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<b>Approval Body:</b>	Academic Council

## 1. Introduction

- 1.1 The primary objectives of the University are the dissemination and advancement of knowledge and understanding through teaching, research, study and rational discussion.
- 1.2 Any student who registers for any course in the University in doing so accepts the objectives of the University and is giving a commitment, as a responsible individual and as a member of the University community, to behave in an appropriate manner.
- 1.3 The Student Code of Conduct offers guidelines as to the norms of behaviour that accord with the obligations of students. More specific guidance as to the Universities requirements of students are from time to time set out in other student policies, which are available on the University's web site. It should be noted that students of the University cannot claim any privileged position in regard to the general law of the land.
- 1.4 Breaches of this Code and of any University regulations make students liable to the imposition of sanctions.

## 2. Broad Principles

- 2.1 In the broadest terms the University expects students to behave in a manner which ensures that the University can meet its legal, statutory and contractual obligations, that all students and staff are treated with dignity and respect, that all University property and facilities are used appropriately and that students uphold the good name of the University in their actions both on and off campus. The University will have due regard to a student's right to freedom of speech within the law and to the relevant University policies.

### 2.2 *Rights and obligations of staff, students and others*

- 2.2.1 Every student and staff member has the right to be treated with dignity and respect.
- 2.2.2 Students are expected to acknowledge the authority of the staff of the University, both academic and support staff, in the performance of their duties.

### 2.3 *General*

- 2.3.1 Every student is required to behave in a manner which enables and encourages participation in the educational activities of the University and does not disrupt the functioning of the University.
- 2.3.2 The maintenance of the good name of the University is in the interests of all of the University community and, as the standing of the University depends largely on those who represent it, it is the duty of its students at all times to behave, both inside and outside of the University, in a way which does not bring discredit to the University. For the avoidance of doubt, this

Code applies to both offline and online behaviour.

2.3.3 This Student Code of Conduct does not purport to contain all of the regulations and policies of the University. Where such regulations and policies are made, information as to their content will be publicised and made available to the student body by posting them on the University website. It is incumbent on students to ensure they are familiar with the regulations and policies applicable at any given time. Regulations and policies are currently in place covering, amongst other matters, the following:

- Enrolment and re-enrolment
- Admission to Courses and Examinations
- Procedures for the checking and appeal of examination results
- Plagiarism
- Use of various University facilities
- Establishment and Financial Management of Clubs and Societies by Students
- Bullying
- Harassment and Sexual Harassment
- Discrimination
- Fitness to Study
- Fitness to Practice
- Research Integrity
- The Student Complaints policy

2.3.4 The observance of the Code, so far as it applies to the individual student, is their own personal responsibility and, so far as it applies to recognised groups, is the responsibility of their duly appointed officers. Claims of ignorance of the provisions of this Code or other University policies shall not be entertained as part of any investigatory or disciplinary process.

2.3.5 Breach of any of the regulations of the University will be dealt with either under the appropriate approved University procedure or the Disciplinary Procedure as laid out in Sections 7 to 8 below. Every student is required to cooperate with the disciplinary procedures outlined below. Failure to cooperate or failure to pay a fine or comply with a disciplinary sanction imposed for a breach of discipline (subject to any right of appeal applicable) is considered a breach of this Student Code of Conduct.

#### *2.4 Conduct relating to Academic Courses*

2.4.1 Every student is expected to approach their academic endeavours with honesty and integrity.

2.4.2 Each student shall comply with their academic programme requirements in terms of lectures, practicals, research, assignments and assessments and with all University registration, fee, library, conduct of research, use of computer facilities and examination regulations associated therewith.

2.4.3 Without prejudice to the generality of the requirements set out in clause 2.4.2 above, students shall attend regularly and punctually the lectures and classes of the courses of study for which they are registered and to which they have been assigned.

2.4.4 Where students are involved in the conduct of research, students shall act always with the utmost diligence and integrity. Students shall have regard to, and uphold, in their activities any regulations set out by the University as to conduct of research.

2.4.5 No student shall provide false or misleading information to or withhold relevant information from any party regarding their academic achievements.

## *2.5 Conduct relating to Work Practice, Clinical and Other University Related Placements*

- 2.5.1 Students are to be aware that the principles of the Student Code of Conduct continue to apply when involved in any work experience or training programme which involves the student working, collaborating, or otherwise being placed with any third party organisation outside of the University.
- 2.5.2 While on placement, students shall conduct themselves in a professional manner, and shall not bring the University or the third party organisation into disrepute.
- 2.5.3 Students shall comply with all reasonable and lawful instructions of their supervisors, and should acquaint themselves with and adhere to any codes of conduct or internal regulations of the organisation with which they are placed.
- 2.5.4 Without prejudice to the right of any third party organisation to enforce their own procedures or policies, the University reserves the right to investigate any complaint made against a student arising from their conduct on placement.

