



**RCSI**

# Disciplinary Regulations

RCSI DEVELOPING HEALTHCARE LEADERS WHO MAKE A DIFFERENCE WORLDWIDE

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The objective of the Disciplinary Regulations is to help and encourage all students to behave in a professional manner including but not limited to adherence to the current Code(s) of Conduct(s) (the “code”) and all relevant policies available on RCSI’s virtual learning environment.

You must behave professionally at all times whether on or off campus.

Generally, for less serious concerns about professional behaviour or performance, the University will attempt to deal with these concerns on an informal basis rather than through the Disciplinary Procedure. However, if these concerns cannot be resolved informally, the Disciplinary Procedure may subsequently be invoked.

## 1. Disciplinary Procedure

The purposes of the Disciplinary Procedure include to:

- Identify any deficits in your behaviour or performance.
- Assist you in remediating any deficits identified in your behaviour or performance.
- Guide and warn you as regards substandard behaviour or performance.
- Prevent any re-occurrence of poor behaviour or performance.
- Promote good standards of behaviour and performance.
- Provide fair procedures in relation to any disciplinary issues that might involve you.

## 2. Sanctions and Stages

1.1 In relation to sanctions that may be applied, the Disciplinary Committee shall have absolute discretion to apply any sanction it deems appropriate. Without limiting this discretion sanctions may include:

- Requiring you to repeat, partially or wholly, a course or courses, which may include a period of exclusion from RCSI for a defined period.
- Withdrawal of any academic credits, award or qualification.
- Removal of any privilege or privileges for a defined or indefinite period.
- Withdrawal of right to sit an exam(s) or submit an assignment(s) and which may include a period of exclusion from RCSI.
- Withdrawal of right to participate in research, or other progress milestones as applicable and which may include a period of exclusion from RCSI.
- Expulsion from RCSI and/or the termination of your course without refund of any money paid by you or on your behalf, and without any academic award being conferred.



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Depending on the nature and seriousness of the alleged breach of conduct or performance, RCSI will decide, at its absolute discretion, whether to use the incremental stages as outlined below or skip some or all of the stages.

## 1.2 Stages:

### *1<sup>st</sup> Stage Warning*

If your professional behaviour or performance is unsatisfactory or if it is in breach of one of the Policies you may be issued with a formal 1<sup>st</sup> stage warning in writing or verbally. If this is a verbal warning it will be followed up in writing. The warning issued will, if appropriate, advise you of the improvements required and the timescale in which the improvement is to be achieved.

### *2<sup>nd</sup> Stage Warning*

If your professional behaviour or performance does not improve, or another matter arises in relation to your professional behaviour or performance, or an initial breach is deemed serious enough then you may be issued with a 2<sup>nd</sup> Stage Warning. This written warning will, if appropriate, advise you of the improvements required and the timescale in which the improvement is to be achieved.

### *3<sup>rd</sup> Stage and Final Warning*

If your professional behaviour or performance does not improve, or another matter arises in relation to your professional behaviour or performance, or an initial breach is deemed to be serious, then you may be issued with a 3<sup>rd</sup> Stage and Final Warning. This written warning will, if appropriate, advise you of the improvements required and the timescale in which the improvement is to be achieved. The warning will also advise you that if RCSI has occasion to take any further disciplinary action against you that you may be expelled as a student and would exit from RCSI without an academic award.

### *Termination of Programme of Study*

If you have been issued with a 3<sup>rd</sup> stage warning, and your professional behaviour or performance does not improve or another matter arises in relation to your professional behaviour or performance you may be terminated or expelled as a student of RCSI. If a decision is made to expel you as a Student you will be written to setting out the basis and reason for such termination in these circumstances. You would exit from RCSI without an academic award.

## **3. Serious Misconduct or Poor Performance**

In the case of serious unprofessional behaviour or performance or a breach of any of the Policies RCSI may proceed to take disciplinary action with sanctions up to and including immediate expulsion.

You should be aware that unprofessional behaviour, which might not constitute serious misconduct on the first occasion, may amount to serious misconduct if committed on a second or subsequent occasion.



3.1 The following are some examples of conduct/behaviour which are normally regarded as serious misconduct.<sup>1</sup> This is not an exhaustive list:

- Being on the premises under the influence of alcohol, non-prescribed or illegal drugs.
- Consuming alcohol or using non prescribed illegal drugs on the premises.
- Theft.
- Deliberate damage to or removal of RCSI property without authority.
- Fraud or deliberate falsification of any documents or records.
- Unethical or criminal conduct.
- Threats; assault; fighting or abusive behaviour.
- Conviction for a serious offence.
- Failing to observe safety regulations; or any personal action that endangers self or others.
- Gaining or attempting to gain unauthorised access to any of our IT systems including in any way attempting to interfere (such as DOS attacks and infecting systems with viruses or malware) with our systems.
- Using our IT system to download, distribute or access inappropriate sites or material.
- Bringing the University into disrepute or harming the good name or reputation of the University.
- Bullying, harassment or sexual harassment of others.
- Breaches of academic integrity constituting academic misconduct as provided for in the University's Academic Integrity policy.
- A breach of any of the Policies.
- Failure to assist and/or fully co-operate in any disciplinary proceedings brought under the RCSI's Disciplinary Regulations.

