

# QUALITY ASSURANCE HANDBOOK

2019 Edition – Part B

Section 3: Learner Conduct, Appeals & Complaints

As of Annual Quality Report 2021

Document Version as of AQR Reporting January 2021

Refer to [www.dbs.ie](http://www.dbs.ie) for live versions of policies.

2019

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## Learner Conduct, Appeals and Complaints

As per the *Core Statutory Quality Assurance Guidelines*, it is important that the learning environment provided:

- *Respects and attends to the diversity of learners and their needs, enabling flexible learning pathways*  
[...]
- *Encourages a sense of autonomy in the learner, while encouraging adequate guidance and support for the learner*
- *Promotes mutual respect within the learner-teacher relationship*
- *Has procedures for dealing with learner complaints*
- *Has procedures for dealing with learner appeals*

QQI (2016)<sup>1</sup>

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This section of the *Quality Assurance Handbook* lays out firstly the expectations for and of our learners, as well as the policies and procedures for dealing with issues such as complaints and appeals.

This includes:

- The Learner Charter and Code of Conduct – what you can expect of DBS, and what DBS expects of you as a learner
- Academic Impropriety (AI) Policy
- The Disciplinary Policy
- Appeals – what to do if you wish to appeal an academic outcome such as the grade of an assessment
- Complaints – what to do if you have an issue relating to facilities, supports provided, programme delivery, a (fellow) learner on a study programme or a member of staff.

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<sup>1</sup> QQI (2016) *Core Statutory Quality Assurance Guidelines*, Section 2.5.2, 'Teaching and Learning'  
<https://www.qqi.ie/Downloads/Core%20Statutory%20Quality%20Assurance%20Guidelines.pdf>.

## 3.1 The DBS Learner Charter

The Learner Charter aims to make learners aware of what they can expect of DBS and outlines what DBS can expect from learners.

### 3.1.1 Why a Learner Charter?

DBS has around 9000 active learners enrolled on programmes. We want the learner experience for all our learners to be a positive one. We recognise that our learners are part of a community of learning, and that we have obligations to fulfil towards our learners, and that learners likewise have responsibilities, to themselves, to their fellow learners and to the College. The Learner Charter therefore aims to set out what we see as the key areas that help to foster a supportive, constructive and positive learning environment. This Charter, however, like our *Quality Assurance Handbook*, is a 'living document' – we want to respond to issues as they arise. So if there is something you think is missing, we are happy to hear about it. Your suggestions can be made in writing to the Quality Assurance Officer via [quality@dbb.ie](mailto:quality@dbb.ie).

### 3.1.2 The DBS Learner Charter

#### **You Can Expect to:**

1. Be provided with a welcoming and supportive environment in which to pursue your studies.
2. Be provided with a teaching and learning experience that helps you to achieve the intended programme learning outcomes, and ultimately your qualification.
3. Be given timely feedback on your academic performance on an on-going basis.
4. Be provided with suitable resources to support your learning, and to be made aware of how to access these resources.
5. Be provided with accurate and timely information central to your studies such as timetables, forms, policies and procedures.
6. Be treated with respect, dignity and professionalism by DBS staff at all times.
7. Be provided with opportunities to take part in wider academic, professional and social activities aimed at enhancing your personal development.
8. Be provided with opportunities to give formal feedback to DBS on the quality of all aspects of the learner experience.
9. Receive prompt and timely responses to queries, complaints or other issues.

**DBS Expects Learners to:**

1. Take responsibility for your studies and proactively manage your own learning experience.
2. Attend classes, lectures and other academic activities related to your programme of study and actively engage with/ in the content/ activity.
3. Take responsibility for the completion of all assessments, including the submission of assignments in accordance with deadlines, and similarly take responsibility for your attendance at examinations.
4. Work with staff and fellow learners to foster a positive and supportive learning environment for everyone.
5. Respect the academic integrity of the College and comply with policy and procedure as set out in the *Quality Assurance Handbook*.
6. Proactively ensure you are aware of key programme information such as deadlines, and to regularly monitor your College e-mail to ensure you are aware of DBS communications.
7. Use College facilities in an appropriate manner and with respect for other users.
8. Behave in a courteous and professional manner towards other learners and toward staff at all times.
9. Proactively inform the College if you have circumstances that you feel may impact on your studies, and to take responsibility for seeking any support that you may require.

## 3.2 Learner Code of Conduct Policy

<b>Quality Assurance Handbook (QAH) Part B</b>	
	
<b>Document Name</b>	Learner Code of Conduct Policy
<b>Policy Document Number</b>	010
<b>Version Reference</b>	v2.1
<b>Document Owner</b>	Assessment and Regulations Manager and Head of Faculty and School Operations
<b>Roles with Aligned Responsibility</b>	Registrar, QA Officer, Heads of Department
<b>Applicability</b>	All programmes: NFQ L6–9, Professional Programmes, Study Abroad, DBS Online
<b>Approved By</b>	Academic Board & QQI
<b>Approval Date</b>	23/07/19
<b>Date Policy Becomes Active</b>	18/09/19
<b>Revision Cycle</b>	A minimum of every five years
<b>Revision History/ Amalgamation History</b>	Active date will be following approval by QQI
<b>Additional Information</b>	N/A
<b>References/ Supporting Documentation</b>	<ul style="list-style-type: none"> <li>ENQA (2015) <i>Standards and Guidelines for Quality Assurance in the European Higher Education Area</i>, Standard 1.3. ‘Student-Centred Learning, Teaching and Assessment’.<sup>2</sup></li> <li>QQI (2016) <i>Core Statutory Quality Assurance (QA) Guidelines</i>, Section 2.5.1, ‘Teaching and Learning’ and Section 2.5.2 ‘A Provider Ethos that Promotes Learning’.<sup>3</sup></li> </ul>

### 3.2.1 Policy Overview

Each learner at DBS is required to comply with the College’s Code of Conduct. The purpose of the DBS Learner Code of Conduct is to ensure that an appropriate academic environment, in which mutual respect for all College staff, learners, visitors and guests is promoted. The Code requires reasonable behaviour and consideration for others and is intended to assist learners in spending a fulfilling and rewarding time at the College. This policy sets out DBS’s expectations regarding learner implementation of the policy.

The Code of Conduct is intended to set and maintain acceptable standards of behaviour within the College community, to encourage individuals to accept their obligations and to maintain the College’s good standing. The Code applies to all learners regardless of their study location. In the

<sup>2</sup> [https://enqa.eu/wp-content/uploads/2015/11/ESG\\_2015.pdf](https://enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf)

<sup>3</sup> <https://www.qqi.ie/Downloads/Core%20Statutory%20Quality%20Assurance%20Guidelines.pdf>

case of learners undertaking a programme that is a collaboration between DBS and other parties, this Code shall apply except where a specific alternative is identified.

This Code is not intended to be an exhaustive document. Other regulations concerning expected norms of behaviour and communication are documented throughout the *College Quality Assurance Handbook*.

The enforcement of the Code is a shared responsibility. The Disciplinary Committee is called to review cases of suspected or alleged breaches of this code. It is the responsibility of each learner in DBS to adequately familiarise themselves with this policy and the other rules and regulations that may be specific to their chosen programme of study. Ignorance of the code does not constitute adequate defence, should a learner be found to be in breach of the Code.

### 3.2.2 Policy Statement

#### **Commitment to the Code of Conduct**

In registering for a programme of study at DBS all learners are accepting the Code of Conduct and agreeing to adhere to the requirements and expectations identified within it.

#### **General Behaviour**

All learners are expected to conduct themselves in an appropriate and respectful manner in their interactions with, and on behalf of, DBS. Learners must not engage in any activity that may negatively impact upon the name of the College, its staff or its learners.

Learners are expected to conduct themselves legally, ethically and responsibly in all interactions and communications, including interactions through technology and social media, within and outside their programme of study.

