
 - 1.9 That no damage or injury is caused to any person or property;
 - 1.10 That the University community is free from intimidation and discrimination.
2. Any Student who acts contrary to the standards of conduct set out in paragraph 1 above shall be in breach of these Rules.
3. The standards of conduct outlined in paragraph 1 above apply whether a Student is on or off campus, and whether engaged in a placement or study abroad.
4. Section G. 2. 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.
5. Students first registered on a number of professionally accredited degree programmes as from 2014/15 academic year will be subject to the University's *Fitness to Practice* policy. Please see the Clarification and Guidance as set out in Section G below.
6. As from the 2014/15 academic year, all registered students (with the exception of those governed by the Fitness to Practice Policy) will be subject to the university *Fitness to*

Continue to Study policy. Please see the Clarification and Guidance as set out in Section G below.

C. CAMPUS WATCH COMMITTEE (CWC)

CWC Role

1. CWC has a general role to promote the welfare of the members of the University community.
2. CWC has a formal role to receive and act upon complaints of alleged breaches of these Rules which are referred to it, whether by a Student, a member of staff or any other person or body (including the Discipline Committee), whether internal or external to the University.
3. CWC, in exercising its formal role under paragraph 2 above, shall primarily hear less serious complaints of alleged breaches of these Rules and will encourage informal resolution and mediation wherever appropriate.
4. CWC shall comprise the following members:
 - 4.1 The Head of Student Experience (Chairperson)
 - 4.2 Deputy Chairpersons as follows:
 - Student Residential Services and Community Relations Officer;
 - Administrative Officer of the Students' Union;
 - Head of Career Services;
 - Director of Sport and Physical Activity;
 - Director of Information Technology;
 - Admissions Officer;
 - Head of an Access Office;
 - 4.3 General Services Officer;
 - 4.4 Academic member of Law Department nominated by the Head of Law;

- 4.5 2 Students Union Sabbatical Officer nominated by the Student Union President (It should be noted that the same SU Officers cannot sit on the Discipline Committee in relation to any case that is forwarded to Discipline following deliberations within the CWC).

So far as is possible, membership of CWC shall be gender balanced. Secretariat for the CWC will be provided by the Student Experience Office.

5. The quorum for meetings or hearings of CWC shall be 4 (provided that the Chairperson or a Deputy Chairperson, a Head of an Access Office and 1 students union member is present). In the absence of the Chairperson, a designated Deputy Chairperson shall assume the role of the Chairperson for a meeting for the purposes of CWC Stage 1 and/or CWC Stage 2 below.

Receipt of Complaint by the CWC

6. The Chairperson shall upon the receipt of a complaint of an alleged breach of the Rules shall act as follows:
- a. Consider whether the complaint is relevant to these Rules and whether it is within the role of the CWC; and/or
 - b. Consider whether, on the face of the complaint, that the matter should be referred to the Deputy President and Registrar under Section D Temporary Suspension above and refer accordingly; and/or
 - c. Consider whether, on the face of the complaint a criminal offence may have been committed, the matter should be referred to the Gardai so as not to prejudice any Garda investigation and refer accordingly; and/or
 - d. Consider whether the complaint is of a potentially serious nature and should be more properly considered by Discipline Committee and refer accordingly.
7. In exercising his/her power under paragraph 6, the Chairperson may consult with other members of the CWC and take such advice as deemed to be appropriate.

CWC Stage 1 – Informal Resolution Procedures

8. The Chairperson may, at its discretion, elect to hold a meeting with the Respondent to discuss an informal resolution of the complaint with the Respondent. Following this meeting, the Chairperson may determine an informal resolution of the matter is appropriate (e.g. where Respondent accepts responsibility for his/her behaviour) and the CWC shall not consider the matter further. If, in the opinion of the Chairperson, an informal resolution is not appropriate (e.g. due to the nature of the complaint) and/or possible (e.g. Respondent is not amenable to it), the Chairperson may decide to convene the CWC to hear the complaint under the CWC Stage 2 Procedure as set out below.