## *2.6 Use of Buildings, Facilities and Equipment*

- 2.6.1 Every student is expected to treat with respect the property, equipment and facilities of the University.

## **3. Specific Examples of Breaches of the Student Code of Conduct**

- 3.1 Without prejudice to the generality of the above the following identifies some specific examples of breaches of this Code:
  - 3.1.1 Obstruction of members of the University staff, agents of the University or other students in the performance of their duties.
  - 3.1.2 Obstruction of any other student in the normal pursuit of their course of study.
  - 3.1.3 Any violence or threats of violence or any abuse, either physical or verbal.
  - 3.1.4 Any bullying or harassment or any discrimination on the grounds of gender, marital status, family status, sexual orientation, religious belief, age, disability, race, colour, nationality or ethnic or national origin, membership of the travelling community or perceived political belief or affiliation.
  - 3.1.5 Any behaviour that endangers the welfare of the individual or others.

Exceptionally, for Academic Year 2020-21, in the context of the COVID-19 public health emergency, the following are examples of such behaviour which represent a breach of the Code of Conduct:

- Failure to wear a face covering in all indoor or other settings while on University campus and premises and/or other Public Health measures where required, as guided by National Public Health Guidelines.
- Failure to self-isolate; at symptom onset of COVID-19 and/or waiting to be tested for COVID-19 and/or have been tested and are positive for COVID-19 and/or are a close contact of a confirmed case of COVID-19, thereby endangering the welfare of the individual or others.
- Participation in the congregation of numbers of people, that, is directly in breach of University procedure as guided by of Public Health Guidelines.

- 3.1.6 Making derogatory comments or allegations against a member of staff or other student either in person or utilising electronic media or communication platforms of any kind.
- 3.1.7 Cheating, plagiarism (including self-plagiarism)<sup>1</sup>, and circumstances where a student submits the work of another as their own or allows another person to undertake an assessment or assignment for him/her.
- 3.1.8 Providing false or misleading information or documentation to, or withholding relevant information from, the University or a third party with the intent to gain, or with the effect that a student gains, an unfair academic advantage or other academic benefit or service.
- 3.1.9 Providing false academic or professional references or making false claims about academic or professional achievements to the University or a third party for whatever reason.
- 3.1.10 Falsification or misuse of University records or documents.
- 3.1.11 Personation of others, within or outside the University, in connection with academic attainments or awards.
- 3.1.12 Failure, without reasonable explanation, to carry out all or any of the following to the satisfaction of the Academic Council: attend lectures; attend prescribed practical classes, or laboratory, drawing-office or clinical sessions; attend tutorial classes; meet requirements (including submission requirements) laid down for project-work or conduct of research, essay- writing, or any other prescribed course exercise.
- 3.1.13 Conduct likely to disrupt teaching, examinations, study, research, or administration of the University.
- 3.1.14 Failure to abide by the regulations governing enrolment on the academic programme, attendance at lectures and other prescribed exercises and the conduct of examinations.
- 3.1.15 Failure to abide by regulations governing the use of the Library.
- 3.1.16 Failure to abide by the regulations governing the use of I.T facilities.
- 3.1.17 Refusal to produce a Student Identity Card when requested to do so by a University staff member who shall identify themselves. Every student is issued with a Student Identity Card at Registration which they must carry while on University premises. A student may be required to show a current Card for entry to, or in: Lecture Halls, Laboratories, Computer Suites, the Library, the Restaurant, or in any part of the University premises and grounds. A student must present this Card if so requested by any member of the University's staff. Students are required to show their Student Identity Card at all examinations.
- 3.1.18 Failure to comply with any reasonable oral or written, individual or collective instruction(s) given by any employee or agent of the University in the execution of their duties.
- 3.1.19 Any behaviour that could damage the good name or standing of the University.
- 3.1.20 Abuse of alcohol or other substances on the campus, including contravention of the regulations which may be made from time to time relating to the consumption of alcohol or other substances on the campus.
- 3.1.21 Failure to adhere to the directions of staff with regard to the University's tobacco harm reduction initiatives, or the requirements of the Public Health Tobacco Act 2002 to 2015 (as may be amended).
- 3.1.22 Interference with the University's safety equipment, fire-fighting equipment, security systems or alarm systems.
- 3.1.23 Damage, defacement, theft, misuse or use without authorisation of any equipment or property belonging to the University or any Club or Society or the private property of an individual member of the University community.

