

Code of Practice for Student Disciplinary Investigations¹

Introduction

1. Trinity College has a number of important disciplinary rules in relation to student conduct. These rules exist for a variety of purposes of which the most important are the protection of the College community, the protection of academic integrity and the protection of the interests and reputation of Trinity more generally. Where a student is alleged to have breached these disciplinary rules, this can lead to a **disciplinary investigation** and, if the student is found to have committed a disciplinary offence, this can lead to the imposition of penalties.
2. The Statutes of Trinity College Dublin and the University of Dublin ('the Statutes') [<https://www.tcd.ie/registrar/statutes/>] provide for the way in which disciplinary issues involving students are to be investigated. In particular, this occurs in the Chapter on **Student Conduct and Capacity** and **Schedules 1 and 2 to this Chapter on Advisory and Decision Making Bodies and Student Discipline**. The purpose of this Code is to outline in more detail the way in which Trinity's disciplinary procedures work (including the various timelines involved in a disciplinary investigation), and to indicate the rights of students throughout a disciplinary investigation process.
3. The kinds of conduct that may be the subject of disciplinary proceedings are listed in the Statutes in section 1 of Schedule 2 (Student Discipline) to the Chapter on Student Conduct and Capacity. This covers matters such as academic misconduct (for example plagiarism for which there are specific procedures [<https://www.tcd.ie/academic-affairs/academic-integrity/>]) as well as other forms of misconduct. It should be noted that, depending on the circumstances, this might include behaviour which, whereas it does not occur on College property, nonetheless is sufficiently closely connected to College business or has sufficient potential to impact on the reputational interests of College that it can reasonably be the subject of a disciplinary investigation.
4. Furthermore, and obviously, some acts of misconduct are more serious than others. The Statutes (as is discussed below) require the Junior Dean to distinguish between *major* and *minor* offences, and this distinction is important both because of the types of penalty that can be imposed for each and also because different procedures apply where a major as compared to a minor offence is at issue.
5. If at any stage a student is uncertain as to their rights or the procedures governing student discipline cases, they should contact their College Tutor, the Senior Tutor's Office, the Postgraduate Advisory Service, or, where a case is to

¹ Approved by Board on 26 March 2025, conditional on the final approval of the related change to 'the Statutes', which occurred on 22 May 2025.

be considered by the Student Conduct Committee, the Secretary's Office. In relation to cases of alleged academic misconduct, it may also be appropriate for a student to consult with their own (College) Discipline or School, or the Senior Lecturer's or Dean of Graduate Studies' Office, for clarification.

What Trinity bodies are involved?

6. There are up to *five* Trinity bodies that may be involved directly in any disciplinary investigation².
 - A. **The Junior Dean:** the Junior Dean is the College Officer with primary responsibility for initial investigations into student disciplinary matters. The Junior Dean will also be the final decision maker where all disciplinary offences that can be dealt with summarily (see below) are concerned, unless they are appealed to the Student Conduct Committee. In cases deemed to be "minor" in nature (see paragraph 9 below), the Junior Dean's role in this process may be delegated to an **Assistant Junior Dean** or, where events in Trinity Hall are concerned, by the **Warden of Trinity Hall**. The Junior Dean or, in some cases, a pro-Junior Dean, will take the lead on all "major" disciplinary cases.
 - B. **The Student Conduct Committee:** The Student Conduct Committee ('the Committee') hears appeals against decisions of the Junior Dean, and/or related penalties, but in addition, the matter can be referred to the Committee if the Junior Dean feels that it is too serious to deal with in a summary fashion. Thus in general the Committee will only deal with major disciplinary offences.
 - C. **The Visitors:** A decision of the Board to approve a decision of the Committee may be appealed to the Visitors.
 - D. **The Student Capacity Advisory Group:** Sometimes the evidence emerging from a disciplinary investigation can throw up real concerns as to the physical or mental health of a student or the relevance of any disability of a student. Where this happens, the Junior Dean or the Committee may consult with this group, to determine what the best course of action should be. The members of this group include the Dean of Students, the Director of the Health Service, the Director of the Counselling Service, the Director of the Disability Service, the College Psychiatrist, the College Solicitor, the Campus Services Manager and the Senior Tutor.
 - E. **Fitness to Practise Committees:** Sometimes the evidence emerging from a disciplinary investigation can throw up real concerns as to the student's capacity to practise trades or professions, for which they are training, during their course of study (for example on placements). This will only be relevant for certain courses of study. Where this happens the decision maker may decide to refer the matter to a school Fitness to Practise Committee pursuant to Schedule 4 of the Chapter on Student Conduct and Capacity. The decision of