9. Where a complaint has arisen that is amenable to mediation, the Chairperson shall encourage the Complainant and the Respondent to engage in mediation, Section G (9) and Appendix 1. Where there is agreement to mediation, the Chairperson will nominate a facilitator to coordinate and arrange an agreed internal mediation between the Parties through the Student Mediation Service. The Chairperson should set an agreed timeframe to enable this process to be reasonably exhausted. Once the mediation has been completed, the internal mediator shall notify the Chairperson whether or not a resolution has been achieved. The mediation will be confidential to those persons involved and will be without prejudice to any subsequent hearing in the event that the mediation is unsuccessful. Normally, where mediation has been successful the CWC shall not consider the matter further. Where mediation has been unsuccessful the CWC may investigate the complaint.

10. Where a complaint is not resolved pursuant to Section C paragraphs 8 and/or 9 above, and the Chairperson decides it to be appropriate, the Chairperson may elect to refer the complaint to the Respondent's academic unit or, where the Complainant is a member of staff of the Respondent's academic unit, their Head of College and the Academic Secretary. The relevant academic unit or Head of College and Academic Secretary (as appropriate) shall meet with the Respondent and/or make such enquiries as they think fit before: (a) reporting back to Chairperson that an informal resolution has been reached between the Complainant and Respondent so no further action is required; or (b) referring the complaint back to Chairperson for further consideration.

CWC Stage 2 Formal Resolution Procedure

11. Where a complaint is not resolved, or deemed not appropriate to be resolved, pursuant to the Stage 1 Informal Resolution Procedures as set out above, the CWC shall convene a Hearing. A Notice convening the Hearing shall be served on the Respondent electronically by e-mail where possible and posted to the Respondent's last known place of address according to the records of the University. When the Notice is posted the Respondent will be deemed to have received the Notice on the date on which it would have been delivered in the ordinary course of the post. The Notice shall also be posted to the Complainant in the same manner.

The Notice given to the Respondent and the Complainant shall:

- 12.1 Describe the nature of the complaint, give the date, time and place for the hearing which shall not, except in exceptional circumstances, be earlier than 3 days or more than 30 days from the date of the issue of the Notice;
- 12.2 State that the Respondent and Complainant may be accompanied, for example, by a fellow Student, SU rep or a member of staff. Neither the Respondent nor the Complainant shall be accompanied by a legal representative.
- 12.3 Refer to the Rules alleged to have been infringed.
- 12.4 Advise the Respondent and the Complainant that if he/she requires additional time, the CWC shall have discretion to grant such additional time as appears to it to be reasonable in all the circumstances.
- 12.5 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 the Parties may question all Witnesses, but that a Witness cannot be compelled to answer any question.
- 12.6 Advise the Respondent and Complainant that it is their responsibility to arrange for the presence of any Witnesses and the submission of any Witness

statements in support and that the CWC may also request the attendance of any Witnesses.

- 12.7 Set a date by which the Respondent and Complainant must reply to the Notice.

Hearing

12. The CWC 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 the Rules and any Witness statements.
13. 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.
14. At the Hearing, if a complaint is denied in whole or in part by the Respondent, unless CWC permits otherwise (a) the Complainant shall first present their case. (b) The Respondent shall then present their case; and (c). both parties shall be entitled to: (i) call any Witness or produce any document which he/she considers relevant to his/her case; (ii) question any witness. The CWC may call any Witnesses to the Hearing that it considers appropriate.
15. 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.
16. In the course of a Hearing or during any related investigations all persons shall be expected to cooperate with any reasonable guidance or request by the CWC.
17. Any Witness who knowingly gives false information may be deemed to be in breach of these Rules.

18. The CWC shall be entitled to seek such advice as it deems appropriate.

Decision

19. 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.

20. All decisions of the CWC will be determined upon a show of hands, and decisions will require a majority of those present and being entitled to vote.