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<sup>1</sup> For further details on Plagiarism, please see *Code of Practice for Dealing with Plagiarism*

## 4. The Wider Community

4.1 Any activity, whether taken place on or off University grounds, which adversely affects, or is likely to adversely affect, the reputation of the University, its students or members of staff may, at the discretion and determination of the University, be dealt with under the procedures and policies of this Code. This may include behaviour where students are engaged in field exercises, work experience, placements or assignments organised by the University, or while representing the University or any University Club or Society. As such, the University, at its discretion and determination will deal with complaints brought by members of the public to the University in respect of student behaviour under the procedures set out in this document.

## 5. The Code and Criminal Investigation

5.1 If it appears to the University at any stage that a criminal investigation may be taken into conduct which is or could potentially be the subject of a complaint, or might otherwise fall under the rubric of this or any other student policy, the University retains the discretion to initiate, proceed with or suspend any disciplinary or investigative procedure as it deems appropriate in the circumstances. The University, furthermore, may in such circumstances exclude any student(s) as may be deemed appropriate or necessary. Any such exclusion will be carried out in accordance with the procedure set out at section 8.8 below.

## 6. Disciplinary Authorities

6.1 **Disciplinary Officer:** There shall be a Disciplinary Officer, who shall be the Dean of Students (or designated authority), whose function shall be to deal summarily with breaches of the Code brought before them or to refer the matter to the Discipline Committee of the University for investigation and/or adjudication. References to the Disciplinary Officer in this policy may also refer to their nominee(s) or Assistant Disciplinary Officer(s) where appropriate.

6.2 **Designated Authority:** The Academic Council may appoint a Committee or individual person(s) to deal with aspects of the Code. Such a Committee or individual person(s) shall be the designated authority in respect of such matters.

6.3 **Academic Council Panel:** Academic Council shall nominate for a period of four years a panel of twelve people, ensuring that amongst the membership of the panel there are sufficient members capable of conducting a case through the medium of the Irish language.  
The Registrar & Deputy President shall make nominations from this panel to the Discipline Committee and to the Appeal Board and these nominees will normally hold office for four years. Membership will be changed as often as is reasonably feasible.

6.4 **The Discipline Committee:** There shall be a Discipline Committee whose function shall be to deal with the matters referred to it by the Disciplinary Officer.

6.4.1 The Discipline Committee shall be constituted as follows:

- Chairperson appointed by the President in consultation with the Students' Union.
- Up to four members of the Students' Union, nominated by the Students' Union.
- Four members of staff, one per College, from the panel nominated by the Academic Council.

6.4.2 The Secretary for Governance & Academic Affairs or their nominee will serve as Secretary to the Committee.

6.4.3 A quorum of the Discipline Committee shall consist of the Chair and four members of the Committee.

6.4.4 Training will be provided for the members of the committee on an annual basis.

6.5 **The Appeal Board:** There shall be an Appeal Board whose function shall be to deal with appeals against the findings of the Discipline Committee when the Discipline Committee is not itself acting as a board of appeal.

6.5.1 The Appeal Board shall be constituted as follows:

- Chairperson appointed by the President in consultation with the Students' Union.
- Two members of staff as selected by the Registrar and Deputy President from the panel nominated by the Academic Council (as set out at 6.3 above)
- Two members of the Students' Union, nominated by the Students' Union.
- An external member of Údarás na hOllscoile, appointed by the President.
- The Secretary for Governance & Academic Affairs shall nominate a Secretary to the Board.

6.5.2 A quorum of the Appeal Board shall consist of the Chair, the external member of Údarás na hOllscoile and two other members.

#### *Length of time for holding of position on Discipline Committee and Appeal Board*

6.6 Nominated or appointed members of the Discipline Committee and Appeal Board, other than the members nominated by the Students' Union, shall normally hold such position for four years. Membership will be changed as often as is reasonably feasible. Members nominated by the Students' Union shall hold office for one year, but such members shall not be precluded from reappointment.

#### *Provisions regarding Conflicts of Interest*

6.7.1 The membership of the Discipline Committee and Appeal Board shall be mutually exclusive.

6.7.2 No person who is a Complainant(s)<sup>2</sup> or Respondent(s) in a particular matter will be entitled to act as a member of any of the bodies dealing with matter.

