



## **PLC Code of Conduct & Disciplinary Procedure**

### **Coláiste Mhuire Co-Ed**

**May, 2017**

We aim to provide you with the best possible education while you are attending Coláiste Mhuire Co. Ed for further Education. To support us in this, we ask for your co-operation in maintaining an acceptable standard of behaviour throughout. This document will state clearly what the College's expectation and standards are of you, our learners, regarding behaviour and how you may co-operate with our general administration. We invite you to please read this document carefully. Any student who is enrolled at Coláiste Mhuire Co.Ed is subject to this Policy. This is a condition of enrolment and is not dependent on the Code being signed by the learner.

### **1. Objectives**

- 1.1. To set down the code of conduct expected of the College's PLC learners.
- 1.2. To highlight what is considered misconduct under this code.
- 1.3. To set out the College PLC learner Disciplinary Procedure and PLC learners' rights under this procedure.

### **2. Scope**

- 2.1. The College PLC learner Code of Conduct applies to all persons, other than staff, undertaking a PLC programme of study. In addition, these regulations apply to PLC learners attending College programmes on other premises.
- 2.2. This PLC learner Code of Conduct comes into force when an offer of a place in the College is accepted and remains in force whilst PLC learners are attending the College or taking part in any of its associated events or events arising from course participation (eg work experience, site visits etc).

### **3. Introduction**

3.1. The College aims to provide a safe and welcoming environment for its staff and PLC learners. In order to achieve this, a standard of conduct is necessary on the part of PLC learners and staff. This document outlines that standard of conduct in terms of the College's PLC learners.

3.2. The PLC learner Code of Conduct shall be included in the PLC learner Handbook and on the college website.

3.3. The PLC learner Code of Conduct is equally applicable to PLC learners when they are off campus, for example on a field trip or a work placement.

3.4. The College is entitled to alter this PLC learner Code of Conduct from time to time (subject to ratification by the Board of Management.)

### **4. General points of information**

4.1. It is essential that you arrive in College on good time, morning and afternoon. Punctual and regular attendance is required and necessary if students are to make full use of the education opportunities we offer. It is important that students present to class in line with their timetable. Please note that maintenance grants are payable on the basis of recorded attendance. Casual absences only hinder progress and should be avoided. Please refer to PLC Attendance Policy for details.

4.2. You are required to conduct yourself in a mature and responsible manner and respect all members of the College's community.

4.3. Litter should be placed in the bins provided and you should keep the College tidy.

4.4. Books or other reference materials given to you remain the property of the College/Tutor. They should be kept in good condition and returned before the summer holidays.

4.5 Students have access to the PLC printer/copier (this is in the PLC area). Students must not request photocopying be done through the staffroom or the office.

4.6. Students must comply with the college acceptable usage policy. All students with access to College computers must first sign the computer usage policy. NB school emails are monitored for offensive content.

4.7. Personal items are your own responsibility. The College accepts no responsibility for any loss or damage. Wearing headsets in class, listening to MP3/4 Players, a cassette etc... is not allowed for safety reasons.

4.8. Students who damage College property will be required to pay the cost of making good the damage.

4.9. Neat dress is required. The wearing of caps or hats is not permitted in the College buildings for security reasons.

4.10. The College official openings hours are 8.30 a.m. – 4.00 p.m. Monday – Friday. Classes commence at 9.00 a.m.

4.11. The possession or use of any illegal substances or alcohol is strictly forbidden in the College. Please note the school's Drug and Alcohol Policy which applies to all members of the school community.

4.12. Smoking (including e-cigarettes) is illegal in the College buildings or grounds and is not allowed in the vicinity of the College grounds. Students are not permitted to smoke outside the school gates. If the college gates are within sight, smoking is not permitted.

4.13. Mobile phones must be turned off during class and must not be on the desk.

4.14. PLC students must use PLC designated toilets only.

4.15. During 'free' classes PLC students are welcome to use the study hub as a study zone. Classes are taking place in rooms near this area, so music, loud talking etc. is not allowed during class times.

4.16. PLC students will be advised regarding access to the canteen and must only use the canteen at designated times.

4.17. Very limited car parking spaces are available in designated areas for those with a current insurance policy. The provision of parking spaces is solely at the discretion of the College Authorities for the duration of the school year only. Under no circumstances can students park in staff designated areas.

4.18. Students will be required to compile and submit projects and assignments during the course of the year. Project Deadlines must be adhered to. Late submissions will not be accepted unless a doctor's certificate is submitted on or before the deadline date and a final date will then be set by the teacher. All projects must be submitted to the subject teachers, NOT to the office or staffroom. Please refer to the Examinations section in the learner contract.