All communications and interactions with the College or any of its stakeholders, and on behalf of the College as a DBS learner, are expected to be conducted in a respectful manner based upon dignity, equality and inclusion.

Any act or omission that affects adversely the rights of any other member of the College community, including partners or external stakeholders, or that disrupts the conduct of any College activity, will be considered a breach of the Code of Conduct, and may be subject to disciplinary proceedings.

#### **Satisfaction of College and Programme Requirements and Regulations**

1. Learners take personal responsibility for their studies and their progression through their chosen programme of study and for the consequences and implications of their actions and inactions in this regard.

2. Learners are required to attend scheduled classes punctually.
  - Note that this means, as a rule, prompt arrival for the beginning of class, on or before the hour. Late arrival is extremely disruptive to other students and the lecturer. Learners arriving late will not be able to tag in and will need to speak to their lecturers to have attendance recorded.
3. Learners must conduct themselves in an appropriate manner throughout the class. This includes:
  - Engaging with the lecturer and other learners.
  - Taking part, but not interrupting the lecturer or other learners.
  - Minimising use of electronic devices such as mobile phones except for direct interaction as directed by the lecturer as part of the class.
4. Learners are responsible for the accurate and honest recording of their attendance. Any attempt to falsify attendance records is considered fraudulent and will be subject to disciplinary proceedings.
5. Learners are required to maintain communication with DBS in all instances where they are unable to attend or engage with their studies. Failure to do so may impact on a learner's enrolment status.
6. It is the responsibility of each learner to familiarise themselves with the regulations, policies and procedures of DBS, including assessment regulations governing their programme, and any implications that failure to comply or adhere to specifics outlined within same may have on their enrolment status and potential entitlement to an award.
7. Each learner is required to produce their Student ID Card upon request by any member of DBS staff.

### **In-Class Conduct**

Learners are required to adhere to the **reasonable and lawful instruction of DBS staff** during class and whilst on DBS premises.

Where any learner disrupts a class or acts in a manner that fails to display dignity and respect to others, including by failing to follow the instructions of DBS staff, the staff member is within their rights to ask the learner to withdraw from the particular class activity and to report the learner for a breach of this code.

No learner may record sound or video in a teaching situation (such as, but not limited to, lectures, seminars, tutorials or labs) without the prior written consent of the lecturer and the other participating learners. Only in cases where there are personal mitigating circumstances (PMCs) will

requests of this nature be considered. These requests must be made prior to any recording, and academic staff members have the right to refuse where other mechanisms to support the learner can be accommodated.

### **Use of Social Media and Technology**

DBS encourages learners to engage in groups and societies and establish informal networks, including through the use of social media and technology, to promote the development and enhancement of the learner community. Participation, whilst often informal and social in nature, must be appropriate, inoffensive and respectful at all times. Learners are required to be mindful of their language and the material they choose to share.

Refer to **Part B Section 3.2.7** for the full Online Code of Conduct.

### **Premises, Property and Staff Associated with DBS or its Programmes**

Learners are required to respect the staff, premises, property and fellow learners of DBS and any associated venue or partner, including local residents and businesses.

Learners who undertake part of their studies in locations outside of DBS are required to familiarise themselves with any specific codes of behaviour or conduct belonging to those locations and adhere to them during their time there.

Where the College is notified of an allegation of a breach of a Code of Conduct belonging to another location associated with the completion of a DBS programme of study, the learner can be subject to DBS disciplinary proceedings.

### **3.2.3 Enforcement**

For the purpose of enforcing this Code, DBS is entitled but not obliged to investigate any allegation of misconduct and, following appropriate disciplinary procedures, may impose a penalty or sanction where the allegation is upheld.

Any breach of this Code is normally considered a breach of discipline and will be considered under the Disciplinary Procedure. A range of penalties can be applied up to and including the requirement for the learner to withdraw from their programme and/or the College with no entitlement to a refund.

### **3.2.4 Rights of DBS**

DBS reserves the right for any member of staff to request and to retain the student card of any individual learner, where a conduct breach is alleged.

DBS reserves the right to suspend a learner from their programme of studies and suspend their access to any DBS facilities and resources pending an investigation into any allegation of a breach of the Code of Conduct.

Where it is deemed appropriate in order to guarantee the continued smooth running of an affected programme of study, the College reserves the right to request that a learner agree to an independent assessment by a relevant professional, for example, where the health, safety or wellbeing of others is deemed to be at risk. A failure to comply with this request may result in the learner not being permitted to continue with their programme of study.

The College reserves the right to refuse to provide a reference for the purpose of professional registration, employment or further study for any learner who has breached the Code of Conduct.

The provisions of this Code are without prejudice to the legal rights of learners. However, where DBS deems it appropriate or necessary, DBS reserves the right to notify the Gardai of any allegation of a crime having been committed or other such threat of a crime.

### 3.2.5 Major Offences

Major Offences under the Code of Conduct include, but are not limited to:

- Academic Impropriety, including but not limited to plagiarism.
- Activities by a learner or learners outside of the College that are suspected to involve collusion with another learner or entity with respect to the production of any assessment material i.e. essay mills, ghost writing, etc.
  - *Learners should note legislation in Ireland introduced through an amendment to the Education Act in 2019 which prohibits the provision of cheating services.*
- Furnishing false information to the College with intent to deceive.
- Forgery, alteration or misuse of College documents, records or student identity cards. This includes, but is not limited to, attendance records, reference letters, registration status letters, certificates, assessment results and transcripts, etc.
- Behaviours such as physical, verbal or written harassment, sexual harassment, intimidation, bullying or abuse of any learner or member of staff of the College. DBS has a zero-tolerance policy and any such behaviour.
- Malicious destruction, damage or misuse of College property, including Library materials and computer equipment, or of private property on the campus.
- Unwarranted interference with College's safety equipment, fire-fighting equipment and alarm systems or failure to observe fire drill procedures.

- Abuse of alcohol, illegal or prescription drugs on the campus, at College events held externally, or on the premises of any DBS partner organisation.
- Forcible occupation of College buildings.
- Activities by a learner or learners outside of the College while engaged in work experience, placement, co-curricular events, volunteer placement, study tours, assignments organised by the College or while representing the College, its Clubs or Societies, which would breach the regulations of the College which apply on campus.
- Incitement or encouragement of any other person or persons to do any of the above.
- Criminal Offences (including theft) will be referred to the Gardai.

### **Penalties for Major Offences**

Where a learner is found to have committed any of the offences outlined above, the Disciplinary Committee has the authority to impose penalties, either separately or in combination, that may include, but would not be limited to, the following:

- Expulsion from the College.
- Suspension from the College 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 College facilities.
- Disbarment from examinations for a specific period.
- A fine not exceeding 50% of the annual full-time fee of the course being undertaken.
- In the case of the offence of Academic Impropriety, a range of penalties may be applied, up to and including dismissal from the College with no right of return, as outlined in the DBS Academic Impropriety Policy, QAH Part B Section 3.3.
- An order for reparation of any damage or loss caused to the College or any of its staff or learner members or members of the public.
- Refusal or withholding of the award of a degree, diploma, certificate, prize or other academic title/award.

### 3.2.6 Minor Offences

Minor Offences include, but are not limited to:

- Littering
- Disorderly/ disruptive conduct
- Causing minor damage to College property or private property on the campus
- Being in restricted access areas without permission
- Failing to produce proof of identity upon request
- Conduct which disrupts or is likely to disrupt lectures, research, study, examinations, use of College facilities or the administration of the College
- Conduct which obstructs or is likely to obstruct a member of staff of the College, or a person authorised by the College to carry out specific tasks, in the performance of his or her duties.

#### Penalties for Minor Offences

Where a learner is found to have committed any of the offences outlined above, the Disciplinary Committee has the authority to impose penalties, either separately or in combination, that may include, but would not be limited to, the following:

- A reprimand from the Head of Academic Operations or other authorised College official and/or a note on the learner's record.
- An order for the reparation of any damage or loss caused to the College or to any members of staff or learners or members of the public.
- The imposition of a fine up to a maximum of 50% of the annual full-time fee of the programme being undertaken.