² Please note that there are also specific procedures related to academic misconduct, <https://www.tcd.ie/teaching-learning/academic-affairs/academic-integrity/academic-misconduct-procedure/>

a school committee may be appealed to the College Fitness to Practise Committee.

What Offences are Covered and what Penalties can be Imposed?

7. The first thing to note is that this Code only relates to **student** discipline³. A student is defined under Schedule 2 of the Chapter on Student Conduct and Capacity in the Statutes.
8. The types of offences that are covered are also defined in Schedule 2. Importantly, it is not just offences on College property that are covered – indeed any behaviour that brings College into disrepute is covered. Finally, there are a range of penalties that can be imposed on a student depending on how serious the matter is and ranging from a reprimand or fine for a more minor offence all the way up to expulsion for the most serious offences. These are laid down in Schedule 2 to the Chapter on Student Conduct and Capacity as well.
9. As was mentioned above, very importantly, the Statutes distinguish between *major* and *minor* offences. It is the Junior Dean's task to decide whether a particular offence falls under the 'major' or 'minor' category. The main significance of this distinction relates to the kind of penalty that might be imposed in each case. But in addition, it may be relevant to the question of whether the matter can be dealt with summarily. The factors that will be relevant in deciding whether a matter is major or minor are laid down in Schedule 2 to the Chapter on Student Conduct and Capacity.

General Principles that Apply to All Student Discipline Investigations

10. All investigations shall be processed fully and fairly and as quickly as possible bearing in mind the need for them to be full and fair.
11. Whereas the primary responsibility for responding to a disciplinary allegation rests with the student, they are always entitled to be accompanied by one of their College Tutor, someone from the Senior Tutor's office, the Postgraduate Advisory Service, or a Students' Union representative and this person may make representations on their behalf. They are not entitled to be accompanied or represented by someone external to College including a lawyer or some other professional representative at any stage below a hearing before the Visitors.
12. A student's views or responses to allegations against them will always be sought and listened to. In deciding on any disciplinary charge (both in determining whether the complaint should be upheld, and in determining what penalty shall be imposed) the decision maker shall have regard to all

³ Sometimes the student involved may also be a staff member – most usually if it is a postgraduate student – in which case a decision is taken as to whether it is appropriate that they would be subject to a student rather than a staff disciplinary process.

background evidence that is of relevance and that might mitigate the responsibility of the student. On the other hand, should a student decline to participate in an investigation, that investigation may still proceed to a conclusion.

13. The decision maker in any case (whether it be the Junior Dean, the Committee, or the Visitors) will always be impartial and will never be biased against the student.
14. Whereas disciplinary processes must be fair, this does not mean that they are akin to court hearings, or that the level of procedures that apply to the latter would also apply to the former.
15. All decision makers will be conscious of the potential relevance of mental or physical ill health or a disability on the part of a student and, should any of these factors appear to be possibly relevant, then the decision maker will consult with the Student Capacity Advisory Group to decide on the appropriate course of action.
16. In addition, all decision makers will be conscious that either at the outset of the investigation or at some later point, the facts of a particular case may reveal concerns as to the fitness of the student to practise a particular trade or profession (this may be especially possible in cases where the student is studying a course that leads directly into a profession). In such circumstances, the decision maker may choose to refer the matter directly to a school Fitness to Practise Committee and may postpone the disciplinary process while the Fitness to Practise assessment is being made. This does not, however, mean that the disciplinary investigation is terminated; rather it may be reactivated following the conclusion of the Fitness to Practise process.
17. There may be reasons why a disciplinary investigation is paused or suspended by either the Junior Dean or the Committee. This may be necessary if the matter is referred to the Student Conduct Advisory Group or to a school Fitness to Practise Committee. In addition, on rare occasions, the disciplinary investigation may relate to conduct which also constitutes a crime that is being investigated by, or referred to, the An Garda Síochána – in which case the Chair of the Committee may postpone the disciplinary investigation until the criminal investigation is completed. The Chair of the Committee may seek the advice of the College Solicitor in such cases.