4.19. Students who miss an exam date due to exceptional circumstances may apply in writing to the PLC Coordinator requesting a rescheduled examination date. Documentary evidence may be required. When final examinations are set, they are not excusable with doctors/medical certificate.

## **5. PLC learner Code of Conduct**

5.1. All PLC learners are expected to be considerate to the needs of fellow PLC learners, postprimary students, staff and any authorised visitors to the College

5.2. All PLC learners are expected not to engage in any conduct which is intended or is likely to disrupt teaching, learning, study, research, ceremonies, recreational activities, meetings, examinations, administration or other activities undertaken by or within the College or organised as part of its approved activities

5.3. All PLC learners are expected to respect the property of the College and not to use it for unapproved purposes

5.4. All PLC learners are expected to attend classes and commit to the learning process.

## **6. PLC learner Misconduct**

6.1. The essence of misconduct under the PLC learner Code of Conduct is improper interference with the proper functioning or activities of the College, or those who work or study in the College, or action which otherwise damages the College

6.2. The following shall constitute examples of misconduct. This list is not intended to be exhaustive:

6.2.1. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College, whether on College premises or elsewhere

6.2.2. Obstruction of, or improper interference with, the functions, duties or activities of any PLC learner, post-primary student, member of staff or other employee of the

College or any authorised visitor of the College

6.2.3. Violent, indecent, disorderly, threatening or offensive behaviour or language whilst on College premises or engaged in any College activity

6.2.4. Fraud, deceit, deception or dishonesty in relation to the College or its staff or in connection with holding any office in the College or in relation to being a PLC learner of the College

6.2.5. Action likely to cause injury or impair safety on College premises

6.2.6. Sexual or racial harassment of any PLC learner, post-primary student, member of staff or other employee of the College or any authorised visitor to the College, or any behaviour of a hostile or intimidatory nature aimed at individuals or groups of people

6.2.7. Examination offences which do not constitute academic irregularities

6.2.8. Damage to, or defacement of, College property or the property of other members of the College community caused intentionally or recklessly, or misappropriation of such property

6.2.9. Misuse or unauthorised use of College premises or items of property, including computer/network misuse

6.2.10. Conduct which constitutes a criminal offence where that conduct:

☐ takes place on College premises, or

☐ affects or concerns other members of the College community, or

☐ damages the good name of the College, or

☐ itself constitutes misconduct within the terms of this code

6.2.11. Behaviour which brings the College into disrepute

6.2.12. Failure to comply with proper directions given by staff of the College

6.2.13. Failure to comply with a previously imposed penalty under this PLC learner Code of Conduct.

## **7. Disciplinary Procedure**

7.1. The College is committed to fair, equitable and appropriate disciplinary procedures

7.2. The PLC learner Disciplinary Procedure shall be invoked where a PLC learner has allegedly acted contrary to the PLC learner Code of Conduct or has allegedly carried out some such other activity which has been harmful to the College (other than academic misconduct which shall be dealt with under the Academic Misconduct Procedure)

7.3. The PLC learner Disciplinary Procedure is intended to ensure a speedy and efficient resolution of issues. The aim is to prevent unnecessary delay whilst ensuring a full and fair assessment of the particular circumstances of an individual case

7.4. PLC learners are asked to familiarise themselves with the expectations of the College as described in the PLC learner Code of Conduct, the PLC learner Handbook and in individual College policies and procedures to which they are subject, as well as the details of the PLC learner Disciplinary Procedure and their rights under this procedure.

## **8. Definitions of Misconduct**

In terms of misconduct, the College recognises that there is a distinction between a minor infringement, a major infringement and gross misconduct as defined below:

8.1. Minor Infringement: Minor Infringements include, but are not limited to, noise, disorderly conduct and minor damage. Minor infringements will be dealt with locally.

8.2. Major Infringement: Major Infringements include but are not limited to, repeated minor offences, injury or threats to the person, harassment, bullying, abusive or dangerous behaviour, nuisance, damage to property, malicious tampering with and/or disabling of security and safety systems. Major infringements will be dealt with through the Disciplinary Procedures.

8.3. Gross Misconduct: Gross Misconduct includes, but is not limited to, assault causing serious harm (including sexual assault), serious or repeated harassment, extreme nuisance, serious damage to property and use of illegal substances. Gross misconduct will be dealt with through the Disciplinary Procedures.