6.7.3 To minimise the risk of any reasonable allegation of bias, no member of any panel or committee shall conduct any independent research into the facts surrounding an allegation (including the background of parties or witnesses). Where this has occurred, or where members have inadvertently or otherwise been exposed to information connected to the proceedings, they shall declare same to the Chair of the Committee or Board as appropriate. The Chair shall decide whether the person is entitled to continue as a member, or whether a replacement is required.

6.7.4 If any member of the Discipline Committee or the Appeal Board other than a Chairperson is found by the Chairperson to be implicated in any aspect of the case under review, the body by which he or she was originally nominated shall nominate *ad hoc* a substitute member with full membership rights for the duration of the case.

6.7.5 If the Chairperson of the Discipline Committee or the Appeal Board is found to be so implicated, a Chairperson will be nominated *ad hoc* by the Registrar & Deputy President from among the members of the Academic Council.

## 7. Assessment and Summary Procedure

### *Assessment by Designated Authorities – General Provisions*

7.1 A Designated Authority is empowered to investigate alleged offences in its appropriate area and to issue findings thereon. Subject to appeal to the Appeal Board, the Authority's findings shall be final. A Designated Authority may refer the alleged offence to the Disciplinary Officer or directly to the Discipline Committee if, in the opinion of the Designated Authority the matter, by reason of its gravity or nature, would be more suitably considered by those other authorities.

### *Assessment by Disciplinary Officer*

- 7.2.1 All formal allegations related to a breach of the Student Code of Conduct shall be laid out in writing using the form in **Appendix 1 (Submission of an allegation related to a breach of the NUI Galway Student Code of Conduct)** and the form shall be submitted to the Disciplinary Officer. The complaint will normally be acknowledged within 5 working days, including an outline of the next steps in the disciplinary process.
- 7.2.2 All complaints made or referred to the Disciplinary Officer are to be dealt with by the Disciplinary Officer in accordance with the procedures set out in this document.
- 7.2.3 Where a complaint is brought to the attention of the Disciplinary Officer, they shall as soon as is practicable conduct an initial assessment of the complaint. This initial assessment may require an interview with the Complainant to ensure clarity as to the allegations made. Both the complainant and respondent will normally be notified of the appropriate next steps within 7 working days of the initial assessment.
- 7.2.4 The Disciplinary Officer may upon initial assessment refer the matter to another body or officer to be dealt with under such other policies and procedures as may be applicable.
- 7.2.5 If the Disciplinary Officer is of the opinion that the complaint or matter put to them is entirely without merit, or otherwise vexatious or frivolous, the Disciplinary Officer shall be entitled to refuse to deal with the matter further.
- 7.2.6 In the case of matters referred under the University's Student Harassment and Sexual Harassment Policy, where, following investigation under the Formal Procedure it is concluded that complaints were made or threatened to be made on a malicious and/or vexatious basis, the complainant's conduct will be investigated under the University's Staff or Student Disciplinary policies and may lead to disciplinary action up to and including summary dismissal/expulsion of the complainant.
- 7.2.7 Where, in the opinion of the Disciplinary Officer or Designated Officer an alleged breach or complaint involves two or more students, such students may be jointly investigated and be processed together under this policy.

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<sup>2</sup>Complainant in this policy shall be interpreted to mean the person who makes the initial complaint/referral, and Respondent as the person about whom the complaint is made.

*Formal Meeting with Disciplinary Officer*

- 7.3.1 Where the Disciplinary Officer is of the opinion, following initial assessment, that they are the appropriate authority to deal with a complaint they will take steps to arrange a Formal Meeting with the Respondent.
- 7.3.2 The purpose of a Formal Meeting is to permit the Disciplinary Officer to consider the case, interact with the Respondent and form an opinion on the seriousness of the case. The process is student-centred and based on natural justice.
- 7.3.3 The Respondent shall be obliged to attend when invited to a Formal Meeting by the Disciplinary Officer. While students' schedules will be respected and accommodated by the Disciplinary Officer as far as is practicable, failure to attend a Formal Meeting following reasonable accommodation by the Officer will constitute an offence under the Code of Conduct, and may result in summary sanction. Such failure may also result in the matter being referred directly to the University Discipline Committee.
- 7.3.4 Details of the Complaint, the Alleged Offence/Breach of the Code, and the Policy or Policies under which the Complaint is being investigated under shall be provided to the Respondent normally 10 days in advance of the Formal Meeting.
- 7.3.5 The notice of the Formal Meeting shall outline to the Respondent that:
- a) In order for the Disciplinary Officer to deal with the complaint, the Respondent must consent to their investigation. Should the Respondent not consent to having the matter dealt with by the Disciplinary Officer, the matter shall be dealt with under Discipline Committee procedures.
  - b) They are being interviewed under the conditions laid out in the NUI Galway Student Code of Conduct, the particular policy under which the complaint is being brought (if any, other than the Student Code of Conduct), and that the Disciplinary Officer is entitled to make both findings and sanctions under the said policies.
  - c) A record of the meeting will be kept for administrative purposes in accordance with the University's data protection and retention policies.
  - d) The student is clearly informed of the supports available to them including in the Students' Union should they wish to discuss the process. The Students Union support shall be the Vice President for Welfare or nominee.
  - e) Students may be accompanied to the meeting by a person of their choice should they wish<sup>3</sup>.
- That there is a mechanism of appeal to the Appeal Board under this Procedure should the Officer wish to conclude the matter summarily.