### 3.2.7 Online Code of Conduct

The general DBS Learner Code of Conduct applies at all times and in all contexts.

Additionally, with regard to online activities as part of a programme of study with DBS:

1. All online interaction must comply with data protection laws.
2. All online interaction must be conducted in a professional and courteous manner at all times.
3. Only approved College platforms should be used for online interaction (DBS e-mail, Moodle).
4. It is not permitted to record sound or video in a teaching situation (such as, but not limited to, lectures, seminars, tutorials or labs) without the prior written consent of the lecturer and the other participating learners.

## Online Behaviours:

Learners are required to adhere to the following:

- E-mails should always be sent from College e-mail accounts to College e-mail accounts.
- Online study groups, even amongst friends, should remain a professional environment.
- E-mails, posts and discussions in online fora should be properly written, punctuated and spell-checked. Sources should be referenced if applicable.
- Communications should be relevant.
- Information about or belonging to another person (including personal identifying information, social media posts, photos, videos etc.) must never be shared without explicit prior consent.
- Social media groups used to study must not be used to air personal political or religious views or to discuss sensitive topics that are not germane to the area of study.
  - It is recognised that within specific disciplines sensitive issues may be relevant to academic or professional discussions. Nonetheless, discussions should not become overly personal.

Specifically consider the following:

- Is information yours to share or could you be in breach of data protection legislation if you post something?
- Is your communication relevant?
- Is the tone of a communication appropriate? Could it be misinterpreted or seen as an attack on someone?
- If a topic is sensitive, why are you posting, and what is your motivation for doing so?
- If someone else posts something you do not like, do not respond immediately. Take time to reflect and consider if there could be some misunderstanding.
  - If you have concerns, it can be better to send an individual message politely asking for clarification, rather than risk inflaming the situation with a group post.
  - Remember that most platforms are moderated or have mechanisms for reporting controversial posts – it can be better to have matters dealt with formally than to try to intervene in something directly.

### Remember:

- *Digital content is effectively indelible – once content has been posted it is impossible to remove its footprint completely.*
- *You are unlikely to regret **not** posting something at a later date. If in doubt, do not post.*
- *You are free to block individuals or to leave a group if you become uncomfortable.*
- *Even if you only post in your personal accounts, with secure settings, posts can be screenshotted and redistributed.*
- *It is possible to disagree with something and still remain polite.*

### 3.2.8 Right of Appeal

A learner may appeal the outcome of the Disciplinary Committee and/or a penalty imposed. See DBS Learner Disciplinary Policy for full details. The Disciplinary Policy can be located in Part B Section 3.4 below.

### 3.3 Academic Impropriety Policy

<b>Quality Assurance Handbook (QAH) Part B</b>	
	
<b>Document Name</b>	Academic Impropriety Policy
<b>Policy Document Number</b>	011
<b>Version Reference</b>	v2.0
<b>Document Owner</b>	Assessment and Regulations Manager
<b>Roles with Aligned Responsibility</b>	Registrar, QA Officer, Heads of Department
<b>Applicability</b>	All programmes: NFQ L6–9, Professional Programmes, Study Abroad, DBS Online
<b>Approved by</b>	DBS Academic Board
<b>Approval date</b>	23/07/19
<b>Date Policy Becomes Active</b>	18/09/19
<b>Revision Cycle</b>	A minimum of every five years
<b>Revision History/ Amalgamation History</b>	N/A
<b>Additional Information</b>	Active date will be following approval by QQI
<b>References/ Supporting Documentation</b>	<ul style="list-style-type: none"> <li>ENQA (2015) <i>Standards and Guidelines for Quality Assurance in the European Higher Education Area</i>, Standard 1.3. ‘Student-Centred Learning, Teaching and Assessment’.<sup>4</sup></li> <li>QQI (2016) <i>Core Statutory Quality Assurance (QA) Guidelines</i>, Section 2.6, ‘Assessment of Learners’.<sup>5</sup></li> </ul>

#### 3.3.1 Policy Overview

DBS aim to promote academic integrity through supporting learners in developing academic writing and research skills. All learners are informed of the expectations of DBS in relation to academic work submitted for assessment and are provided with access to services to support the development of appropriate academic writing and research skills.

This policy details the formal mechanisms that DBS utilises when managing suspected cases of Academic Impropriety.

#### 3.3.2 Policy Statement

‘Academic Impropriety’ includes cheating, plagiarism, forgery, collusion or any attempt, whether successful or otherwise, to gain an unfair advantage in the examination or assessment process.

<sup>4</sup> [https://enqa.eu/wp-content/uploads/2015/11/ESG\\_2015.pdf](https://enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf)

<sup>5</sup> <https://www.qqi.ie/Downloads/Core%20Statutory%20Quality%20Assurance%20Guidelines.pdf>

Learners are advised that DBS takes cases of Academic Impropriety very seriously and will apply penalties up to and including expulsion from the College with no right to return nor to a monetary refund. This policy applies to all programmes offered by DBS.

DBS reserves the right to protect its reputation as an academic institution and will defend any legal challenge to its implementation of this policy and the outcomes of deliberations relating to Academic Impropriety.

Internal Examiners should be aware that poor academic conduct or academic impoverishment is not to be confused with impropriety. Instances of academic impoverishment should be addressed through marking accordingly and providing the appropriate feedback to assist academic development. Cases of suspected Academic Impropriety, i.e. the intention to secure an unfair advantage through dishonest academic practice in the assessment process, should be addressed through the Academic Impropriety procedure. A number of examples of Academic Impropriety are detailed below.

DBS encourages communities of learning, the creation of learning partnerships, and authorised collaboration in assessment. However, all assessment tasks are to be entirely the work of the individual submitting it unless stated otherwise. Any assessments found to contain work the same as, or similar to, that of another learner, past or present, will be considered to be the product of cheating or collusion, and therefore of Academic Impropriety, and penalties for Academic Impropriety will be applied as appropriate.

DBS believes there is no justification for impropriety and claims of stress, financial pressure, ill health or other such instances will not be accepted as justification for Academic Impropriety. Equally, lack of knowledge is not considered a suitable defence. Any learner who believes they are subject to pressure that is impacting their studies and their ability to satisfy assessment requirements is advised to consult Student Services, the Course Director or module lecturer and request appropriate supports or information on the options available to them.

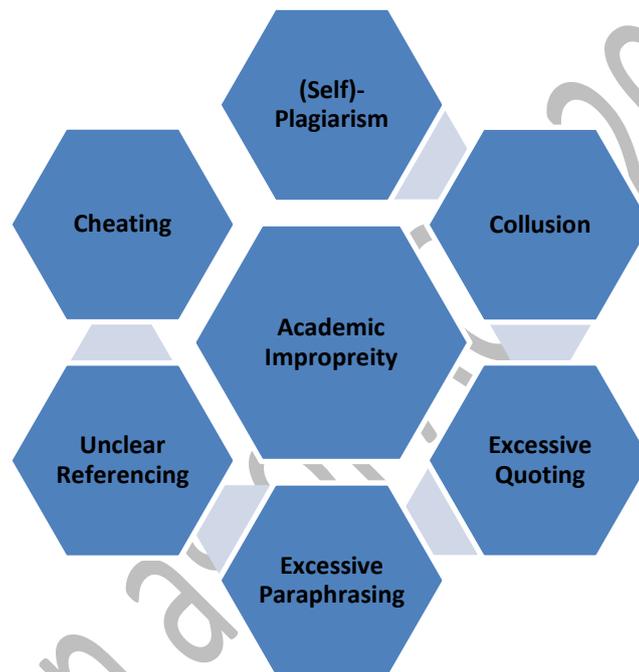
In order to deter learners from considering Academic Impropriety as a low-risk option in cases where they consider their failure to be likely, the Academic Impropriety Committee, when dealing with any such case brought before it, will ensure that any penalty is more significant than having made an honest attempt at assessment and failed.

