

Student code

1. Introduction

1.1 IOB is a community of staff, students, graduates and members joined together for the common purpose of the advancement and dissemination of knowledge. It is a recognised College of UCD. This code sets out the Disciplinary Regulations for IOB students.

2. Norms of Behaviour

2.1 IOB sustains commitment to quality in teaching, learning and scholarship; emphasises the value of honesty, integrity, commitment, engagement and achievement; and emphasises commitment to equality, and to dignity and respect for all members of IOB community. As a consequence, all members of IOB community are expected to act responsibly at all times, to observe and abide by Regulations of IOB, and not to engage in any activity which might bring the good name of IOB into disrepute.

3. Student Conduct with reference to Academic Courses

3.1 Students are required to attend regularly and punctually the lectures and classes, either online or in person, of the courses of study for which they have registered and to which they have been assigned, and they shall, in all seminars or any other academic work, conform to the directions of the Dean or of the staff member responsible.

3.2 Students may experience a range of serious and unanticipated difficulties, which adversely affect their ability to study, complete assessments or attend their required lectures and other learning activities. Normally such circumstances will include serious illness, hospitalisation, accident, family bereavement or other serious personal or emotional circumstances. Details of the IOB policy and procedure to consider such extenuating circumstances are available at [Student Information](#) Students can request the *Extenuating Circumstances Guide for Students and Application Form* from education@iob.ie.

3.3 Should any student, during seminars, lectures and classes, or any other academic work, be responsible for any breach of good conduct or discipline, or fail to obey instructions from any member of staff, or breach any regulations, such a member of staff may require the student to withdraw from the particular lecture or class or other academic activity; the staff member, if they shall think fit, may bring the matter to the notice of the Registrar or his or her nominee for appropriate action to be taken.

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4. Damage to Property

4.1 Students are required to make good to the satisfaction of IOB any damage or loss which they intentionally cause to any property of IOB or for any such loss or damage which arises as a result of their being reckless or negligent. Students are similarly required to make good any damage or loss which they cause to the personal property of any other student or member of staff.

5. Breaches of Discipline

Any act or omission, which affects adversely the rights of any other member of IOB community, or which disrupts the orderly and responsible conduct of any IOB activity, or which violates any IOB/UCD Regulation, shall constitute a breach of discipline, examples of which could include but are not limited to:

5.1 Breaches of **examination regulations** as follows:

- Copying or cheating at any examination or test
- Personation of an IOB student at any examination or test
- Using notes or other unauthorised materials in an examination, either in an examination hall or online.
- Receiving help from a third party during an online exam (with the exception of additional supports approved in advance as a special consideration)
- Use or attempted use of a mobile phone (other than for phone contact with IOB) or any other unauthorised electronic device during an examination
- Removing scripts or other stationery from an examination hall
- Any other breach of the [examination regulations](#) or any offence involving the integrity of an examination.

Examples include:

- Unsupervised closed book online examinations, where the examination cannot be monitored due to webcam issues
- An inadequate desk scan when instructed to ensure the integrity of the examination area
- Movement of a student away from the exam desk area in an online exam which therefore constitutes a lack of supervision for a period of time
- A delay in uploading a completed exam script, outside of online supervision

5.2 **Plagiarism**, that is the copying of another person's writings or works or ideas in any essay, project, report, oral, poster or slide presentation or other exercise, which forms part of the assessment requirement for a module or programme of study without due acknowledgement either wholly or in part of the original source of the material through appropriate citation. For further details on Plagiarism, please see [UCD's Plagiarism Policy](#).

5.3 Submission or allowing the submission of work acquired or prepared by another individual as part of any assessment, examination or text.

5.4 Conduct which is disruptive, or which may disrupt teaching or study

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5.5 Conduct interfering with the proper conduct of examinations

5.6 Conduct which interferes, or is likely to interfere, with the administration of the good order of IOB.

5.7 Obstruction or harassment (physical or verbal), including bullying, of any student, member of staff or persons carrying out activities on behalf of IOB in the performance of duties, work or other IOB activity.

5.8 Damaging, defacing, stealing or misappropriating any property of IOB, or occupying or using such property other than in accordance with the provisions made by IOB.

5.9 Misuse of a student card or personation or activities involving false pretences or dishonesty.

5.10 Misuse of official IOB documentation, including, without limitation, the unauthorised amendment or alteration of, or defacement of, such documentation, or the use or attempted use of IOB documentation for fraudulent or other dishonest purposes or in a fraudulent or other dishonest manner.

5.11 Sexual harassment of any student or member of staff of IOB. See [UCD Dignity and Respect Website](#)

5.12 Smoking in IOB buildings in contravention of the Public Health Tobacco Act 2002, Section 47 (as amended) and the Tobacco Smoking (Prohibition) Regulations 2003. Under the provisions of that legislation a fine of €3,000 may be imposed on a student found in breach of its provisions.