The Various Levels in a Disciplinary Investigation

18. We now turn to the various levels in a disciplinary investigation. What follows is an outline of what happens at each level, as well as the timelines that will apply. The various bodies involved (the Junior Dean, the Committee and the Visitors) are entitled broadly to determine their own procedures, provided that these procedures are fair, impartial, and transparent to all relevant parties in a case.

A. The Junior Dean

19. It is usually the case that the starting point for a disciplinary investigation is that a complaint about a student will be made to the Junior Dean. This might relate to severe academic misconduct (e.g. level 4 plagiarism or alleged cheating at exams) or behaviour in class or towards a member of staff; or it might be a complaint from the security staff about behaviour on campus; or it might be a complaint by one student about another; or it might relate to online activity; but these are merely examples – the Junior Dean hears all sorts of disciplinary complaints.
20. When such a complaint is made, the Junior Dean must formally and in writing contact the student and do the following
 - (a) Set out the specific allegation against them;
 - (b) Give details of the evidence against them;
 - (c) Indicate (if possible) whether the offence is likely to be seen as a major or a minor one;
 - (d) Inform them of their right to be represented as outlined above.
21. To assist with the investigation, the Junior Dean might interview or consult with various other people who were involved in a case and get their views (for example witnesses, or College Officers who have jurisdiction over the matter and so on) and if this is done, the Junior Dean must inform the student of these views. The Junior Dean *may* permit the student to respond in writing. Finally, the Junior Dean *must* call the student and their representative to attend at an interview at which they will be given a full opportunity to respond to the allegations made against them and to any views that the Junior Dean has received. Very importantly, should the student fail to turn up or attend, then the Junior Dean can still reach a decision.
22. The Junior Dean should **normally** make a decision within **15 working days** of informing the student of the allegations against them. On occasion, though, this may not be possible (for example if the student is unavailable for a period to turn up for the interview, where there are accepted reasons).
23. The Junior Dean must make a number of decisions:
 - (a) Has a disciplinary offence occurred?
 - (b) If so is it a major one or a minor one?
 - (c) Can the matter be dealt with summarily? If it is a minor offence, then it can always be dealt with summarily. If it is a major offence, then it can only be dealt with summarily if the student accepts that they committed the offence and consents to it being dealt with summarily (and the student can withdraw their consent at any time before a decision is made).
 - (d) If it *can* be dealt with summarily, then the Junior Dean must determine what penalty if any should be imposed? In this regard, the Junior Dean must have regard to all relevant background evidence that might mitigate the responsibility of the student.
 - (e) If the matter cannot be dealt with summarily, then it must be referred to the Student Conduct Committee.

24. When the Junior Dean has reached a decision, this must be communicated to the student in writing as soon as practicable, copied to their representative if the student had been accompanied at the hearing. If the Junior Dean decides to deal with the matter summarily, then the student (and any representative who accompanied them) must be informed of the reason for the decision, the penalty (if any) to be imposed and any other consequences for them. They must also be informed that, should they wish to appeal the decision to the Student Conduct Committee, then they need to inform the Registrar/Chair of the Committee of this within **five working days**. The Junior Dean will refer a matter which cannot be dealt with summarily (generally because it is so serious) to the Student Conduct Committee directly and inform the student of this fact and advise them that the Chair of the Student Conduct Committee will be emailing them in relation to the matter.