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

22. 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

23. 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: -

24.1 An order for the reparation of any damage or loss caused;

24.2 A reprimand/warning;

24.3 A fine or charitable contribution not exceeding €1,000;

24.4 Voluntary work as the CWC shall deem appropriate.

24. The CWC may, at its discretion, elect to defer 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. Should the CWC elect to defer the implementation of any penalty, then it may set 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.

25. In order to identify patterns of disruptive and threatening behavior, the CWC may also keep records of incidents of such behavior for the duration of the student's registration at UCC but not beyond and may 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 from CWC Decision

26. Both the Respondent and the Complainant shall have the right to appeal a Decision of the CWC.

27. Such an Appeal must be in writing and lodged with the Deputy President and Registrar within 10 days from the date of the posting of the CWC's notification of its Decision to the Respondent and Complainant. The Appeal must state in sufficient detail the grounds for Appeal.

28. The appeals process and the role of the Appeal Committee are set out below under Section F.

D. TEMPORARY SUSPENSION

1. Where it appears in the opinion of the Deputy President and Registrar that a potentially serious infringement of these Rules may have occurred, then he/she, having sought such advice as he/she deems appropriate, shall be entitled to suspend a student on the following basis:

1.1 That suspension is temporary and necessary to protect the University community and that on balance, the Deputy President and Registrar is of a view that the duty of care owed to others is overriding in the particular circumstances.

1.2 That suspension may be verbal and shall take effect as the Deputy President and Registrar deems appropriate and shall be confirmed in writing as soon as is practicable.

1.3 That any such suspension is reported to the next scheduled meeting of Academic Board by the Deputy President and Registrar and is reviewed by

him/her, in consultation as may be appropriate, on a regular basis thereafter. The Deputy President and Registrar will update Academic Board at its scheduled meetings for the duration of the Temporary Suspension.

- 1.4 That suspension shall not be regarded as an indication as to whether or not the complaint is proven.
 - 1.5 That suspension may be limited to certain premises or University activities or modules of study.
 - 1.6 That every reasonable effort is 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 mental health (Section D 1.8), continuation of support for the Student's academic studies during the Temporary Suspension may not be possible.
 - 1.7 That suspension shall be for no longer than the time necessary for the Discipline Committee to have been convened, heard and decided on the matter or for an Appeal to have been heard and decided upon.
 - 1.8 In cases of suspension due to mental health issues, the suspension may be for a longer period and in such cases should be reviewed by the Deputy President and Registrar and reported to Academic Board at each scheduled meeting of the Academic Board while the suspension remains in place.
 - 1.9 That this power shall be exercised with caution and with due regard to natural justice and fair procedures.
 - 2.0 That the Deputy President and Registrar shall be accountable to the Academic Council in respect to the exercise of his/her power of suspension.
2. Where the Deputy President and Registrar exercises the power of suspension under paragraph 1 above, he/she 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 from the date of the suspension.

E. DISCIPLINE PANEL AND COMMITTEE

29. A Discipline Panel shall be elected at Academic Council at least every three years, save that the Executive Committee of the Student Union shall be entitled to make nominations under paragraph 2.2 below on an annual basis. As far as possible, retirement from the Panel should be by rotation to ensure continuity of experience.

30. The Panel shall comprise the following:

- 2.1 5 nominations of Academic Council including a Chairperson and Deputy Chairperson as nominated under paragraph E.5 below.
- 2.2 3 nominations of the Executive Committee of the Students Union.
- 2.3 1 nomination of Deputy President and Registrar.
- 2.4 1 nomination of Director of Buildings & Estates.
- 2.5 1 nomination of the Corporate Secretary.

31. When a Discipline Committee meeting is called by the Chairperson (or in their absence by the Deputy Chairperson) it shall as a minimum comprise the following members drawn from the Discipline Panel:

- a. The Chairperson or Deputy Chairperson, and
- b. At least one member nomination of Academic Council from the Panel and
- c. At least one member nomination of the Executive Committee of the Student Union from the Panel

So far as possible, membership of the Panel and the Discipline Committee shall be gender balanced.

32. The quorum for any meeting of the Discipline Committee will be 3 and the quorum for a Hearing shall be 5. For the avoidance of doubt, a meeting 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).