5.13 Contravention of any of IOB Rules or Regulations. Detailed Regulations applicable to specific areas may be made by the appropriate authority. Where such Regulations are made, information as to their content shall be publicised and made available to the student body by posting in appropriate areas, by written communication or otherwise. It is incumbent on students to ensure they are familiar with the regulations applicable for the time being.

5.14 Any activity, whether committed inside or outside IOB, which adversely affects, or is likely to adversely affect, the reputation of IOB, its students or members of staff.

5.15 Refusal or failure to pay or comply with any penalty (subject to the right of appeal applicable) imposed for offences.

5.16 Incitement or encouragement of any other person or persons to do any of the aforementioned things.

6. Complaints and Summary Procedures

6.1 Where a complaint of misconduct or alleged breach of the Disciplinary Regulations by a student has been brought before the Registrar or his/her nominee, the Registrar or his/her nominee will take steps as soon as is practicable to arrange a meeting with the student and will provide in advance details of the alleged offence (i.e., a preliminary hearing).

6.2 Where it proves impracticable, in exceptional circumstances, for the Registrar or his/her nominee to arrange a meeting with the student, the Registrar or nominee may communicate with the student by telephone, email or by registered letter.

6.3 The student may, prior to or during the meeting with the Registrar or his/her nominee, request that the matter be referred to a **Disciplinary Committee** for adjudication. Where it is impracticable to arrange such a meeting, the

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student may request that the matter be so referred at any time following receipt of communication from the Registrar or his/her nominee.

6.4 Any student who is resident outside of Ireland may request the Registrar or his/her nominee to arrange a non-oral hearing of the Disciplinary Committee if the student wishes to circumvent the necessity of travelling to Dublin to attend an oral hearing. Where the Registrar or his/her nominee decides to grant such a request, a Disciplinary Committee will be convened to consider the allegation(s) against the student on the basis of written submissions from the Registrar or his/her nominee, the complainant, the student and other relevant parties. The student and the complainant will be given an opportunity to respond to the other's submission before the Committee meets.

6.5 Where an alleged breach of discipline appears to involve two or more students, such students may be jointly charged and heard together.

6.6 Where an alleged breach of discipline may, in the reasonable opinion of IOB, constitute a criminal offence, IOB will respond and act in accordance with law, which may include an obligation to report the suspected offence to An Garda Síochána. Any such report may be in addition to the implementation of the Disciplinary Procedure set out in this code.

6.7 The proceedings and details of student disciplinary cases are private and confidential and where student disciplinary data is reported to Programme Boards etc. the identity of students is not revealed. However, it is noted that this does not preclude IOB communicating the decisions taken at preliminary hearing; the decisions of the Discipline Committee or the decisions of the Disciplinary Appeal committee to individual members of staff, including those raising complaints, where it is deemed necessary for the effective administrations of the process. To be clear, the principles of natural justice are enshrined in the Student Code and are applicable to both respondent and complainant.

7. Procedure of Preliminary Hearing

7.1 Pre-hearing

7.1.1 The Registrar or his/her nominee shall notify the student, in writing, of the allegation that has been made against them. The student shall be invited by the Registrar or his/her nominee to attend a preliminary hearing to address the allegation. Notification shall be sent by email.

7.1.2 The student must respond to the notification and make an appointment with the Registrar or his/her nominee as soon as is practicable. Failure to respond to the Registrar or his/her nominee's request to make an appointment will constitute a disciplinary offence and may result in the matter being referred directly to a Disciplinary Committee for adjudication.

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7.2 Preliminary hearing procedure

7.2.1 The function of a preliminary hearing is to permit the Registrar to his/her nominee to consider the case, interact with the student and form an opinion on the seriousness of the case. The process is student centered and based on natural justice. To be clear, the case may be concluded at the preliminary hearing stage or referred to a Disciplinary Committee. It is a matter for the Registrar or his or her nominee to make a determination in this regard.

7.2.2 Before commencement of the preliminary hearing, the Registrar or his/her nominee shall notify the student that they are being interviewed under the conditions laid out in the IOB Student Code. The Registrar or his/her nominee shall also explain that it is the student's right to refer the matter directly to a Disciplinary Committee for adjudication at any stage during the interview. The Registrar or his/her nominee must confirm that the student understands the process and is willing to continue. Students may be accompanied to the meeting by a person of their choice such as a student advisor or relative.

7.2.3 The Registrar or his/her nominee will outline the allegation made against the student and ask them to accept or reject the accusation and offer to consider whatever submission they see fit to make in regard to the charge.