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<sup>3</sup>This may, for example, be a parent or guardian; a fellow student or other friend; a representative from the Students' Union; or a legal representative, if so desired. Students should note that they must inform the Disciplinary Officer of their intention to attend with legal representation prior to the Meeting.

*At the Formal Meeting:*

- 7.3.6 The Disciplinary Officer shall outline the allegation made against the student (including complaint and evidence) and ask them to accept or reject the accusation, and offer to consider whatever submission the Respondent sees fit to make in regard to the complaint.
- 7.3.7 The Disciplinary Officer may at the conclusion of the Formal Meeting, having regard to all of the circumstances of the matter:
- a) Dismiss the complaint with no further action.
  - b) Decide that further evidence is required for a decision to be made on the matter. Should this be the case, the Disciplinary Officer shall make this known to the Respondent student at the conclusion of the meeting. Upon the conclusion of any further investigations, the Disciplinary Officer shall hold a subsequent Formal Meeting with the Respondent, at which the same principles and procedures will apply.
  - c) Uphold the allegation (in full or in part), and impose one or more of the following sanctions:
    - Issue a verbal warning.
    - Issue a verbal warning, the finality of which to be subject to certain conditions, such as the writing of a satisfactory letter of apology or attendance at a designated training course.
    - Issue a formal caution via a letter of warning to the student regarding their future behaviour.
    - Impose a fine not exceeding 5% of the annual fee for Year 1 Arts, Social Sciences and Celtic Studies at the time the fine is imposed. The Disciplinary Officer may also require a contribution by the student towards the cost of remedying, in whole, or in part, any damage or loss caused.
    - Refer the matter to the University Discipline Committee for Investigation and Adjudication, or Adjudication.

A referral by the Disciplinary Officer shall be appropriate in any circumstance where the Disciplinary Officer considers any of the issues surrounding the matter too complex, too grave or serious to be dealt with in a summary fashion.

A referral to the University Discipline Committee by the Disciplinary Officer shall be by writing and shall include a record of all evidence and statements collected by or made to the Disciplinary Officer but shall not contain any determination as to fact or guilt.

In the event that such a referral is made, the Disciplinary Officer may at their discretion recommend to the President that the Respondent be, without prejudice, temporarily excluded from the University (in accordance with the powers recognised at point 7.8 below). In any such case the Disciplinary Officer shall recommend to the appropriate persons that the appropriate Disciplinary Committee Procedures are initiated without delay.

- 7.3.8 The outcome of the Formal Meeting shall normally be given at the end of the meeting and in writing to the student, normally within 1 week. Where a finding has been made by the Disciplinary Officer, the Respondent shall be informed of their right to appeal the decision to the Discipline Committee, the procedure for lodging an appeal and the time limit for lodging an appeal.

### *Appeal to Decision of the Disciplinary Officer*

- 7.4.1 An appeal may be made to a determination of the Disciplinary Officer to the Appeal Board.
- 7.4.2 An appeal may be made to a determination of the Disciplinary Officer by the Respondent on the grounds of the sanction imposed and/or the finding made.

However:

- An appeal against the sanction imposed may be made on the grounds of exceptional circumstances, as determined by the University Discipline Committee.
  - No appeal shall lie to the discretion of the Disciplinary Officer to refer the matter to the University Discipline Committee after an Initial Assessment or a Formal Meeting.
- 7.4.3 An appeal must be made within 2 weeks to the Secretary of the Appeal Board, who shall arrange for the matter to be dealt with as set out in Section 9 below. The provisions regarding the form of the Notice of Appeal as set out in section 9 shall apply to the appeal.