33. The Executive Committee of the Students Union should be entitled to nominate a Chairperson and Deputy Chairperson of the Discipline Committee from the members of the Panel nominated by Academic Council. So far as is possible, the proposed Chairperson and Deputy Chairperson should have had previous expertise either as members of the CWC or the Discipline Committee. Should the Executive Committee of the Students Union decide not to make such nominations, then the Chairperson of Academic Council shall nominate a Chairperson and Deputy Chairperson from the five nominations under paragraph 2.1 above, subject to ratification at the next scheduled meeting of Academic Council.

Role of the Discipline Committee

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

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

Procedure

36. Complaints of an alleged breach of the Rules being referred to the Discipline Committee should be in writing and shall be referred to the Chairperson of the Discipline Committee in writing, and following such written notification of the Complaint, the Chairperson shall act as follows:

- a. Consider whether, on the face of the complaint, that the matter should be referred to the Deputy President and Registrar under Section D Temporary Suspension above and refer accordingly; and
- b. Consider whether, on the face of the complaint, that the matter should be referred to the Gardai and refer accordingly; and
- c. Consider whether the complaint appears less serious and should be more properly considered by CWC and refer accordingly; and
- d. Where the student is registered for a course of study which is subject to the Fitness to Practise Policy, the Discipline Committee will notify the relevant Head of School of the matter being considered under the Student Rules; Similarly, in

relation to the Fitness to Continue to Study Policy, the Discipline Committee will notify the relevant Head of School of the matter being considered under the Student Rules; and

- e. Convene a meeting of the Discipline Committee taking into account the timescales below.
9. In exercising his/her power under paragraphs 8.1, 8.2 and 8.3, the Chairperson may consult with other members of the Discipline Committee and take such advice as deemed to be appropriate.
 10. Once a meeting is convened, the Discipline Committee will first determine whether it considers that the complaint received is within its powers and whether it is relevant to these Rules. The Discipline Committee may take the steps set out in paragraphs 8.1, 8.2, 8.3 above. Where a referral under paragraph 8.2 has been made, guidance from the Gardai shall be sought so as not to prejudice any Gardai investigation. Where appropriate, the Discipline Committee may also decide (a) the issues arising under the complaint fall under and should be dealt with under Section E paragraphs 26-31 (Discipline and Mental Health); (b) to initiate a mediation process as described in paragraphs 14-17 and/or (c) to suspend or adjourn a Hearing, having regard to any criminal or civil proceedings arising out of the matter which is the subject matter of the complaint, until any action(s) consequent on those proceedings are complete .
 11. Where the Discipline Committee decides that it should proceed to consider the complaint, it shall write to the Complainant and Respondent accordingly and set out the process to be followed, including relevant timescales.

Notice

12. If the Discipline Committee should decide it to be 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 served on the Respondent electronically (by e-mail) where possible and posted to the Respondent's last known place of address according to the records of the University. When the Notice is posted the Respondent will be deemed to

have received the Notice on the date on which it would have been delivered in the ordinary course of the post. The Notice shall also be provided to the Complainant in the same manner.

13. The Notice given to the Respondent and Complainant shall:

13.1 Include a copy of the Rules, the complaint, give the date, time and place 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;

13.2 State that the Respondent and Complainant may be accompanied, 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.

13.3 Refer to the Rules alleged to have been infringed.

13.4 Advise the Respondent and the Complainant that if he/she requires additional time, the Discipline Committee shall have discretion to grant such additional time as appears to it to be reasonable in all the circumstances.

13.5 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. 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.

13.6 Advise the Respondent and Complainant that they may call Witnesses and that the Parties may question all Witnesses, but that a Witness cannot be compelled to answer any question.

13.7 Advise the Respondent and Complainant that it is their responsibility to arrange for the presence of any Witnesses and the submission of any Witness

statements in support, and the Discipline Committee may also request the attendance of any Witnesses.