B. The Student Conduct Committee

25. There are two principal ways in which a case will come to the attention of the Student Conduct Committee. In this regard, if there is more than one case against a student but they are closely linked, the Committee may decide to deal with them separately OR together, at its discretion.

Student Appeals

26. The first is where a student wishes to appeal a decision of the Junior Dean. Before deciding to do so, the student would be well advised to consult with their representative. A student who has been found to have committed a minor offence may appeal either against the finding that they *did* commit the offence OR against the penalty imposed OR both. In cases where a student is charged with a major offence and the matter has been dealt with summarily, then they must previously have admitted responsibility, so by definition the appeal can only relate to penalty. In all cases, the student **must** inform the Registrar/ Chair of the Committee of their intention to appeal within **five working days** of the communication of the Junior Dean's decision. In general, if the student does not do so within this time period then the appeal will not be heard. In very rare circumstances, the Registrar/ Chair of the Committee, at their discretion, may permit a late appeal to proceed if it is felt that the circumstances of the case mean that this is an appropriate course of action.
27. It should be noted that unless the Chair of the Committee directs otherwise, any penalty imposed by the Junior Dean **remains in force** pending the decision of the Committee in the case.
28. The student will then be given a deadline by the Chair of the Committee by which the following information must be submitted:
- (a) the identity of the person (if any) who will represent the student;
 - (b) a list of witnesses whom the student proposes to call (if any);
 - (c) a summary in writing of the evidence that it is proposed should be given by each of them;
 - (d) a list of exhibits (if any); and

(e) any written submissions that they choose to make.

29. The Chair of the Committee retains the discretion to allow the student to submit more evidence or to amend their submissions at a later date (though in advance of the hearing).
30. A student does not *need* to submit this information, and the hearing will proceed even if they do not, but it is very much in their interests to do so, as if they do not then they will not be allowed to bring in evidence or witnesses in the hearing.
31. The Chair of the Committee shall, as soon as practicable, provide the Junior Dean with the information received from the student, including any amendments thereto, and shall seek written responses within a reasonable timeline from the Junior Dean. The Junior Dean shall, within this timeline, provide the following information (and if this is not done, the matter may still proceed, however, the Junior Dean will not be permitted to introduce evidence or call witnesses in such circumstances).
- (a) a list of witnesses whom the Junior Dean proposes to call (if any);
 - (b) a summary in writing of the evidence that it is proposed should be given by each of them;
 - (c) a list of exhibits (if any), and
 - (d) any written submissions that they choose to make.
32. Again, the Chair of the Committee retains a discretion to allow the Junior Dean to amend any of the documentation above at a later date, though before the hearing.
33. All documentation submitted by the Junior Dean will be furnished to the student.

Junior Dean Referrals

34. Where the Junior Dean refers a matter to the Committee, the Junior Dean must notify the Chair of the Committee of this referral within **five working days** of the date on which the final interview with the student (conducted as part of the Junior Dean's investigation) took place. Thereafter, and in a timeframe laid down by the Chair of the Committee, the Junior Dean shall provide the following information to the Chair of the Committee
- (a) a statement of the charges against the student,
 - (b) a list of witnesses whom the Junior Dean proposes to call (if any),
 - (c) a summary in writing of the evidence that it is proposed should be given by each of them,
 - (d) a list of exhibits (if any), and
 - (e) any written submissions that they choose to make.
35. In the unlikely event that the Junior Dean does not provide the foregoing information within the agreed timeframe or an extended time frame prescribed

by the Chair of the Committee, then the complaint against the student will be rejected without any hearing of the matter.