Should Academic Impropriety be suspected, the learner or learners concerned will be notified of the action(s) to be taken and the potential penalties that may be applied.

### 3.3.3 Examples of Academic Impropriety

Academic Impropriety is broadly defined as the intention to secure an unfair advantage through dishonest academic practice in the assessment process. Examples are given below, but this list is not exhaustive, and where any case of alleged or suspected dishonest practice to gain unfair advantage is brought to the College's attention, the procedure for Academic Impropriety will apply.

An investigation of suspected Academic Impropriety and the procedure outlined below can commence regardless of whether or not the specific occurrence of suspected Academic Impropriety is specifically included as an example in this policy.



#### **Cheating**

Examples of cheating include but are not restricted to:

- Communication with a third party or copying from any other source during an examination/assessment.
- Use of a third party for the completion or partial completion of an assessment e.g. friend, family member or essay writing service.
- Introducing any form of written or other material into an examination (including that stored electronically) other than that specified on an examination paper.
- Use of a mobile phone or any unauthorised electronic device during an assessment or examination.
- Forgery, alteration or misuse of College documents, records or identity cards.

- Submission of false claims of prior qualification(s), research or experience in order to gain credit for prior learning.

### **Plagiarism**

Plagiarism is defined as the presentation of work, written or otherwise, of any other person, including another learner, or institution, as the candidate's own. Plagiarism includes but is not restricted to:

- Verbatim copying of another's work without clear identification and acknowledgement.
- Close paraphrasing of another's work by simply changing a few words or altering the order of presentation without clear identification and acknowledgement.
- Unidentified /unacknowledged presentation of another's concept as one's own.

### **Self-Plagiarism**

Academic Impropriety also includes **self-plagiarism**, where a learner uses work previously submitted for another assessment or publication, whether at a previous or the current institution, and re-purposes it in another assignment. While it is legitimate to draw on and develop ideas that may be covered elsewhere, it is not acceptable to re-submit a piece of work for assessment twice, and this includes blocks of text within a piece of work (unless this is specifically provided for in the special regulations of a module). Where previous work completed can be cited, references must be applied as appropriate.

### **Collusion**

Collusion is defined as: the conscious collaboration, without official approval, between two or more learners in the preparation and production of work which is ultimately submitted by each in an identical or substantially similar form and/or is represented by each to be the product of his or her individual efforts. Collusion also occurs where there is co-operation between a learner and an external third party in the preparation and production of work, which is presented as the learner's own.

### **Purchased Assignments/Essay Mills/Ghost Writing**

The use of purchased material from online 'essay mills', whether purchased by the learner or otherwise, is an intentional attempt by the learner to submit work that is not their own and will be dealt with severely.

It should be noted that Ireland has introduced a law to make the advertising and provision of cheating services illegal<sup>6</sup>.

### **Misattributed or Obfuscatory (deliberately unclear) Referencing**

The exercise of inserting apparently valid reference details in-text and in bibliographies, where the content referenced either does not exist, or does not relate to the matter being supported or bear any relation to the argument or evidence being claimed. This is considered a deliberate intent to mislead examiners and subvert the academic review process.

### **Deliberate Manipulation of Submissions to Avoid Detection by Text-Matching Software**

The manipulation of text to evade detection by text-matching software, such as re-wording sentences from a source, employing translation software to change the source material to another language and back into English, or inserting disguised characters (such as characters coloured to match the background) or special characters, such that text-matching software is hindered in completing an accurate analysis.

**The following practices may be considered as constituting Academic Impropriety if excessive and repeated instances are identified. Initial instances may be considered as the result of poor or inadequate academic development or as academic impoverishment, and should be addressed through learner supports, such as the Library's support classes.**

### **Excessive-Quoting**

It is important that any body of work comprises significant analysis by the learner. Therefore, it is not appropriate for an essay to consist of large numbers of referenced quotations from other sources without suitable discussion and analysis.

### **Excessive Paraphrasing/Re-wording**

It is **not sufficient** to merely reword/paraphrase content. Ideas and concepts must be reframed, and insights provided. Deliberate plagiarism, including changing words to disguise a source, is a serious offence. Re-wording in this way generally results in disjointed or inelegant prose which is easily identified by markers.

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<sup>6</sup> Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019:  
<http://www.irishstatutebook.ie/eli/2019/act/32/section/15/enacted/en/html#sec15>

### 3.3.4 Initial Action in Instances of Suspected Academic Impropriety

Suspected cases of cheating, collusion and plagiarism will be notified to the Examinations Team, the Assessment and Regulations Manager and QA Officer.

In cases where insufficient evidence is presented in conjunction with a specific case the Assessment and Regulations Manager will deem that the learner does not have a case to answer. No formal record will be retained by DBS with regard to the instance.

Where the Assessment and Regulations Manager and QA Officer deem that on the balance of probability that Academic Impoverishment has occurred rather than Academic Impropriety, the learner will be referred to the DBS Library Service to complete a class on academic writing. However, a formal record will be kept of the case should another incident occur.

### 3.3.5 Instances of Suspected Cheating During an Examination Sitting

Any member of staff who suspects Academic Impropriety during an assessment under examination conditions must report such suspicions immediately to the Chief Invigilator/Examinations Officer or representative from the Examination Team. Each learner is entitled to the presumption of innocence and therefore, after the initial intervention, the learner will be permitted to continue with the exam and the examination script is marked as normal. The grade and feedback will not be released until such a time as the allegation has been investigated and an outcome determined.

The Chief Invigilator/Examinations Officer is required to approach the learner concerned and ask them to step outside the examination hall. A second invigilator or staff member should be present for this. The Chief Invigilator or Examinations Officer is required to:

- Confirm the identity of the learner and temporarily confiscate the learner's ID card.
- Explain the suspicions and reason for suspicion.
- Note the response of the learner.
- Remove any unauthorised material.
- Advise the learner of their entitlement to complete the examination.
- Confirm the requirement for the learner to report to the Examinations Team immediately after the examination concludes.

On returning to the hall, the invigilator is required to annotate the front of the script clearly to indicate to the marker the possibility that Academic Impropriety has occurred. The learner is then permitted to finish the examination.

The Chief Invigilator is required to provide a written report of the incident to the Assessment and Regulations Manager, along with any materials removed from the learner.

At the end of the examination, for on-campus examinations, the learner concerned must present themselves immediately to DBS reception where they will be advised on the next steps in the case of suspected academic impropriety. In the case of off-campus examination events, the Assessment and Regulations Manager will communicate with the learner regarding the next steps in the process. The learner will have their ID card returned at this point, along with any personal items not deemed relevant to the investigation.

### 3.3.6 Suspected Academic Impropriety in Grading of Learner Assessments

Any examiner who suspects Academic Impropriety must report such suspicions to the Assessment and Regulations Manager or Quality Assurance Officer. In making such a report the examiner is required to provide:

- A copy of the learner submission.
- The mark sheet and feedback for the learner based on marking as normal.
- Copies of all relevant evidence/documentation supporting the suspicion, to include any source material and the Urkund report (where applicable).
- A completed copy of the DBS Academic Impropriety Form. The link to the Academic Impropriety form can be located in the Additional Documents section of this policy.

This information should be provided as soon as the suspected Academic Impropriety is identified, to allow for appropriate investigatory action and possible disciplinary proceedings in advance of the examinations and/or Examination Boards.

Each learner is entitled to the presumption of innocence and therefore the assessment is marked as normal. The grade and feedback will not be released until such time as the allegation has been investigated and an outcome determined on the balance of probability.

Where suspicion arises due to a report from text comparison software (such as Urkund), the lecturer must first have reviewed and interpreted the report and made an informed judgement on whether or not it appears Academic Impropriety may have occurred.