- 13.8 Advise the Respondent how to proceed where he/she seeks to make a relevant counter complaint.
- 13.9 Set a date by which the Respondent and Complainant must reply to the Notice

Mediation

14. Where appropriate, the Discipline Committee shall encourage the Complainant and the Respondent to engage in mediation as set out in Section G (9) below.
15. When there is agreement to mediation, the Discipline Committee will nominate a facilitator to coordinate and arrange an agreed external mediation between the Parties. The Discipline Committee will set an agreed timeframe to enable this process to be reasonably exhausted. The mediator shall notify the Discipline Committee 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.
16. Normally, where mediation has been successful the Discipline Committee shall not consider the matter further.
17. Where mediation has been unsuccessful the Discipline Committee may investigate the complaint.

Hearing

18. 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. In reaching such a decision the Discipline Committee shall take into account the response(s) received to the Notice, as referred to in paragraph 13.5 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.
19. 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. (see above, 18)

20. 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.
21. 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.
22. 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 that on balance that these Rules have been breached by the Respondent, it may so inform the Respondent. Thereafter the Discipline Committee may draw such inference as it thinks reasonable from the absence of any such explanation by the Respondent.
23. 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.
24. Any Witness, Complainant or Respondent who knowingly gives false information may be deemed to be in breach of these Rules.
25. The Discipline Committee shall be entitled to seek such advice as it deems appropriate.

Discipline and Mental Health

26. Formal Disciplinary procedure will continue to 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
27. At any stage of disciplinary proceedings, if the Discipline Committee is of the view that there may be Mental Health issues which should be considered or in the event of a student

seeking leniency/clemency or pleading mitigating factors due to mental health issues, advice will be sought from the Head of the Student Health Service of UCC and if appropriate an opinion will be obtained from a medical professional nominated by the Head of the Student Health Service. 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 to provide necessary information will result in progression of the Disciplinary Process in the normal way.

28. 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 is patently ill, 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 Registrar, the Discipline Committee may make a recommendation to him/her in relation to the suspension of the student, which shall be considered by the Deputy President and Registrar in accordance this clause and with Section D of the Student Rules.
29. 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.
30. 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

31. So far as is possible, the Discipline Committee will make findings of fact and may draw inferences from such findings and determine the matter accordingly, on the balance of probabilities.

32. All decisions of the Discipline Committee will be determined upon a show of hands, and decisions will require a majority of at least two-thirds of those present (rounded up to the nearest whole number) and being entitled to vote.
33. 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:
- 33.1 A fine (not exceeding €5,000).
 - 33.2 Removal of library and/or computer facilities for such period of time as the Discipline Committee shall determine.
 - 33.3 Prohibition from access to the campus for such period of time as the Discipline Committee shall determine.
 - 33.4 Withholding of an award of examination results.
 - 33.5 Suspension from the University for such period of time as the Discipline Committee shall determine.
 - 33.6 Debarring from examinations.
 - 33.7 Expulsion from the University.
 - 33.8 Other forms of penalty as the Committee considers fit in all the circumstances.

The Penalties provided for in 34.5, 34.6 and 34.7 above shall only be imposed in circumstances where such a penalty has been approved by the Academic Council.

34. The Discipline Committee may at its discretion elect to defer 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. Should the Discipline Committee elect to defer the implementation of any penalty, then it may set 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.
35. In respect to any Decision, 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 and Registrar accordingly. The Student Records & Examinations Office shall maintain a record of such sanction/penalty for such period as decided by the Discipline Committee.

36. Nothing contained in paragraph 36 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 and that body requires such information as part of the qualification process.
37. 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.
38. In respect of students subject to the Fitness to Continue to Study Policy, the Discipline Committee may decide to refer the outcome of a disciplinary process to the relevant Head of School for consideration under the Policy due to serious fitness to study 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.
39. The decision of the Discipline Committee shall be communicated as soon as practicable in writing to the Respondent.
40. The decision of the Discipline Committee shall set out the penalty and right of appeal available.

