

Code of Student Conduct

Section 1: General Principles and Offences

- 1.1 This Code of Student Conduct (the 'Code') and the matters contained therein shall govern the conduct of and apply to all students, whether whole-time, part-time or otherwise, of Mary Immaculate College. The College may have agreements in place for visiting students from other institutions, and in certain situations, the discipline process from that institution may apply to these students.
- 1.2 For the purpose of this Code, Mary Immaculate College and the College Campus shall be deemed to mean all property occupied by or under the control of the College.
- 1.3 Without prejudice to the foregoing, this Code shall apply to any student while on off-campus placement, school placement, research or student exchange programme or any other off-campus assignment that is part of their programme of study.
- 1.4 For the purposes of this Code, any College staff member or authorised person, subject to identifying themselves, shall be entitled, where they have reasonable grounds for believing that a breach or an offence under this Code has been or is about to be committed, to require any member of the College community to identify themselves and to produce their College identification card immediately.
- 1.5 All students of the College shall:
 - a) Act in accordance with all regulations and rules of the College or those as shall be laid down by any body, committee or other institution within or external to the College duly authorised to make regulations governing the College or any part thereof
 - b) Not engage in any conduct likely or calculated to infringe the rights or lawful activities of others on the College Campus or otherwise engage in any activity likely or calculated to bring the College into disrepute, whether on the College Campus or otherwise
 - c) Treat all property of or on the College Campus with respect and shall not cause any damage to any such property
 - d) Not enter any property or facilities (including electronic access to computer facilities) on the College Campus, entry to which is either not authorised or prohibited

It shall be an offence to engage in any act or conduct contrary to what is set out above.

- 1.6 Without prejudice to the matters hereinbefore set out, it shall be an offence to:
 1. Assault or abuse physically or verbally any other member of the College community or any other person on the College Campus
 2. Bully or harass any other member of the College community or any other person on the College Campus
 3. Sexually assault or sexually harass any other member of the College community or any other person on the College Campus
 4. Engage in any form of behaviour which has the effect of diminishing the rights of all individuals to courtesy and respect irrespective of social or cultural background, nationality, race or ethnicity, values, beliefs or lifestyles and, in particular, the rights enjoyed by all people under the Equal Status Acts 2000-2018
 5. Engage in academic cheating in any form whatsoever (please refer to MIC Academic Integrity Policy)
 6. Destroy, damage or misuse College property or the property of any other member of the College community or occupied or used by them or any property of any employer occupied or used while on off-campus placement, school placement, research or student exchange programme or other off-campus assignment that is part of a programme of study
 7. Engage during one's programme of study in conduct that may be harmful to others while on off-campus placement, school placement, research or student exchange programme or other off-campus assignment that is part of a programme of study
 8. Engage during one's programme of study in the misuse of College property, the property of any other member of the Campus community or the property of any other person or organisation to

whom they are accountable while on off-campus placement, school placement, research or student exchange programme or other off-campus assignment that is part of a programme of study