## **8. University Discipline Committee Procedures**

- 8.1 There shall be two forms of Disciplinary Committee Procedure:
1. Investigation Process and Adjudication
  2. Adjudication Only.

### *Assessment by University Discipline Committee Secretary*

- 8.2.1 Where a matter is referred to the Discipline Committee, the Secretary of the Discipline Committee shall assess whether the matter can be appropriately resolved without an Investigation Process, or whether an Investigation Process is required for the matter to be dealt with fairly.
- 8.2.2 Notwithstanding the general discretion which is granted to the Secretary of the Disciplinary ("the Secretary") by virtue of 8.2.1 above, an Investigation Process must be undertaken where the complaint relates to or includes allegations of sexual harassment.
- 8.2.3 Without prejudice to the general discretion of the Secretary, where the factual circumstances surrounding the allegations are especially complex, sensitive, and/or in dispute between the parties, an investigation will normally be considered appropriate.
- 8.2.4 Both the Complainant and Respondent shall be informed of the Secretary's decision electronically by e-mail where possible and posted to their Respondent's last known place of address according to the records of the University, as soon as practicable.
- Any queries relating to the Discipline Committee Procedures may be directed to [disciplinecommittee@nuigalway.ie](mailto:disciplinecommittee@nuigalway.ie) except in the case of an appeal, where the secretary of the appeals board may be contacted (see 9.14)

### *Investigation Procedure for complaints forwarded to the University Discipline Committee*

- 8.3.1 Where the Secretary concludes that an investigation process is required, the Secretary shall set terms of reference for the investigation based on the complaint/referral received, and appoint an Investigation Panel. This Panel shall be comprised of two persons, one female and one male.
- 8.3.2 The Investigation Panel shall make a report on the facts of the circumstances which have given rise to the complaint/allegation ('the Report'). The Investigative Panel shall not give an opinion as to whether or not their findings support a finding of breach of Code of Conduct or other Policy, as this is a matter for the Discipline Committee at Adjudication.
- 8.3.3 Upon delivery of the Report by the Investigative Panel, the Secretary shall forward the Report to the Complainant and Respondent parties for their response. Responses must be delivered in writing to the Secretary within 7 days of the forwarding of the Report by the Secretary.

*Procedure for Adjudication Hearing*

8.4.1 The Secretary shall make arrangements for Adjudication Hearings in the ordinary manner. 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:

- Include a copy of the Code of Conduct, describe the nature of the complaint, give the date, time and place for the hearing which shall not, normally, be earlier than 10 days or more than 30 days from the date of the issue of the Notice;
- Include copies of all materials and evidence relevant to the complaint. Where an investigation has taken place, the Investigation Report shall be included.
- Include information on the student supports available to the Respondent, including those offered by the Students' Union should they wish to discuss the process. The Students Union support shall be the Vice President for Welfare or nominee.
- State that the Respondent and Complainant may be accompanied to the meeting by a person of their choice should they wish;
- Refer to the Section of the Code of Conduct alleged to have been infringed;
- Set a date by which the Respondent and Complainant must reply to the Notice, in the absence of a response, the Discipline Committee will proceed with the Adjudication Hearing;

Where an investigation has taken place, the Investigation Report and Responses shall be distributed to the Committee in advance of the Hearing. The Committee may signal areas for clarification by contacting [disciplinecommittee@nuigalway.ie](mailto:disciplinecommittee@nuigalway.ie) normally up to 5 days from receipt of all documentation pertaining to the hearing.

8.4.2 The Chair shall have discretion in the management of the Adjudication Hearing, but shall always have regard to fair procedures and the penalties laid down in this Code.

8.4.3 In particular the following practices shall be observed:

- There shall be a presumption of innocence.
- All evidence shall be put to both parties to the hearing.
- Both parties shall be given the opportunity to make submissions after evidence has been taken.
- There shall be a person designated to take notes of the proceedings, who is not a member of the Committee or a party to the proceedings.

8.4.4 At the beginning of the hearing, the Chair of the Committee shall inform the parties of the nature of the hearing, the right of the Committee to make findings and impose sanctions, and shall set out the allegation as made against the Respondent. Where an Investigation Process has been undertaken, the Chair shall introduce the Investigation Report and any Responses to same into the record.

8.4.5 The Complainant(s) shall be asked to present the case to the Discipline Committee. The Complainant shall be entitled to present both oral and documentary evidence regarding the allegation. Any documentary evidence shall be shared with the Respondent with the Adjudication Hearing Notice (8.4.1) Where the matter has been initiated by an Officer or staff member of the University (acting in their official capacity), the Complainant case shall be presented by the Disciplinary Officer or their nominee.