F APPEAL TO APPEAL COMMITTEE OF ACADEMIC COUNCIL

1. The Academic Council shall establish an Appeal Committee to consider any appeals arising from a decision of the CWC or Discipline Committee.
2. The Appeal Committee shall comprise of 5 members of Academic Council, one of whom shall be a member of the Students Union.
3. A quorum of the Appeal Committee for any meeting or hearing shall be 3 members.
4. The Appeal Committee shall hold office for a period of 3 years.
5. No member of the CWC or the Discipline Panel shall be a member of the Appeal Committee.
6. 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.
7. 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.
8. Such an Appeal must be in writing and lodged with the Academic Secretary within 10 days of the Decision of the CWC or the Discipline Committee.
9. 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 D, Temporary Suspension in cases of serious breaches of the Rules (see Section D 1.7).
10. 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 any submission tendered at the hearing, the findings of CWC or Discipline Committee and any penalty imposed on the Respondent. 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.

11. 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.
12. The Appeal Committee shall have the power, should it see fit, to hold a fresh hearing into the matter.
13. 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.
14. 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.
15. 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.

G. CLARIFICATION AND GUIDANCE

1. 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. A complaint can be verbal or written. 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. Where the initial complaint is verbal, the Complainant shall confirm the complaint in writing as soon as practicable.

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

2. Examples of Breaches of the Rules

Paragraph 1 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. Conduct which disrupts or is likely to disrupt teaching, research, study, examinations, or the administration of the University;

- vii. Inappropriate use or abuse of social networks/internet/e-mail/IT resources;
- viii. Anti-social behaviour;
- ix. Littering;
- x. Non-payment of library fine.

3. 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.

4. 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.

5. Confidentiality

All reasonable endeavours will be made by 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.

6. 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, both the CWC and the Discipline Committee will be reluctant to accept anonymous complaints. Investigations into anonymous complaints are often limited, inconclusive and may be unfair against 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.

Whistleblowing Policy

Students should be aware that they are subject to, and may take advantage of, the University's Whistleblowing Policy, the purpose of which is to encourage employees, students or any person who worked or has worked under a contract with the University to make a Relevant Disclosure (as defined therein) of which they become aware and to provide protection for the person making the disclosure. Full details of the University's Whistleblowing Policy may be found at

<https://www.ucc.ie/en/media/support/ocla/policies/WhistleblowingGBApproved.pdf>

7. Vexatious/Malicious Complaints.

It is recognized 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 that a complaint may be vexatious or malicious the matter may be referred to the Discipline Committee for investigation. A complaint which is determined to be vexatious or malicious will be regarded as a serious breach of these Rules.

8. 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. The CWC will not permit either the Respondent or Complainant to be legally represented at any Hearing.

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 the hearing, that the Discipline Committee permit the Respondent to have legal representation present. The Discipline Committee will consider such a request on merit.

9. Mediation

Often less serious issues which have arisen between fellow Students can be resolved at Departmental level and do not require the involvement of the CWC. If the matter falls under these Rules, then where appropriate, the CWC will encourage reference to internal mediation through the Student Mediation Service 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 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 guidance 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.

10. Examination Regulations

The Examination Regulations and Procedures: Handbook for Students provides for the regulations and procedures for examinations and guidelines 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/>

11. 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/>

12. Fitness to Continue to Study

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

<https://www.ucc.ie/en/academicsecretariat/fitnesstocontinueinstudy/>

13. 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 to the counter complaint the Respondent shall be the Complainant and the Complainant shall be the Respondent.

14. 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. The student may also be required to sign a form of agreement.

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.

15. 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, then the Deputy President and 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 and 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.

16. 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 14 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 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 14 below. You will be expected to adhere to 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 14 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 require 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.

17. 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/>

<http://www.collegeroad.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.

Interpretation and Review

These Rules shall be interpreted in such a manner to give a purposeful interpretation. 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 and Registrar is absent, then his/her deputy shall be entitled to exercise all the powers of the absent Registrar and Senior Vice President Academic under these Rules.

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

Reviewed and approved by Academic Council 19 January 2018

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