The Registrar or his/her nominee may, following this meeting or communication:

1. Dismiss the complaint with no further action.
2. Conclude the process, subject to certain conditions to remedy their behaviour, such as the writing of a satisfactory letter of apology.
3. Uphold the alleged breach, subject to one or more of the following sanctions:
 - Issue a formal caution via a letter of warning to the student regarding their future behaviour. The Registrar or his/her nominee may refer to the matter should any further allegations be made against the student.
 - Impose a fine not exceeding 50% of the annual fee for the programme of study at the time the fine is imposed. The Registrar or his/her nominee may also require a contribution by the student towards the cost of remedying, in whole, or in part, any damage or loss caused.
4. Refer the matter to a Disciplinary Committee, without making any decision as to guilt, where the Registrar or his/her nominee considers that course of action appropriate having regard to the gravity or nature of the charge or on account of the complexities of the issues. Where the gravity of the matter warrants it, the Registrar or his/her nominee may impose, without prejudice, a temporary suspension of the student from IOB and/or may postpone the award to the student of a degree, diploma, certificate, prize or other academic award and shall in such a case ensure that the Disciplinary Committee is convened without delay.
5. Where an allegation of harassment has been made (under sections 5.7 or 5.11) the Registrar or his/her nominee may decide it is appropriate to recommend the exploration of mediation.

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7.2.4 The Registrar or his/her nominee may defer the communication of the outcome to the student where a submission made by the student requires further investigation

7.2.5 The outcome of the preliminary hearing shall be given in writing to the student. The student shall be informed of their right to appeal a decision to a Disciplinary Committee, the procedure for lodging an appeal and the time limit for lodging an appeal. Appeals may be lodged within two weeks from the date of the preliminary hearing.

7.2.6 Where the matter is resolved at the preliminary hearing stage of the process, the Registrar or his/her nominee shall write to the person who raised the complaint advising them that the matter has been dealt with under the procedures of the preliminary hearing and related outcome noted

8. Disciplinary Committee

8.1 The Disciplinary Committee shall be appointed by the Registrar or his/her nominee and composed of a Chair and two further members (*to be determined by the Dean and the Registrar*). Each Committee of Discipline shall have at least one male and one female member.

The following are eligible to chair Committees of Discipline: Vice-Presidents, Principals, Vice-Principals, Deputy Registrars, Deans with university-wide responsibilities, Programme Deans, Chairs of Programme Boards, Directors of Graduate Schools, Heads of Schools and any members of a Panel nominated by Academic Council. A member of the administrative staff shall be appointed as a non-voting secretary of the Committee.

8.2 Decision of the Committee shall be taken by a simple majority.

8.3 A record written or otherwise of the proceeding shall be made.

9. Procedures of the Disciplinary Committee

9.1 Pre-hearing

9.1.1 The Registrar or his/her nominee shall prepare a summary containing particulars of the alleged offence and shall forward the summary to the Disciplinary Committee

9.1.2 The committee shall cause notice of the hearing to be sent by email to the student at least ten days before the date of the hearing or to be handed personally to the said student.

9.2 The written notice referred to in paragraph 9.1.2 shall contain a copy of the summary compiled by the Registrar or his/her nominee and a note of any documents on which IOB proposes to rely at the hearing. In addition, the notice shall state that the respondent student is entitled within reason to call the attendance of witnesses for the purpose of the hearing, to inspect all relevant documents and to obtain copies of any documents listed in the notice upon which IOB intends to rely. The notice shall also state that the student may be represented/supported at the hearing by a person of the student's choice, a Student Adviser, parent(s) or, if wished, a practising lawyer. If availed of, the student is required to confirm the details of their chosen representative in advance of proceedings. The student shall be informed that written submissions may be made to the Disciplinary Committee in advance of the hearing.

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9.3 Disciplinary Committee Procedure

The following procedure shall be followed by the Disciplinary Committee:

9.3.1 The Registrar or other IOB representative appointed by the Registrar or his or her nominee shall present the case to the Committee.

9.3.2 The student shall be asked to admit or deny the alleged offence

9.3.3 If the student accepts the substance of the charge or complaint to be true, it shall not be necessary for the Registrar or Registrar's representative to offer evidence, although both parties may make such submissions or addresses as they wish in relation to the penalty.

9.3.4 If the student denies the alleged charge, the subsequent procedure shall be fair and reasonable having regard to the nature of the offence and the penalties laid down in these regulations. In particular, the following practices shall be observed:

- all the evidence shall be heard in the presence of the student and of the student's representative and they shall be given the opportunity to cross-examine all witnesses called by the Registrar or Registrar's representative who likewise may cross examine witnesses called by the student.
- the student shall be given the opportunity of offering evidence themselves and witnesses and documentation relevant to the issues.
- the Registrar or Registrar's representative and the student or student's representative(s) shall be given the opportunity to make submissions after evidence has been taken including representations in regard to the penalty where the Disciplinary Committee has found that the charge has been proved against the student.
- the Committee shall deliberate in the absence of the complainant, respondent student and/or representatives but shall be entitled to seek legal advice on any legal matter arising in the course of the proceedings.
- these procedures set forth above shall be deemed vitiated if the conduct of the student or the student's representative or any other person or persons on the student's behalf, in the opinion of the Disciplinary Committee, renders compliance with the said procedures impossible or impracticable.