It is important for both learners and lecturers to note that text comparison software such as Urkund is only an indicative tool. Properly referenced quotations and bibliographies will be identified by the software, and the software may not identify all sources/resources. Therefore, there is no absolute percentage of similarity that is 'acceptable'. A high percentage is obviously of concern, but a single

paragraph that is completely plagiarised is as unacceptable as a larger piece of writing. It is the learner's responsibility to ensure assessments are their own work, and lecturers' responsibility to assess this:

- Learners should not rely on the Urkund similarity percentage to assess 'acceptability' of an assignment.
- Examiners/lecturers may not submit cases of suspected Academic Impropriety based on Urkund percentage alone where this has not been properly interrogated.

A learner or learners must be made aware of any suspicion and of any proceedings where a matter is being investigated. Notification should be in writing from the QA Officer, normally via e-mail. The learner will be notified of their rights and provided with a link to, or a copy of, the policy and procedure along with any source material identified in cases of suspected plagiarism.

Each learner has a right to attend a formal deliberating committee in respect of a case brought against them. DBS strongly encourages the attendance of learners at applicable meetings of the Academic Impropriety Committee. Learners are permitted to bring a friend or relative who is not a legal representative to the meeting to support them. Should a learner choose not to attend or choose not to participate in the process, the Committee is authorised to proceed.

Learners are advised that the deliberating committee is required to determine if, on the balance of probability, impropriety occurred or not.

Where suspicion arises through the academic judgement and experience of the lecturer in reviewing the learner's submission, the lecturer may request that a *viva voce* be held in place of a sitting of the Academic Impropriety Committee. The form of this *viva* will depend upon the nature of the assessment, such that a technical demonstration may be held for ICT assessments.

### 3.3.7 Cases referred for a *viva voce*

DBS reserves the right to carry out a *viva voce* examination for Master's Dissertations or any assessment of a significant ECTS weighting. A *viva voce* is an opportunity the learner to orally defend their submitted assessment. DBS may institute a *viva voce* examination in the case where clarification is required regarding some element or elements of the written piece of work. The scope of a *viva* examination can include:

- Confirming to the satisfaction of the panel that the submission is the learner's own original work.
- Verifying the authenticity of the research.

- Establishing that the learner is aware of the wider research field related to their dissertation topic.
- Demonstrating detailed understanding of the content of the written submission.

In the case where a panel deems that a student cannot sufficiently defend their submitted work, the panel has the authority to either pass or fail the student based upon the strength of their oral defence. In cases where a large disparity between a strong written submission and a poor oral defence occurs, the panel may refer the case to the Disciplinary Committee with an accompanying report; the report will also be provided to the student in advance of the Disciplinary Committee hearing. The Disciplinary Committee will impose a penalty based on the severity of the case as detailed in the report provided by the panel. The Disciplinary Committee will not revisit the case itself, the remit of the committee is to impose a minor or major penalty and provide that outcome to the student in a timely fashion.

### 3.3.8 Potential Outcomes (Cases referred to the Academic Impropriety Committee)

The Academic Impropriety Committee convenes several times throughout the academic year. The purpose of the committee is to assess if Academic Impropriety has occurred in cases put before it. In cases proven to constitute Academic Impropriety, the Committee has the authority to impose an appropriate penalty. The Committee membership comprises members of academic faculty, library staff, the QA Officer, a learner representative and the Assessment and Regulations Manager (Chair).

#### **Undergraduate**

For a first offence in an undergraduate non-award bearing module, a mark of 0% and a requirement to repeat the assessment with the module capped at 40% will be imposed. Where appropriate, the learner will also be obliged to attend and complete the DBS Library Service course on Academic Writing and present their confirmation of completion to the Assessment and Regulations Manager within 4 weeks.

For a first offence in an undergraduate award-bearing module the following penalties will be imposed:

- A mark of 0% will be applied alongside the requirement to repeat the assessment.
- The module mark will be capped at a maximum of 40% and any award will be capped as a pass award.
- The learner may also be obliged to attend and complete the DBS Library Service course on Academic Writing and present their confirmation of completion to the Assessment and Regulations Manager within 4 weeks.

Any instances of a second or subsequent similar offence, regardless of programme framework level, will be referred to the Disciplinary Committee.

### **Postgraduate**

For a first offence in any module the following penalties will be imposed:

- A mark of 0% will be applied, alongside the requirement to repeat the assessment.
- The module mark will be capped at a maximum of 40% and any award will be capped as a pass award.
- The learner may also be obliged to attend and complete the DBS Library Service course on Academic Writing and present their confirmation of completion to the Assessment and Regulations Manager within 4 weeks.

Any instances of a second or subsequent similar offence regardless of programme framework level will be referred to the Disciplinary Committee.

The QA Officer will notify learners of the outcome or decision within five working days of the sitting of the committee.

### **3.3.9 Right of Appeal**

DBS recognises the importance of clear complaints and appeals processes. A learner may appeal a decision or finding of the Academic Impropriety Committee or *viva voce* panel and/ or any penalty imposed. See the DBS Appeal Policy for full details. The DBS Appeals Policy can be located in QAH Part B Section 3.5.



## 3.4 Disciplinary Policy

Quality Assurance Handbook (QAH) Part B	
	
<b>Document Name</b>	Disciplinary Policy
<b>Policy Document Number</b>	012
<b>Version Reference</b>	v2.0
<b>Document Owner</b>	QA Officer
<b>Roles with Aligned Responsibility</b>	Registrar, Assistant Registrar, Assessments and Regulations Manager, Heads of Department
<b>Applicability</b>	All programmes: NFQ L6–9, Professional Programmes, Study Abroad, DBS Online
<b>Approved by</b>	DBS Academic Board & QQI
<b>Approval date</b>	23/07/19
<b>Date Policy Becomes Active</b>	18/09/19
<b>Revision Cycle</b>	A minimum of every five years
<b>Revision History/ Amalgamation History</b>	N/A
<b>Additional Information</b>	Active date will be following approval by QQI
<b>References/ Supporting Documentation</b>	<ul style="list-style-type: none"> <li>• QQI (2016) <i>Core Statutory Quality Assurance (QA) Guidelines</i>, Section 2.5, 'Teaching and Learning'.<sup>7</sup></li> </ul>

### 3.4.1 Policy Overview

DBS learners are responsible for their own actions, behaviours and decision-making. However, in order to ensure a respectful environment conducive to learning and development, DBS further imposes minimum standards of conduct that are expected of all learners. This is reflected in the Learner Code of Conduct, hereafter referred to as the Code. The Learner Code of Conduct is laid out in Section 3.2 above. This Disciplinary Policy sets out DBS's general approach to managing discipline and suspected breaches of the Code.

### 3.4.2 Policy Statement

The DBS Disciplinary policy is applicable to all learners, whether they are enrolled on an accredited or a non-accredited programme.

Learners are advised that any breach of the Code may be considered a disciplinary offence and be subject to disciplinary action as outlined in this policy. Where an allegation of misconduct is upheld, appropriate sanctions will be applied up to and including the requirement to withdraw from the

<sup>7</sup> <https://www.qqi.ie/Downloads/Core%20Statutory%20Quality%20Assurance%20Guidelines.pdf>

College and the programme with no entitlement to full or partial refund. Additionally, any repeat of misconduct by an individual following disciplinary action may result in immediate suspension or expulsion, in particular with respect to major offences under the code of conduct. Where the College believes there is a risk to an individual or individuals in the College, whether students or staff, arising from the conduct of a learner, we reserve the right to suspend studies and/or attendance on campus.

Where appropriate and feasible, the College will seek to resolve any breach of the Code of Conduct without the requirement to invoke formal disciplinary proceedings. In such cases, learners are required to meet with the appropriate manager or department head to discuss the concerns and, if necessary, agree on the steps required to avoid any future recurrence.