8.4.6 The Respondent shall be asked to admit or deny the allegation(s). If the Respondent admits the allegation(s), it shall not be necessary for the Complainant(s) to offer evidence, though they shall be entitled to do so should they wish.

8.4.7 The Chair of the Committee shall be entitled to propose to the parties at any stage that mediation be considered. Mediation and other restorative dispute resolution mechanisms may also be recommended or ordered as part of the decision of the Committee, whether

complaints are upheld or not.

- 8.4.8 The Committee shall deliberate in the absence of the parties and shall be entitled to seek legal advice on any legal matter arising in the course of the proceedings.
- 8.4.9 If it appears to the Committee that the mental health of a party may be a factor which has played a role in the issues under deliberation, the interaction between the student and the University generally, or otherwise, the Committee may at their discretion suspend or otherwise deal with the proceedings as they see fit. Without prejudice to this discretion, they shall be entitled to direct that the matter be looked at under other University procedures such as that set out in the Fitness to Study policy.
- 8.4.10 The determination of the Committee shall issue in writing to the parties as soon as practicable following deliberation, which shall not, normally, be more than 10 days.
- As appropriate, the Secretary of the Committee shall keep the parties informed electronically by e-mail, as to progress of the Committee in their deliberations.
  - The determination shall also be issued to the relevant Dean of College, University Officers and/or other parties as may be deemed appropriate by the Committee.
  - The decision of the Committee shall include reasons as to their findings, recommendations, and/or sanctions.
  - The parties shall be informed of their right to appeal and the procedure for same.

#### *Sanctions available to the Discipline Committee*

- 8.5.1 The sanctions available to the Committee shall include all those necessary to uphold the good name of NUI Galway, the promotion of its institutional aims, and fulfil its duty of care to all of NUI Galway's stakeholders. Without prejudice to the generality of the foregoing, where a breach of the Code or other policy has been established after due process, any one or more of the following penalties may be imposed:
- Expulsion i.e. that their name(s) be removed from the books of the University and that they be barred from the University premises permanently.
  - Withdrawal from the University permanently or for a stated period.
  - Exclusion or disbarment from certain activities or facilities/buildings for a stated period, or until certain conditions are met.
  - Specific exclusions from certain parts of programmes or University activities if a student's presence at these events/activities is likely to affect other students negatively.
  - Refusal of admission to a named examination of NUI Galway for a specified period.
  - Academic Penalty such as the award of a zero mark for work presented.
  - Except in cases of plagiarism or cheating, a fine (payable under the further penalty of suspension).
  - Reprimand (a formal reprimand, with a warning that the present breach will be taken into consideration if a further breach of the Code is subsequently established)
  - Other forms of appropriate penalty as the Committee considers fit in all the circumstances.
- 8.5.2 In addition to any penalty or discharge, an order may be made requiring the payment of a debt, damage or compensation under the further penalty of suspension or expulsion.
- 8.5.3 The Committee may, although the allegation is proved, refrain from imposing a penalty and give an absolute or conditional discharge.

#### *Provisions where Respondent is abroad*

- 8.6 A Respondent who is temporarily or permanently abroad may request the Discipline Committee to arrange a non-oral hearing of the Discipline Committee. This will be considered by the Chair of

the Discipline Committee and where the Chair decides to grant such a request, a Discipline Committee shall be convened to consider the allegation(s) against the Respondent(s) on the basis of written submissions from the Complainant and the Respondent(s). Both Complainant and Respondent(s) shall be given an opportunity to respond to the other's submissions before the Committee meets to deliberate on the submissions made.

#### *Provision relating to convening of Committee*

8.7 A properly convened meeting of the Discipline Committee may proceed to a finding notwithstanding the absence of any member(s).

#### *Neutral exclusion or suspension by the President*

- 8.8.1 Without prejudice to any rights or powers attaching to the office of the President outside of this Code, the President of the University has the right to exclude or suspend students under this Code and this right may be invoked at his/her discretion. Such exclusions or suspensions do not imply a presumption of guilt and are not a disciplinary sanction to the student that is suspended or excluded. The President of the University will exercise this with due care after giving the matter proper consideration. Wherever possible, alternative to suspension will be considered carefully, prior to initiating suspension.
- 8.8.2 Where the President has excluded or suspended a student under this Code, the Academic Council at its next meeting shall have the power to continue such exclusion or suspension until the matter has been dealt with by the Discipline Committee or otherwise.
- 8.8.3 Should the Academic Council decide to continue the exclusion or suspension, the appropriate disciplinary procedures shall be initiated without delay. During the period of suspension imposed by the President and such subsequent period as the Academic Council may decide, the students(s) *inter alia* will not be permitted to take any part in the academic or social activity of the University, such as lectures, laboratory classes, clinical education, fieldwork, examinations, conferring of degrees, etc. However, unless otherwise decided by Academic Council, the students excluded may continue to access health and wellbeing support services from the University.