9. Forge, alter or misuse any College document, record, stamp, identification mark, seal or identification card (including documents and records stored on electronic media)
10. Engage in disorderly conduct or any conduct likely to bring the College into disrepute, either on or off the Campus
11. Engage in any form of industrial espionage or improperly publish, use or misuse any College information, facility or system
12. Use or possess any offensive weapon on the College Campus
13. Furnish during one's programme of study any false or misleading information calculated to deceive or mislead the College or any other person or organisation to whom they are accountable while on off-campus placement, school placement, research or student exchange programme or other off-campus assignment that is part of a programme of study
14. Steal, remove or use without authority any property of the College or of any member of the College community or any property used, occupied or entrusted to the care of the College or to any member of the College community (including computer software and hardware)
15. Jeopardise the integrity of any computer equipment, system, network, program or any other stored information, including the propagation of computer viruses
16. Use computer facilities in any way that contravenes the College's policy for responsible computer usage
17. Drive any vehicle on the College Campus in a manner that constitutes a danger to others or park any vehicle on the College Campus in breach of regulations
18. Smoke in any areas of the College Campus other than those designated as smoking areas
19. Be in or enter off-limit areas of the College Campus without authorisation
20. Engage in disruptive behaviour during a lecture, tutorial or practical class
21. Abuse the use of alcohol on the College Campus so as to be incapable of exercising reasonable control over one's behaviour
22. Use or be in possession of or deal in any substance on the College Campus where the use or possession of such substance is prohibited by law
23. Litter the College Campus
24. Eat and/or drink in unauthorised areas on the College Campus
25. Fail to vacate any area or fail to go to any area on the College Campus when lawfully requested to do so in circumstances that endanger life or property
26. Fail or refuse to identify oneself and to produce one's College student identification card immediately when properly requested to do so
27. Fail to comply with the College's health and safety guidelines and regulations
28. Fail to follow and adhere to public health guidelines and regulations
29. Interfere with or attempt to exert improper influence at any stage of any disciplinary process or request a member of College staff or others to do so
30. Contravene the College's Garda vetting policy or its fitness to practise policies
31. Incite any person to commit an offence as defined under this Code
32. Fail to abide by the terms of an agreement entered into with the Assistant Registrar
33. Fail to comply with a penalty imposed by the Lesser Offences Committee or by the College Discipline Committee, as the case may be, within one month of notification of such penalty or such longer time as the notification may specify

Section 2: The Disciplinary Process

- 2.1 In the event of an action carrying with it a threat to life or the safety of any person or property, the College may immediately exclude a student who is reasonably suspected of being responsible for such action from access to the College Campus and its facilities pending a formal hearing of any complaint made in that regard.

- 2.2 The College may, in certain circumstances and without the consent of any person, including a complainant, refer to the appropriate authorities a matter brought to its attention that may give rise to the commission of a criminal offence or may constitute a criminal offence.
- 2.3 This Code of Student Conduct, and any regulations made thereunder, shall be enforced by the Assistant Registrar, the Lesser Offences Committee and the College Discipline Committee, hereinafter defined. The Assistant Registrar and the Lesser Offences Committee or College Discipline Committee shall deal with any alleged breach of the Code and any offence alleged to have been committed thereunder in the manner set out in the Code.
- 2.4 The standard of proof in respect of any matter before the Lesser Offences Committee, the College Discipline Committee or the Appeals Committee shall be on the balance of probabilities.
- 2.5 If it is determined that the complaint is well founded, a penalty deemed appropriate to the offence may be imposed on the offending student. Such penalty may be monetary, academic, a period of suspension, expulsion or otherwise. The College Discipline Committee shall be entitled to impose the most severe penalty, that of expulsion from the College, where in the Committee's view, the gravity of the offence or the College disciplinary record of the student offender shall so warrant.
- 2.6 Without prejudice to the generality hereof, a penalty may consist, wholly or partly, of the restitution or repair of property or the doing or carrying out of specified work. Instead of, or in addition to, dealing with a student offender in any other way, the offender may be ordered to pay compensation, in whole or in part, to a person who has suffered such loss.
- 2.7 The Assistant Registrar shall investigate and prosecute all cases in the disciplinary process. Where the provisions of this Code refer to the Assistant Registrar, it shall be understood throughout that a nominee may act in their stead.
- 2.8 All complaints shall, in the first instance, be referred to the Assistant Registrar who shall:
 - a) Consider the complaint, investigate it further if warranted, consult with Director of EDII, if appropriate, and decide if there is a case to answer.
 - b) Consider whether given the circumstances of the case, a complaint should be treated as being of a serious or of a less serious nature.
 - c) Enter into an agreement with a student.
 - d) Refer a less serious complaint to the Lesser Offences Committee.
 - e) Refer a more serious complaint to the College Discipline Committee.
- 2.9 Nothing in this Code shall prevent the Assistant Registrar from initiating an investigation and pursuing the disciplinary process as a result of information that has come to their attention but that has not been the subject of a direct formal complaint.
- 2.10 The Student Academic Administration Office shall deal with all queries, requests, correspondence and administration relating to discipline cases. Complaints should be submitted in writing.