However, it is accepted that there may be instances that necessitate immediate engagement of formal disciplinary proceedings in which case the following procedure will apply.

The College will not normally engage with legal representatives or advocates as part of the implementation of this policy. However, it should be noted that on completion of the investigation, where the College considers that matters of a criminal nature are likely to have occurred, the College can refer the matter to An Garda Síochána or the law enforcement agency of the relevant jurisdiction.

This disciplinary policy is based on a principle of natural justice which means that anonymous reports of a breach of conduct or anonymous complaints will not be considered and all parties have the right of response to any allegation.

All learners subject to a disciplinary investigation are entitled to be informed of the identity of the reporting party or complainant, except where it is felt this might present serious risk to that individual or others associated with him/her. The subject of the disciplinary investigation is also entitled to receive details of the allegations made against them and afforded appropriate opportunity to respond.

DBS reserves the right to suspend a learner pending investigation when it is in receipt of an allegation of a breach of the Code of Conduct or a formal complaint. In all such cases, the investigation will be processed as a priority. The College is not liable for any delay in the completion of a programme of study for any learner who is suspended pending an investigation where a reasonable and justifiable decision to suspend is acted upon.

This is an internal procedure for the purpose of managing learner conduct and does not and will not normally include dialogue with or between legal representatives of either or all parties.

In the interest of all parties, these procedures will be invoked as soon as possible and concluded as quickly as possible. Due consideration must be given to timings of assessments and examinations and the Board of Examiners meeting.

Where a learner has allegedly committed an offence or breach of the Code of Conduct, they will be notified in writing (usually via e-mail) of the nature of the offence, their rights, and the procedure involved.

At any stage of these proceedings, the learner will be notified in writing (usually by e-mail) if they are required to attend a meeting. The learner will also be informed of their rights. Should a learner decide not to attend an investigatory or Disciplinary meeting at any stage, the appropriate committee or panel is authorised to proceed in their absence.

A written record will be made at each stage of this procedure. In the event of a finding that no offence has occurred, all records will be destroyed unless it is suspected that an allegation was made maliciously or in bad faith. This in turn may result in a further investigation or the opening of a new disciplinary proceeding.

### 3.4.3 Receipt of an Allegation of Misconduct or an Alleged Breach of the Code

An allegation of misconduct or an alleged breach of the Code must be reported to the Assistant Registrar/Registrar or nominee (such as a member of Senior Management), who will review the allegation and determine what action is required.

Formal proceedings under the disciplinary policy will only be opened where it has not been possible to resolve the matter informally or the alleged offence is considered to be:

- A serious breach of the Code of Conduct.
- A repeat instance of a breach of discipline on the part of the learner.
- Academic Impropriety.

The report must be made in writing via e-mail, and should detail the allegation and include all relevant supporting information and evidence.

On receipt of the report, the Assistant Registrar/Registrar or nominee will arrange for an investigation to take place and a decision will be taken on whether the learner should be suspended pending the conclusion of the investigation.

**Note:** Cases of Academic Impropriety are managed by the Assessment and Regulations Manager in accordance with the Academic Impropriety Policy (see above Section 3.3).

#### 3.4.4 Investigating an Allegation under this Policy

On receipt of a report of suspected misconduct, with the exception of Academic Impropriety, the Assistant Registrar/Registrar, or nominee, will contact the learner concerned and advise them of the nature of the allegations and the intention to undertake an investigation.

The learner will normally be notified at this point if they are to be suspended. However, it is recognised that information uncovered in the course of an investigation can warrant suspension at a later stage.

The investigation will involve evidence collection in the form of documentation and interviews with all relevant parties.

Any individual invited to attend an interview as part of the investigation is entitled to be accompanied or represented by a third party who is not acting as a legal representative, such as the class representative or a family member or friend.

On completion of the evidence gathering stage, the Assistant Registrar/Registrar will collate all evidence provided.

A copy of all evidence will be provided to the subject of the allegation with an invitation for them to respond by a specified deadline and provide any additional information to support their case.

The subject of the complaint is advised not to attempt to conduct their own investigation or to approach potential witnesses as doing so can be detrimental to their case.

#### 3.4.5 Failure to Respond to an Allegation

The failure to respond to an allegation, or the submission of a response after the deadline, will result in the case proceeding without the response. The case will not be terminated as a result of non-response from the learner concerned.

#### 3.4.6 Potential Outcomes from an Investigation

Having invited a response from the learner at the centre of the allegation of misconduct, the Assistant Registrar/Registrar is required to compile a report summarising the allegation and all evidence obtained. Upon completion of the report, the Assistant Registrar/Registrar is required to report one of the following outcomes:

- A finding that no offence has occurred.
- A finding that the learner has admitted the alleged offence and is aware of the possible penalties that may be imposed.

- A finding that the matter has not been resolved at this time – this will include those situations where there is evidence to suggest an alleged offence might have occurred but there has been no admission by the learner.

The outcome of the investigation will be determined as quickly as possible and the learner will be informed of the outcome and the potential consequences, as outlined below.

Decisions will be based on the evidence presented and determined based on the balance of probability.

**1. A finding that no offence has occurred**

If the Assistant Registrar/Registrar is satisfied that there is no case to answer, i.e. that no offence has occurred, the matter will be considered closed and all records will be destroyed after 14 working days, unless there is evidence to suggest that the original allegation was made maliciously and/or in bad faith.

**2. A finding that the learner has admitted the offence(s) and is aware of the possible penalties to be imposed**

Where a learner admits to an offence, the Assistant Registrar/Registrar may take the following action:

- For minor offences, impose an appropriate penalty.
- For serious offences, refer the matter to the Disciplinary Committee for the purpose of imposing penalty or penalties.

The Assistant Registrar/Registrar must notify the learner of the intended action and the fact that a record of the offence(s) will be kept on their file.

**3. A finding that the matter has not been resolved at this time**

Where reasonable evidence is available to show that an offence has occurred, but the learner refutes the allegation, the Assistant Registrar/Registrar must convene a Disciplinary Committee.

The Assistant Registrar must notify the learner of this in writing.

### 3.4.7 Disciplinary Hearing

A Disciplinary Committee with the required quorum in attendance, must be established within 10 working days of the decision of the Assistant Registrar/Registrar being made known or within 10 working days of the decision of the Academic Impropriety investigation being made known.

The Disciplinary Committee membership comprises:

- Assistant Registrar/Registrar, Assessment and Regulations Manager or nominee (Chair)
- 1 x Academic staff representative
- 1 x Support staff representative
- 1 x member of Student Services

The QA Officer or School Administrative Officer will act as secretary to the Committee.

In the case of Academic Impropriety, due to the earlier involvement of the Assessment and Regulations Manager, the Disciplinary Committee will be chaired by the Head of Academic Programmes or the Assistant Registrar/Registrar.

Any person involved in the formal complaint or with a pre-existing relationship with the learner concerned is excluded from membership of the Committee.

Once the Committee has been confirmed, the Assistant Registrar/Registrar will write to the learner and advise them of:

- The date, time and location of the hearing.
- Membership of the Committee.
- Their entitlement to be accompanied by a friend, a family member or a colleague who is not acting as a legal representative.

The Disciplinary Committee shall hear the case and record its deliberations and finding(s).

- In the case of the admission of a serious offence by the learner at the investigation stage of proceedings, the remit of the Committee is to determine the appropriate penalty.
- In the case of non-resolution at the investigation stage of proceedings, the Committee is required to determine, on the balance of probability, whether or not an offence has occurred, and the appropriate sanction to be applied if applicable.

Where the Committee determines on the balance of probability that no offence has occurred, the matter will be considered closed and all records will be destroyed, unless there is evidence to suggest that the original allegation was made maliciously and/or in bad faith.

Where the Committee determines on the balance of probability that an offence has occurred OR acts on admission of an offence in the investigatory stage, a penalty proportionate to the offence will be imposed.