## **9. The Appeals Process**

#### *Rights of appeal*

- 9.1 An appeal may be made to a determination of the University Discipline Committee or the Disciplinary Officer or Designated Authority by either the Complainant or Respondent.
- 9.2 An appeal against the penalty imposed may be made on the grounds of a material procedural irregularity which has demonstrably affected the outcome or there is new material information available, which one of the parties was unable, for valid reasons, to provide, when the matter was being investigated and which would have significantly affected the outcome.

#### *Provisions regarding Notices of Appeal*

- 9.3 An appellant must deliver their Notice of Appeal in writing to [disciplineappeal@nuigalway.ie](mailto:disciplineappeal@nuigalway.ie), on the Notice of Appeal Form (see Appendix 2) within 2 weeks from the date of issue of the determination of the Discipline Committee or Disciplinary Officer.
- 9.4 The date of issue of the said decision shall be the date on which the decision is emailed and posted (by registered post to the student's address as appears on the University's student information system) or handed to the student.

9.5 The completed Notice of Appeal Form shall set out the following:

- Whether the appellant is appealing the Committee or Officer's findings, or the sanction issued, or both. (For the avoidance of doubt, an Appellant will not be entitled to appeal on the grounds of finding only, while seeking to "retain" the initial sanction issued.)
- The grounds which the Appellant is relying upon in making their Appeal,
- Whether the appellant is seeking a hearing, and on what grounds a hearing is required or otherwise justified.
- Whether the appellant seeks to adduce new evidence at a hearing, the nature of the evidence and the reason as to why it was not brought to the attention of the Discipline Committee or the Disciplinary Officer.

9.6 A copy of the appellant's Notice of Appeal Form shall be distributed to the Appeal Board along with a copy of the relevant records of the Committee's/Officer's proceedings and Determination, and any response from the Respondent party prior to the Appeal Board meeting where the Appeal is to be assessed.

9.7 The Respondent to the appeal shall be entitled to submit a written response to the Notice of Appeal, and to enter further verbal submissions at hearing if a hearing is directed.

### *General provisions*

9.8 Where an Appeal Board meets to assess any Appeal submitted to it, it shall upon first assessment of the application decide as to whether a fresh hearing of the matter, or of any element of it, is required. If the Board decides this is not necessary, they may proceed to assessment on the basis of the materials before them. In their assessment of the need for any such hearing, the Board shall have regard to the full circumstances of the case and the arguments made in regards same.

9.9 Should the Appeal Board wish to hold a fresh Hearing, the parties to the matter shall be entitled to make additional verbal representations on the grounds of the appeal. For the avoidance of doubt, this does not entitle either of the parties to adduce new evidence without the consent of the Board.

9.10 The Chair of the Appeal Board shall have discretion in all matters in the management of an Appeal Hearing, but shall always have regard to fair procedures and the full circumstances of the case in such management.

9.11 The Appeal Board may:

- Allow the appeal in full or in part;
- Reject the appeal (in full or in part);
- Vary the nature and/or severity of the sanction.

9.12 The determination of the Appeal Board shall be given in writing to the student(s) and issued to the relevant Dean of College, University Officers and/or other parties as may be deemed appropriate by the Appeal Board. The decision of the Committee shall include reasons as to their findings, recommendations, and/or sanctions.

9.13 A properly convened meeting of the Appeal Board may proceed to a finding notwithstanding the absence of any member. The finding of the Appeal Board shall be final.

9.14 The appeal process will conclude, normally, within 30 days of receipt of a Notice of Appeal in writing to the Secretary of the Appeal Board.

9.15 Any queries relating to the Appeals Procedure may be directed to [disciplineappeal@nuigalway.ie](mailto:disciplineappeal@nuigalway.ie).

## **10. Review**

This Code shall be reviewed by nominee of the University Management Team not less frequently than four years from its coming into operation, but it may be reviewed at other times on the decision of the Academic Council or at the request of the Students' Union, with the approval of the Academic Council.