## 4. Investigations

In some cases, the extent and nature of the alleged breach of the Code, Regulations or the Policies will be self-evident or admitted. In such cases there may be no need to carry out an investigation into the alleged breach. In other cases, it may be necessary for an investigation to be carried out.

Consequently, at any stage in the procedure, where RCSI considers it appropriate, a fact gathering exercise and investigation may be carried out by an appointed investigating officer. The extent of the fact gathering exercise will depend on the nature of the facts and evidence, the seriousness of the complaint and other relevant factors.

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<sup>1</sup> Students on programmes leading to professional registration should also refer to the profession specific guidelines and regulations issued by the relevant professional body, including CORU, Dental Council of Ireland; Nursing and Midwifery Board of Ireland; Medical Council of Ireland; Pharmacy Society of Ireland



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Students are required to assist and give full co-operation to RCSI in the carrying out of any investigation in connection with the Disciplinary Procedure. This applies not only to the student who may be under suspicion but also to any student who may have information that might be of assistance to the carrying out of such investigation.

Failure to assist and/or fully co-operate shall, of itself, be grounds to invoke the Disciplinary Procedure under the Disciplinary Regulations against any student. Students who have any relevant information are required to come forward with such information even if not interviewed by an investigator.



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## 5. Searches

Students are required to submit to an appropriate examination or search of their person or property by any person duly authorised by RCSI (any investigator carrying out an investigation under this Disciplinary Procedure shall be deemed to be duly authorised). Failure to submit to such examination or search may result in inferences being drawn.

## 6. Meetings

If a student is under suspicion and/or investigation they will have the right to be accompanied by a fellow student at any investigation meeting and any Disciplinary Hearing. The accompanying person should be independent of and otherwise uninvolved with the incident or matter under investigation.

Any investigation will be fact gathering and will only determine whether the alleged breach of the Policies or misconduct or poor performance should proceed to a Disciplinary Hearing before the disciplinary committee.

## 7. Precautionary measures

If the matter is deemed to be of a sufficiently serious nature or deemed necessary for carrying out of a proper investigation you may be temporarily suspended from RCSI on such terms as are deemed appropriate pending the outcome of the investigation and the Disciplinary Process. Other precautionary measures may include, but are not limited to:

- Restrictions on attendance.
- Limits to communicating with other staff or students.
- Restrictions on IT access etc.

It is important to note that suspension in this context is a precautionary measure only. It is not a penalty or sanction and it does not indicate that RCSI has concluded students have breached the RCSI Code of Conduct or committed serious misconduct.

Failure of a student to comply with the terms of a temporary suspension or any other precautionary measures imposed will, of itself, be regarded as a disciplinary matter which may attract further disciplinary sanction under the Disciplinary Regulations up to and including expulsion.

## 8. Disciplinary Hearing

Once any investigation has been completed, or if the circumstances do not warrant an investigation, a decision will be made whether you have a case to answer. If it is decided that you have a case to answer then you will be required to attend a Disciplinary Hearing before a Disciplinary Committee.



8.1 In advance of any Disciplinary Hearing you will receive in writing:

- a. The allegation(s) against you.
- b. The complaint.
- c. The basis of the allegation.
- d. A copy of the relevant Policy, if relevant.
- e. A copy of the investigation report (if any) and/or any written statements taken.
- f. An indication, if the allegation(s) are found to be substantiated, of the maximum sanction that may be imposed.
- g. A copy of the signed Student Agreement and copy of the Disciplinary Regulations.

In advance and at the Disciplinary Hearing student's will be given an opportunity to respond to the allegations. The manner in which a hearing is conducted may vary depending upon the subject matter of the allegations and shall be at the sole discretion of the Chair. Without prejudice to that discretion, the hearing shall, at all times, be conducted in accordance with fair procedures and natural justice.

Witnesses or anybody who has provided a written statement will not normally be required to attend at the Disciplinary Hearing unless the person or body conducting the hearing considers their attendance appropriate and/or necessary for due process. In such case, the person or body conducting the hearing may adjourn or postpone a hearing for the purposes of securing the attendance of any particular person.

The decision ("Disciplinary Outcome") will not normally be communicated at the Disciplinary Hearing but will be reserved and furnished in writing as soon as is practicable after due consideration.

## 9. Appeal

If you wish to exercise your right to appeal you may do so, in writing, by lodging your Notice of Appeal with the Registry office within fourteen days of receipt of the written notice advising you of the initial decision together with a fee (as advised on Moodle or by Registry). Appeals filed without the accompanying fee will be treated as invalid.

The Appeal Notice must set out, in detail, the grounds of your appeal together with any supporting documentation on which you wish to rely.

An appeal may be against:

- i. The decision and the sanction.
- ii. The sanction alone.

An appeal notice may be processed without a hearing or, at the discretion of the person or body considering an appeal, by way of a hearing. An appeal of a decision or sanction will not stop the sanction being applied. However, if, on appeal, the sanction is reversed and/or ameliorated then any previously applied sanction will be reversed and/or ameliorated to the extent necessary to give effect to the appellate decision.



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## **10. Amendments**

This policy is intended as a general statement of current policy and procedure and therefore RCSI reserves the right to amend the policy and/or procedure, with or without notice, as necessary to meet any changing requirements or to depart from the policy and/or procedure as set out where RCSI deems appropriate.