36. Following the receipt of the notice of referral by the Junior Dean, the Chair of the Committee shall inform the student and their representative (as outlined above) that the matter has been referred to the Committee. In general this shall occur via email but it may also be through any alternative means of communication deemed appropriate by the Chair of the Committee, e.g. registered letter to the student's term address. Notice of this referral shall be accompanied by a copy of this Code, (drawing attention in particular to the student's right to representation, to submit written evidence, and to call such witnesses in defence as the student may think fit) and all relevant extracts from the Statutes.
37. Thereafter, the student will be provided with the supporting information provided by the Junior Dean as soon as practicable and shall be given a reasonable timeframe by the Chair of the Committee within which to submit any or all of the following: For the avoidance of doubt, the failure on the part of the student to provide such information shall not be a bar to the capacity of the Committee to hear the matter.
 - (a) the identity of the person (if any) who will represent the student;
 - (b) a list of witnesses whom the student proposes to call (if any);
 - (c) a summary in writing of the evidence that it is proposed should be given by each of them;
 - (d) a list of exhibits (if any); and
 - (e) any written submissions that they choose to make.

The Hearing

38. Both Parties (the student and the Junior Dean) along with representatives of either and any witnesses, shall be invited to an oral hearing into the matter on an agreed date. This hearing may be in person or online. If the student (or their representative) or the Junior Dean (or their representative) without good reason or prior notice does not attend on this date, then a revised date shall be set for the hearing. If the student (or their representative) without good reason or prior notice does not attend on this revised date, then the hearing shall proceed in their absence. If the Junior Dean (or their representative) without good reason or prior notice does not attend on this revised date then the Committee must reject the complaint without the matter being heard.
39. The members of the Committee who will be deciding the case will have carefully read in advance all the documentation submitted by both parties. Unless it is an appeal against a penalty, the hearing is a full *de novo* hearing: in other words, if it is an appeal against a conclusion of the Junior Dean, the matter is heard in full as if the Committee were the first body looking at the matter.
40. In general, and unless the Chair of the Committee directs otherwise the procedure for such hearings is as follows:

- (a) First, the student is invited to present their case either by themselves or through their representative. They may wish to call witnesses or other evidence or simply make arguments in support of their case. When this has been done, the Junior Dean may ask questions of the student or of any witnesses that the student has called, and members of the Committee may do the same.
 - (b) Thereafter the Junior Dean is invited to present their case. Again they may if they wish, call witnesses or other evidence or simply make arguments in support of their case. They or their witnesses may then be questioned by the student, the student's representative, or by members of the Committee.
 - (c) Thereafter, the student or their representative is permitted to make submissions responding to the arguments and evidence raised by the Junior Dean.
 - (d) At this point, the members of the Committee will withdraw to make their decision. In some circumstances, the parties to the hearing may be asked to remain either in virtual or real waiting rooms in case a quick decision can be reached or in case questions arise for them. In others, the parties will simply be informed that they can leave and that a decision will be transmitted to them at a later stage.
41. The Committee will make its decision based both on evidence and submissions received in advance of the hearing, and evidence and submissions raised *at* the hearing. Should it find that the student committed the alleged offence it will impose whatever penalty it feels is appropriate. It should be noted in this regard, that should a student appeal against a penalty imposed by the Junior Dean then it is not impossible that the ultimate decision of the Committee might be to impose an even more onerous penalty. Should it find that the student did not commit the offence, then the matter is struck out. In determining both whether the complaint is to be upheld and (if so) what the appropriate penalty should be, the Committee must have regard to all relevant background evidence that might mitigate the responsibility of the student.
42. The decision of the Committee is conveyed to the student and/or their representative as soon as practicable after the hearing. The Committee will inform the student that the decision may be appealed to the Visitors by the student or the Junior Dean.
43. All decisions of the Committee are notified to Board for its approval at its next available meeting.

C. Visitors

44. The decision of Board to approve a decision of the Committee may be appealed to the Visitors. In order for this to happen, the student (or the Junior Dean) must inform the Registrar of their intention to appeal within 15 working

days of the date on which the Committee's decision was communicated to them.

45. Any kind of appeal lies to the Visitors from a decision of the Committee. Thus, for example, there could be an appeal on a point of procedure, or, alternatively there could be an appeal seeking a full rehearing of the matter.