Section 3: Agreement with the Student

- 3.1 Where the Assistant Registrar is of the view that the Code of Student Conduct has been breached and the student admits to the offence, the Assistant Registrar may, with the consent of the student, enter into an agreement with the student that may involve a penalty. Where such an agreement is not reached with the student, the Assistant Registrar will refer the complaint to the relevant committee.

Section 4: The Lesser Offences Committee

- 4.1 The Lesser Offences Committee shall comprise:
 - a) A member of academic staff nominated by the Dean of the Faculty of Education
 - b) A member of academic staff nominated by the Dean of the Faculty of Arts

- c) A nominee of the Students' Union of the College (MISU)

An alternate person may be chosen for each member of the Lesser Offences Committee.

- 4.2 One of the faculty nominees shall be chosen by the Committee as its Chair.
- 4.3 No member of the College Discipline Committee may sit as a member of the Lesser Offences Committee.
- 4.4 While observing the principles of natural justice, the Lesser Offences Committee shall deal with a complaint informally and by way of summary procedure; if warranted, it shall make findings and impose penalties.
- 4.5 A student may refuse consent to the complaint being heard by the Lesser Offences Committee, in which case the complaint shall be heard by the College Discipline Committee.
- 4.6 The Lesser Offences Committee may form the opinion that it is not appropriate to deal with the complaint by summary procedure or that the hearing is likely to be complex and/or lengthy. In either case, the complaint shall be heard by the College Discipline Committee.

Section 5: The College Discipline Committee

- 5.1 The College Discipline Committee shall deal with breaches of discipline other than those that, pursuant to this Code, shall be dealt with by the Lesser Offences Committee or where the Assistant Registrar has entered into an agreement with a student.
- 5.2 The College Discipline Committee shall comprise:
 - a) A member of *An tÚdarás Rialaithe* who is external to the College
 - b) Three nominees of *An Chomhairle Acadúil*
 - c) Two nominees of the Students' Union of the College (MISU)

An alternate person may be chosen for each member of the College Discipline Committee.

- 5.3 The Chair of the College Discipline Committee shall be the member representing *An tÚdarás Rialaithe* and shall, in the event of equality in respect of a decision, have a casting vote.
- 5.4 The Chair of the College Discipline Committee shall have a good working knowledge of all College regulations, of University of Limerick regulations and of this Code of Student Conduct.
- 5.5 The College Discipline Committee shall be deemed quorate if there are four members present.
- 5.6 No member of the College Discipline Committee may sit as a member of the Committee judging a particular case (the 'Case') if the person:
 - a) Is the student charged
 - b) Is a complainant
 - c) Has consented to testify in the Case
 - d) Is a member of the College Discipline Committee who, for any other reason, considers that they should not take part in the investigation of and decision on the Case. In this instance, the person who considers themselves disqualified shall so notify the Chair of that decision.
 - e) Is considered by the College Discipline Committee, for some reason relevant to the Case, to be disqualified. If disputed, the decision on this matter shall be made by a majority of the Committee excluding the person whose disqualification is under consideration.
- 5.7 In the event that a member of the College Discipline Committee withdraws during the course of a hearing, the Committee shall be entitled in its discretion to continue with the hearing or to convene a rehearing.