## **9. Standard of Proof**

For the purpose of this PLC learner Disciplinary Procedure and having regard to the gravity of the matter for decision, a PLC learner shall be deemed to have acted contrary to the PLC learner Code of Conduct or otherwise carried out some such other activity which has been harmful to the College in circumstances where the adjudicating body is satisfied that the proof presented in support of the charge is beyond all reasonable doubt.

## **10. Right of Attendance and Representation at a Disciplinary Hearing and Appeal Hearing**

10.1. A PLC learner who is the subject of a disciplinary proceeding or who has requested an appeals hearing has the right to attend the hearing convened for the purpose of adjudicating the disciplinary hearing/appeal hearing, to be represented, to hear the evidence presented, to challenge the evidence on cross-examination and to present his/her own evidence

10.2. A representative at an appeals hearing may be a fellow PLC learner, a relative, a friend, an adviser

10.3. PLC Learners under the age of 18 years, must be accompanied by a parent/guardian or an adult nominated, in writing, by the parent/guardian.

10.4. A representative may speak on behalf of the PLC learner

10.5. A PLC learner may choose to be accompanied by a translator

10.6. A PLC learner who chooses not to be represented shall be requested at the hearing to confirm in writing that he/she has been informed of his/her right of representation and has declined to exercise it

10.7. If a PLC learner (or their parent/guardian if learner is under 18 years) fails to attend the hearing, the hearing shall proceed in the absence of the PLC learner.

## **11. Suspension during Investigation**

11.1. The College retains the right to suspend a PLC learner suspected of misconduct whilst the investigation into the incident(s) is taking place. Such investigations shall be conducted as quickly as possible

11.2. The PLC Course Director shall ensure that the PLC learner is provided with formal notification of the suspension

11.3. An order of suspension may include a request that the PLC learner should have no contact with a named person or persons.

## **12. Disciplinary Procedure**

The following section describes the process which takes place when a complainant suspects that a PLC learner has committed some form of misconduct which is contrary to the PLC learner Code of Conduct or has carried out some such other activity which has been harmful to the College

1

Any costs associated with legal representation of the PLC learner shall be borne by the PLC learner

2

Any costs associated with the appointment of a translator by the PLC learner shall be borne by the PLC learner.

12.1. A complainant who suspects a case of misconduct shall gather all available information and/or documentation about the incident and refer the case(s) to the PLC Course Director.

12.2. The PLC Course Director shall review all information and/or documentation available and discuss the suspected case of misconduct with the complainant and the PLC learner. If the PLC learner does not wish to challenge that misconduct has occurred the PLC Course

Director shall document the outcome of the meeting, detailing the penalty which shall be imposed [see Section 13]. A copy of this document shall be provided to the PLC learner and kept on the PLC learner's file for the appropriate period of time

12.3. If the PLC learner wishes to challenge that misconduct has occurred, the PLC Course Director shall make a determination as to whether he/she considers that the suspected breach of conduct can be substantiated

12.4. Should the PLC Course Director determine that the suspected misconduct, if substantiated, is a minor infringement he shall issue an oral warning to the PLC learner. A note shall be retained on the PLC learner's file

12.5. Should the PLC Course Director determine that the suspected misconduct, if substantiated, is a major infringement or constitutes gross misconduct then:

12.5.1. The PLC Course Director shall refer the matter to the College Principal

12.5.2. The PLC Course Director shall notify the PLC learner in writing 10 working days in advance of the hearing (or sooner by agreement with all parties) that the college is considering a disciplinary case against him/her. He /she shall also indicate the time, place and format of the scheduled disciplinary hearing, request the PLC learner's attendance and inform the PLC learner of his/her right of representation, right to hear the evidence presented, to challenge the evidence and to present his/her own evidence

12.5.3. The PLC Course Director and Principal shall then meet with the PLC learner and the complainant together to adjudicate at the disciplinary hearing

12.5.4. Within 5 working days of the hearing, the PLC Course Director shall notify the PLC learner, in writing, of the outcome of the hearing. Where the Disciplinary Board is satisfied that an incident of misconduct has arisen, the PLC Course Director shall identify the disciplinary penalty and the PLC learner's right of appeal

12.5.5. In the event of the PLC learner choosing to exercise his/her right of appeal, the application of the disciplinary penalty shall be suspended pending the outcome of the appeal. In the event of the PLC learner not choosing to exercise his/her right of appeal, the disciplinary penalty shall be applied. Where the Principal forms the opinion (normally on Health & Safety grounds) that the PLC Learner should be suspended from attending at the college pending the investigation and appeal hearing s/he may suspend the learner.