9.3.5 Where a student fails to attend a Disciplinary Committee hearing and IOB has made reasonable attempts to accommodate the student, the Committee may decide to adjudicate on the matter in the student's absence, relying on the documentation furnished to the student and to the Discipline Committee according to Section 9.2 of these Disciplinary Procedures.

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9.4 Disciplinary Committee Penalties

Where a student is found guilty of the offence or offences charged the Committee is empowered to impose any of the following penalties, either separately or in combination as appropriate to the offence or nature of the offence:

- Expulsion from IOB.
- Suspension from IOB for a stated period, or until such time as any requirements laid down by the Committee such as payment of a fine or the restitution of damage or loss are fulfilled.
- Exclusion from specific IOB facilities.
- Debarring from examinations for a specified period.
- A fine not exceeding 50% of the annual fee for the programme at the time the fine is imposed.
- A reprimand and a note on the student's record.
- In the case of an offence of plagiarism or of copying, cheating or other offence in connection with an examination, exclusion from the examination in question and deprivation from any benefits connected therewith, in part or in toto, and/or from the academic course being followed by the student or any part of it
- An order for the reparation of any damage or loss caused, either to IOB or to any of its members of staff or students or members of the public
- Deprivation of award of degree, diploma, certificate, prize or other academic award
- A suspended sentence.

The Committee may in exceptional cases, having regard to all the circumstances of the case, decide not to impose any penalty.

9.5 Communication of Decision

9.5.1 The determination of the Disciplinary Committee in every case brought before it, shall be given in writing, and a copy thereof forwarded in due course to the student concerned or the student's duly appointed representative. The student should be informed of the right to appeal to the Registrar, the procedure for lodging an appeal and the time limit for lodging an appeal. Decisions of Discipline Committees are sent for noting by Academic Council in an annual report. A determination involving deprivation of a scholarship or other prize shall be referred to the decision of the Registrar.

9.5.2 The Registrar or his/her nominee shall write to the person who raised the complaint and advise them of the decision of the Disciplinary Committee, noting that the student has the right to appeal the decision.

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10. Appeal

10.1 An Appeal may be made to the Registrar within two weeks from the date of issue of the decision of the Disciplinary Committee and the appellant shall submit in writing the grounds for appeal. 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 IOB student information system or handed to the student.

10.2 Disciplinary Appeal Committee

- The Registrar delegates to the Disciplinary Appeal Committee the power to hear appeals from decisions of the Disciplinary Committee. The Disciplinary Appeal Committee shall be composed of an uneven number of members drawn from internal/external personnel as appropriate. A member of the administrative staff may be appointed as a non-voting secretary to the Disciplinary Appeal Committee.
- No member of the Disciplinary Committee (or person providing administrative support) who had adjudicated on the original complaint may serve on the Disciplinary Appeal Committee.
- Decisions of the Disciplinary Appeal Committee shall be taken by a simple majority.
- A record, written or otherwise, of the proceedings shall be made.

10.3 Procedures of Disciplinary Appeal Committee

- A copy of the appellant's grounds of appeal including the appellants submission, if any, shall be provided to the Appeal Committee
- A copy of the relevant record of the Disciplinary Committee shall be obtained from the said Disciplinary Appeal Committee
- The appellant or appellant's representative, and the Registrar or other IOB representative may make oral submissions to the Disciplinary Appeal Committee.
- Where in the opinion of the Disciplinary Appeal Committee the requirements of justice so dictate, the Committee may consider evidence which was not tendered at the hearing before the Disciplinary Committee but provided always that the intention to adduce such fresh evidence has been notified to the student or to the Registrar or other IOB representative, as the case may be, in time sufficient to enable the student or the Registrar or other IOB representative to consider properly the said fresh evidence and to deal therewith adequately at the hearing of the appeal.
- The Disciplinary Appeal Committee may:
 - Allow the appeal
 - Decrease or increase the penalty, or vary the nature of the penalty
 - Reject the appeal

10.4 Communication of decision

The determination of the Disciplinary Appeal Committee shall be given in writing and a copy thereof forwarded to the student concerned by email and or prepaid registered post to the student's address appearing on IOB register of students, or to the student's representative. Determinations of the Disciplinary Appeal Committee shall be reported for noting to the Registrar and data on appeals will be included in the annual report to the Academic Council. The chair of the Disciplinary Appeal Committee shall write to the person who raised the complaint and advise of the decision of the Disciplinary Appeal Committee

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