- 5.8 The student who is the subject of the complaint shall receive notice from the Student Academic Administration Office of such to the person's College email account and by registered post to their permanent address (or by personal delivery by any employee or agent of the College). The notice shall give a brief specification of each charge and will require the accused student, on at least 10 working days' notice, to appear before the College Discipline Committee. The notice shall be accompanied by a copy of this Code of Student Conduct and shall draw attention, in particular, to the right of the person charged to representation, their right to submit written evidence and their right to call such witnesses in defence as the student may think fit.
- 5.9 Within the 10 working days' notice period referred to above, the person charged may request, and the Chair of the College Discipline Committee may grant, a further period not exceeding seven working days to prepare their case.
- 5.10 The Student Academic Administration Office shall, at least seven working days in advance of the hearing, ensure that the following documents are served on the person charged and forwarded to the Chair of the College Discipline Committee:
- a) A statement of the charges against the person charged
 - b) A list of witnesses whom the Assistant Registrar proposes to call
 - c) A summary in writing of the evidence that it is proposed should be given by each witness
 - d) A list of relevant material (if any)
- 5.11 The person charged shall have the right to inspect relevant material, which will normally be available in the Student Academic Administration Office.
- 5.12 At any time, the Student Academic Administration Office may, at the direction of the Assistant Registrar and with the permission of the Chair of the College Discipline Committee, cause to be served on the person charged, and furnished to the Committee, further evidence or the names of additional witnesses whose names have not already been supplied to the person charged. The Chair shall grant such permission unless satisfied that it would be unfair to the person charged to accede to such a request.
- 5.13 The person charged shall, at least three working days in advance of the hearing, notify in writing the Chair of the College Discipline Committee and the Student Academic Administration Office of the name(s) and address(es) of the witness(es) the student proposes to call and supply to the Chair and Student Academic Administration Office a copy of any document(s) and a list of any exhibit(s) that they propose to submit at the hearing.
- 5.14 The evidence to be offered at a hearing of the College Discipline Committee shall be adduced by the Student Academic Administration Office. The evidence to be offered on behalf of the College at a hearing of the Committee shall be presented by the Assistant Registrar. The evidence of the witnesses shall be presented at the hearing in accordance with the terms of this Code.
- 5.15 The College Discipline Committee shall be entitled to have a legal adviser present at any of its meetings.
- 5.16 A person charged shall be entitled to be accompanied by a person of their choosing or to have a legal adviser present.
- 5.17 If a complainant decides not to pursue a complaint, the Assistant Registrar may, nevertheless, pursue the complaint to conclusion.
- 5.18 If the person charged fails, without making a valid excuse, to appear before the College Discipline Committee on the appointed day, the Committee, if satisfied that such person has had due notice of the hearing of their case, may proceed to deal with the case in the person's absence. No inference of culpability shall be drawn from the said person's non-appearance at the hearing of the case.

- 5.19 The College Discipline Committee shall conduct all hearings with respect to the principles of natural justice and fair procedures. If the complaint is denied in the whole or in part by the person charged at the opening of the proceedings, the Assistant Registrar shall present the case against the person charged first. The person charged may question any witness. The person charged may then present the defending case and may call any witness or produce any document the person considers necessary to their case. The Assistant Registrar may question witnesses called by the person charged. Members of the College Discipline Committee may question the person charged and any witnesses called by either party.
- 5.20 At no time shall the person charged be compelled to give evidence or to answer any questions. If the College Discipline Committee considers that the evidence given for the complaint would, in the absence of explanation by the person charged, establish the culpability of the person, the Committee may so inform the person and, thereafter, the Committee may draw such inference as it considers reasonable from the absence of any such explanation by the person.
- 5.21 At any hearing, on the finding that the facts of the complaint have been proved, the person charged shall have the right to address the College Discipline Committee before a penalty of any kind is imposed.
- 5.22 In the case of each adjudication made by the College Discipline Committee, a copy of the Committee's findings and of the penalty (if any) determined shall be sent without undue delay to the charged person's College email account and by registered post to their permanent address (or by personal delivery by any employee or agent of the College).
- 5.23 Where a complaint is made to the College Discipline Committee and the Committee takes the view that the complaint, if made out, would not amount to the more serious type of offence, the Committee shall be entitled to inform the person complained against that the said complaint shall be deemed disposed of and no adjudication as set out herein shall be undertaken on payment within seven days of such sum not exceeding €1,000, as the College Discipline Committee shall deem appropriate, and/or the cost of restitution or repair where higher.