### **13. Outcomes**

13.1. In the case of minor infringements, the PLC Course Director shall issue an oral warning to the PLC learner. A note shall be retained on the PLC learner's file

13.2. In the case of major infringements, the PLC Course Director shall issue a written warning to the PLC learner. A copy of the written warning shall be retained on the PLC learner's file. The college reserves the right to judge the severity of the infringement and may refer the matter to the Board of Management for expulsion.

13.3. In the case of a second major infringement, the PLC Course Director shall issue a final written warning that shall normally be effective for the remainder of the PLC learner's programme of study. A copy of the written warning shall be retained on the PLC learner's file until he/she has completed his/her programme or has otherwise withdrawn from the College

13.4. In the case of a major infringement, the circumstances may be considered so serious as to warrant the issuance of a final warning without prior warnings, a final written warning/expulsion may be issued (subject to a disciplinary hearing). A copy of the written warning shall be retained on the PLC learner's file until he/she has completed his/her programme or has otherwise withdrawn from the College

13.5. A major infringement subsequent to the issuance of a final warning shall normally lead to the PLC learner's expulsion. A permanent record of expulsion shall be retained on the PLC learner's file.

13.6. In addition to, or in substitution for, an oral or written warning, the PLC Course Director may impose one or more of the following penalties:

☐ that the PLC learner gives a written undertaking as to his/her subsequent conduct within the College

☐ that the PLC learner gives a written or verbal apology

☐ that the PLC learner pays for any damage to property he/she has caused, or recompenses the College for any loss it may have suffered or for any costs incurred directly or indirectly from the PLC learner's misconduct

☐ the withdrawal of privileges, e.g. expulsion from a College service.

In the case of gross misconduct the details of the disciplinary hearing will be reported to the College Principal and s/he will normally recommend that the Board of Management expel the PLC learner. A permanent record of expulsion shall be retained on the PLC learner's file.

### **14. Expulsion**

On the recommendation of the Principal the Board of Management may expel a PLC learner based on cumulative or summary evidence.

### **15. Criminal Offences**



If a PLC learner is alleged to have behaved in such a manner that, if proven in a court of law, he/she would have committed a criminal offence the College may suspend the PLC learner Disciplinary Procedure and refer the matter to the appropriate authorities.

## **16. Appeals**

16.1. A learner or applicant wishing to appeal the decision of a Disciplinary Board may do so, normally on the following grounds:

A. A material procedural irregularity which, had it not occurred, might have impacted significantly on the validity of the original hearing and the subsequent penalty

B. That the penalty imposed by the disciplinary hearing was too severe bearing in mind the circumstances of the case

C. The learner wishes to present new evidence or information of mitigating circumstances which were not known to the Disciplinary Board. In this case the learner must also show good reason why such circumstances could not have been made known prior to or at the Disciplinary Hearing.

D. There is a breach of natural justice

16.2. A learner wishing to appeal a decision referred to in 17.1 should write to the Secretary of the Board of Management within 7 working days of being informed of the related decision and shall submit it to the college office. The letter should set out clearly which of the 4 grounds (A, B, C or D) the appeal is based on. In the absence of grounds for appeal and supplying evidence where appropriate, the appeal will be rejected.

16.3. If a learner enters an appeal, a desk review of the appeal is conducted to establish whether valid grounds for appeal exist.

16.4. In the course of the desk based review a learner appeal may be found to be valid or rejected as invalid. If the appeal is rejected as invalid the learner is informed of the decision and of his/her right to have the appeal reviewed by the Board of Management.

16.5. The Board of Management will convene to consider the appeal and will make a decision based on the submissions of the college management and the PLC learner or their parent/guardian. The decision of the Board of Management is final.

## **17. Records and Follow Up**

17.1. Documentation pertaining to all alleged, investigated and (if applicable) confirmed instances of misconduct shall be compiled and retained by the PLC Course Director

17.2. Documentation regarding penalties imposed for proven misconduct shall be retained on the PLC learner's file

17.3. Documentation regarding expulsion shall form a permanent record on the PLC learner's file.

## **18. Confidentiality**

18.1. Where the College is satisfied at any stage within these procedures that misconduct has not taken place, no documentation relating to the alleged misconduct and the associated investigations shall be retained in the PLC learner's file

18.2. The disciplinary process, once entered into, is confidential to all parties. Therefore, it is essential that any individuals involved in the process respect this paramount need for confidentiality. Breaches of such confidentiality may lead to disciplinary action being taken.