The Secretary, on behalf of the Chair, will write to the learner and advise of the finding(s) of the Disciplinary Committee and what, if any, sanction is to be applied. The learner will also be advised of their right of appeal and the appeal process. The penalties that can be applied for minor and serious offences are outlined in this document.

### 3.4.8 Right of Appeal and the DBS Appeals process

A learner may appeal a decision of the Disciplinary Committee in accordance with the DBS Appeals Policy outlined in Section 3.5 of this document.

### 3.4.9 Criminal Matters

DBS Policy is that any criminal matters are reported to the Gardaí or the authorities of the relevant jurisdiction.

### 3.4.10 Disciplinary Process Flowchart

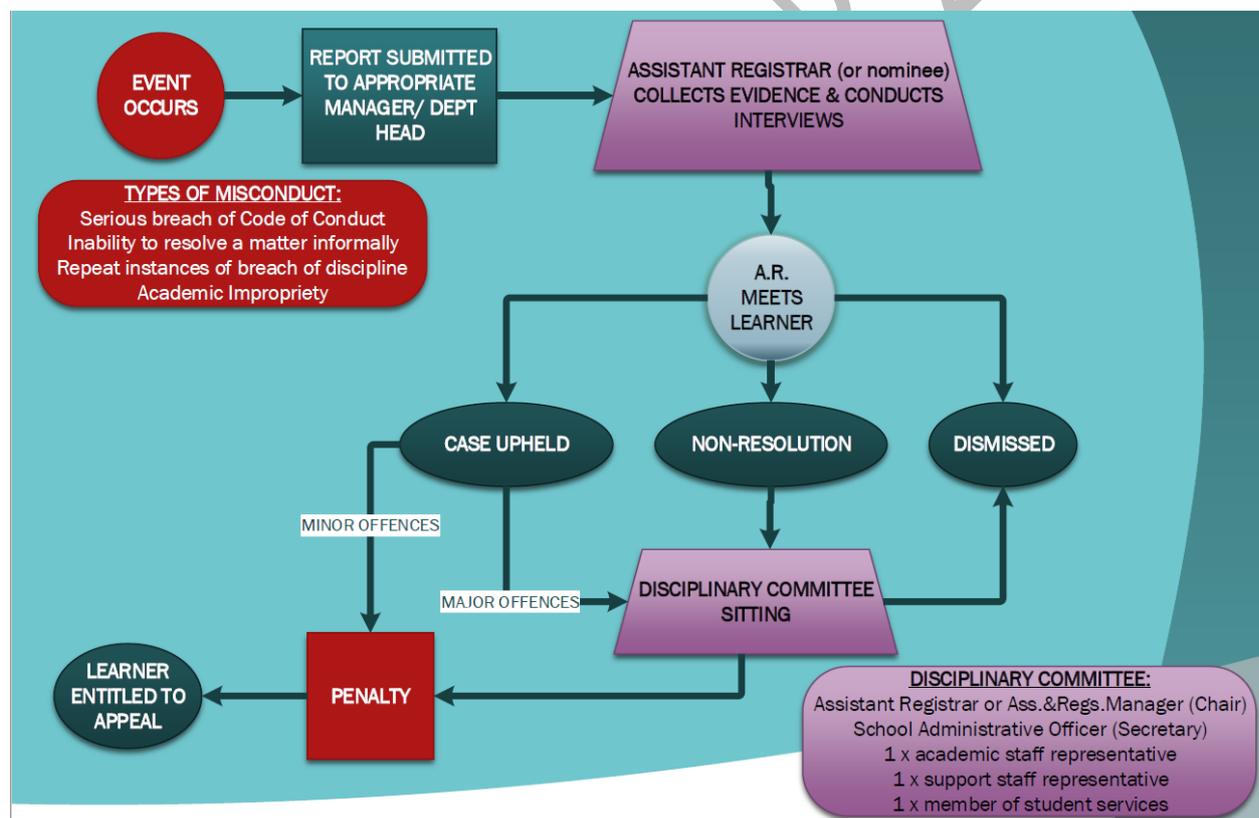


Figure 2: Disciplinary Process Flowchart

## 3.5 Appeals Policy

Quality Assurance Handbook (QAH) Part B	
	
<b>Document Name</b>	Appeals Policy
<b>Policy Document Number</b>	013
<b>Version Reference</b>	v2.0
<b>Document Owner</b>	QA Officer
<b>Roles with Aligned Responsibility</b>	Registrar, Assistant Registrar, Heads of Department
<b>Applicability</b>	All programmes: NFQ L6–9, Professional Programmes, Study Abroad, DBS Online
<b>Approved by</b>	Academic Board & QQI
<b>Approval date</b>	23/07/19
<b>Date Policy Becomes Active</b>	18/09/19
<b>Revision Cycle</b>	A minimum of every five years
<b>Revision History/ Amalgamation History</b>	N/A
<b>Additional Information</b>	Active date will be following approval by QQI
<b>References/ Supporting Documentation</b>	<ul style="list-style-type: none"> <li>• ENQA (2015) <i>Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) (2015)</i>, Part 1, Guideline 1.3, 'Student-Centred Learning, Teaching and Assessment'.<sup>8</sup></li> <li>• QQI (2013) <i>Assessment and Standards, Revised 2013</i>, Section 2.1.1.4g and Section 4.10.<sup>9</sup></li> <li>• QQI (2016) <i>Core Statutory Quality Assurance Guidelines</i>, Section 2.6, 'Assessment of Learners'.<sup>10</sup></li> </ul>

### 3.5.1 Policy Overview

DBS recognises that learners are entitled to the right of appeal against a decision of a lower-level decision-making authority by making a request to a higher one. This policy aims to facilitate such requests from learners and to further provide a mechanism to have grievances and complaints investigated, to a fair and adequate conclusion.

### 3.5.2 Policy Statement

Any learners on programmes leading to QQI awards, and any learner on a non-accredited programme may seek an appeal. This policy should be referenced by all learners who wish to submit an appeal. All appeals and decisions must be evidence based.

<sup>8</sup> [https://enqa.eu/wp-content/uploads/2015/11/ESG\\_2015.pdf](https://enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf)

<sup>9</sup> [https://www.qqi.ie/Publications/Publications/Assessment\\_and\\_Standards%20Revised%202013.pdf](https://www.qqi.ie/Publications/Publications/Assessment_and_Standards%20Revised%202013.pdf)

<sup>10</sup> <https://www.qqi.ie/Downloads/Core%20Statutory%20Quality%20Assurance%20Guidelines.pdf>

This policy should be referenced when submitting an appeal against:

- An assessment decision (as an appeal or verification of results).
- A programme or module deferral decision.
- A decision regarding a request for Personal Mitigating Circumstances to be applied for an assessment or assessments.
- A decision/finding of the Academic Impropriety Committee.
- A decision/finding of Disciplinary Committee.
- Required withdrawal of a learner from a programme of study.

This policy does not apply to appeals against Admissions or Programme Deferral Request decisions by the Admissions team during a programme application. These appeals must be directed in writing to the Director of Admissions and Marketing – see QAH Part B Section 1.4.7.

The Academic Appeals Policy does not apply to appeals against a finding of the Complaints Committee. Such an appeal is outlined in the Complaints Policy as ‘submitting a Petition’, and is detailed in Section 3.6.7 below.

This policy is founded upon the principles of transparency and fairness and recognises a learner’s right to question a decision-making authority within DBS. This policy outlines a series of steps required to fulfil these processes. Learners are also advised to view the Additional Documents section of this policy for additional relevant links. DBS commits to the timely, transparent and fair resolution of issues within a supportive framework.

Overall responsibility for the academic appeals process rests with the Academic Board. The Academic Board delegates responsibility to the Assessment and Regulations Manager or the Quality Assurance (QA) Officer to consider grounds for an appeal, and convening an Appeals Committee made up of appropriate senior DBS personnel.