Section 6: Appeals

- 6.1 Decisions of the Lesser Offences Committee may be appealed by a person deemed culpable of an offence to the College Discipline Committee, whose decision on the matter shall be final.
- 6.2 Decisions of the College Discipline Committee may be appealed by a person deemed culpable of such an offence to the Appeals Committee, which is a sub-committee of *An tÚdarás Rialaithe* comprising three members of *An tÚdarás*, one of whom shall be named as the Appeals Committee Chair. An alternate person may be chosen for each member of the Appeals Committee.
- 6.3 The members of the Appeals Committee shall not be members either of the College Discipline Committee or of the Lesser Offences Committee.
- 6.4 The Appeals Committee shall be deemed quorate if there are two members present.
- 6.5 The Chair of the Appeals Committee shall, in the event of a tied vote in respect of a decision, have a casting vote.
- 6.6 The Chair of the Appeals Committee shall have a good working knowledge of all College regulations, of University of Limerick regulations and of this Code of Student Conduct.
- 6.7 Appeals may be made only on the grounds of one or more of the following:
- a) That the conclusions reached by the Lesser Offences Committee or the College Discipline Committee, as the case may be, were not reasonable or were not supported by the evidence
 - b) That the penalty imposed was excessive

- c) That the Lesser Offences Committee or the College Discipline Committee, as the case may be, misinterpreted or misconstrued a provision of the Code of Student Conduct
- 6.8 Appeals must be lodged in writing with the Student Academic Administration Office within seven working days from the date of issue of notification by the relevant committee of its decision. Appeals must specify the reasons for appeal in accordance with 6.7.
- 6.9 The College Discipline Committee or the Appeals Committee, as the case may be, shall, as soon as possible after receipt of the note of appeal, be furnished with a written report incorporating the facts of the case and the reasons for the decision together with any relevant material that was presented.
- 6.10 A copy of the report shall be furnished to the appellant at least three working days before the appeal hearing.
- 6.11 The appellant shall be given at least seven working days' written notice of the date and place of the appeal hearing and shall, at the same time, be furnished with a copy of this Code of Student Conduct and informed of their right to representation. At least five working days prior to the date of the appeal hearing, the appellant may request and the Chair of the relevant committee may grant a further period not exceeding seven working days to prepare their case.
- 6.12 At the appellant committee hearing, the appellant shall be first to present their case, after which the Assistant Registrar shall be entitled to present their case. The appellant shall be entitled to be heard in reply.
- 6.13 The College Discipline Committee or the Appeals Committee, as the case may be, shall be entitled to examine such evidence as, in its discretion, it deems fit, including calling the complainant(s) to be in attendance. The members of the appellate committee shall be entitled to question the complainant(s). The appellant may choose to answer questions from members of the appellate committee, if such are posed, but at no time shall the appellant be compelled to give answers.
- 6.14 The College Discipline Committee or the Appeals Committee, as the case may be, shall be entitled to have a legal adviser present at any of its meetings.
- 6.15 The appellant shall be entitled to be accompanied by a person of their choosing or to have a legal adviser present.
- 6.16 At the conclusion of the appeal hearing, the College Discipline Committee or the Appeals Committee, as the case may be, shall retire to consider its decision.
- 6.17 In the case of an appeal against penalty, the College Discipline Committee or the Appeals Committee, as the case may be, may uphold, set aside or vary the original penalty.
- 6.18 In the case of an appeal on the grounds specified in 6.7 (a) or (c), the College Discipline Committee or the Appeals Committee, as the case may be, shall pronounce its decision and proceed as it deems appropriate and may, if it so considers it appropriate, direct a rehearing of the charge. If the appellate committee affirms the decision of the Lesser Offences Committee or the College Discipline Committee, as the case may be, that decision stands.
- 6.19 The decision of the appellate committee shall be made known by the Chair to the appellant and other relevant parties.
- 6.20 After the hearing and without undue delay, the Student Academic Administration Office shall send the appellant the reasoned written decision of the appellate committee.