### 3.5.3 The Appeals Committee

The Assessment and Regulations Manager, or a nominee, is usually appointed as Chair of the Appeals Committee. She/he is authorised by the Academic Board to convene an Appeals Committee to facilitate the timely and appropriate consideration of appeals. The composition and expertise of the Appeals Committee may depend on the nature of the particular appeal in question. The appointment of Appeals Committee members is primarily the responsibility of the QA Officer, save for the final Committee member appointment which is determined by the Assessment and Regulations Manager. The QA Officer further acts as Secretary to the Committee.

Where an individual (or individuals) has/have had any previous involvement in the case now subject to an appeal, the individual(s) will be automatically excluded from taking any further part in the proceedings. Any learner representative members of the Board should however be encouraged to be involved in the Appeals Committee process except where there is a perceived or actual conflict of interest. All members are required to declare any interest.

#### 3.5.4 Submitting an Appeal: Timeframe and Requirements

Any appeal must be submitted by the specified appeal date which will have been determined previously by the initial decision-making committee. For Assessment Appeals, the Appeal window is 7 working days from the release of final results.

An Appeal Form must be submitted and accompanied by a detailed written submission and supporting documentation (if appropriate). A link to the Appeals Form can be found in the Current Students area of the College website, and is attached to this policy under Additional Documentation.

Appeals against assessment results must also include evidence of payment of the relevant fee per module. Payments can be made online, by telephone or at Reception. Learners are reminded to include the payment reference number on all submitted documentation.

Appeals submitted without a detailed written submission or for which the fee has not been paid, will be rejected. It is the learner's responsibility to ensure that an Appeal Form and all accompanying documentation is lodged fully and correctly.

Crucially, additional appeal opportunities and requests for an extension of an appeal deadline will not be granted.

#### 3.5.5 Grounds for Appeal

An appeal submission must specify the grounds on which the appeal is requested, and must contain all information that the learner wishes to have taken into account. The Appeal Form, the detailed written submission and any accompanying documentation, must be submitted to the Quality Assurance Officer through the Exams Office, using the correct Appeal Form. No matter will be considered in the absence of a correctly submitted Appeal Form. In addition, the nature of the appeal must be clearly identified in the correct field on the form. Learners are further advised that a request for a rehearing is not valid grounds for an appeal. Disagreement with a decision is also not considered grounds for an appeal.

### **Appeals which question the academic judgement of examiners shall not be admissible.**

The only permissible grounds for an appeal are:

- The learner believes that there was a substantive irregularity in the College's procedures or regulations and/or in the manner in which those procedures or regulations were executed by the original decision-making committee.
- The learner believes there was a substantive irregularity in the Assignment brief or the Examination Paper or in the assessment process.
- The learner believes that there were mitigating or other circumstances which the College was not aware of when its decision was taken, and valid reasons why this was not and could not be communicated to the College in advance to the decision being made.

The Quality Assurance Officer will receive all appeal applications and ensure that they have complied with submission requirements. All applications that comply with the submission requirements will be forwarded to the Appeals Committee. The Assessment and Regulations Manager in conjunction with the Quality Assurance Officer will consider the appeal and the grounds on which it is sought.

Where the Assessment and Regulations Manager has chaired any of the prior proceedings connected to an appeal they cannot be involved in the appeal, and an appropriate replacement nominee will be appointed.

#### **3.5.6 Presentation of New Evidence**

Where the learner wishes to present new evidence, this must be identified and presented at the point of applying for an appeal. Beyond this point, new evidence not identified will not be considered by the Appeals Committee unless exceptional circumstances are identified, and these are accepted at the Chair's discretion.

Learners are reminded that evidence of Personal Mitigating Circumstances (PMC) is reasonably expected to have been presented in advance or at the time of the original decision. The Appeals Committee will only consider a late declaration as grounds for appeal where there are valid reasons for non-disclosure at an earlier stage and must be accompanied with:

- Evidence that confirms that the circumstances were present during the period under consideration.

and

- Evidence to show why the learner was unable to disclose at an earlier time, or *valid reasons* as to why this could not be disclosed earlier.

Medical or other professional certification must confirm that the learner attended the relevant professional appointment(s) during the period under consideration for the circumstances outlined. Post-dated certification will not normally be considered. The dates of attendance must be stated by the professional along with verification of the circumstances claimed. For a claim of valid reasons for non-disclosure to be accepted, it is normally expected that the circumstances themselves were exceptionally serious, or had an exceptionally serious impact on the learner, and there were substantial reasons why the learner was unable or unwilling to disclose them at the time. An unwillingness to disclose, a lack of appreciation/awareness of the potential impact of personal circumstances, or a lack of knowledge of the regulations are not considered as valid justifications for a failure to submit evidence at the time of the event. Nor will they justify a late submission of a PMC evidence.

### 3.5.7 The Handling of an Appeal Application

The QA Officer in conjunction with the Assessment and Regulations Manager will consider each application to determine whether there are grounds for appeal.

An application for appeal will be rejected outright where it is considered that there are no identifiable grounds or where the appeal deadline was not adhered to. Where an appeal application is rejected outright, the QA Officer will notify the learner of this outcome and the fact that there is no further right of appeal. In such cases the process concludes at this point. Learners will not be entitled to a refund if an appeal application is rejected outright.

Where the Assessment and Regulations Manager or QA Officer believes that there are grounds for an appeal, a meeting of the Appeals Committee will be convened. Due to the wider implications of appeal decisions it is reasonably expected that a report will be compiled, and an Appeals Committee held within 10 working days of the appeal grounds being accepted.

In all cases where the result of an assessment is being appealed, a verification process is undertaken. The Exams Office will conduct a review of the learner's result. The review ensures that the result published by the College is free of any errors of fact. Learners are advised that an appeal of an assessment decision may result in the confirmation, the uplift or the downgrading of the initial result/decision.

### 3.5.8 Responsibility for Convening the Committee

Where a learner has been found to have valid grounds for appeal, the Appeals Committee will be convened. The QA Officer will notify the learner in writing of the date of the Appeal Committee meeting.

Where a learner requests the right to attend an appeal hearing, such a request will only be authorised where the Chair deems it relevant, appropriate and necessary. This is based on the understanding that any input from the learner should have been provided when making the appeal application or through any additional submission opportunity granted by the QA Officer.

The QA Officer or nominee will present the evidence and report in respect of the appeal to the Appeals Committee. The learner will be notified of the role of the Committee and any potential outcomes.

### 3.5.9 The Appeals Committee and its role in the Appeals process

The Appeals Committee will consider the case based on the grounds for appeal set out by the learner in their Appeal application. The Committee is not authorised to re-hear the case of a previous decision-making committee.

The Chair will inform the Committee and any learner, if in attendance, of the possible outcomes and subsequent action.

The Committee is required to determine an outcome in respect of the grounds put forward and based on the evidence presented. The potential outcomes are:

- There is sufficient evidence to uphold the Appeal.
- There is insufficient evidence to uphold the Appeal, which is denied.

The Appeals Committee should aim to reach a majority decision. Where there is an even number of votes cast for both sides the Chair will invoke the right to a final casting vote. This is in addition to the Chair's vote as a member.

Where an appeal is upheld, the Appeals Committee is further required to agree on the subsequent action and/ or the options to be afforded to the learner.

### 3.5.10 Notification of the Outcome of an Appeal

The QA Officer will notify the learner in writing of the decision of the Appeal Committee and, where applicable, any subsequent action required. Where an appeal is upheld, the Chair, through the QA Officer, will notify the relevant committee and departments of the outcome, along with any recommendations. The QA Officer will also inform the relevant committee and departments of the requirement to update their records.

Where the appeal relates to an award and certification has been requested from QQI, the Assessment and Regulations Manager will take responsibility for updating that request.

### 3.5.11 The Conclusion of the Appeals Process

A decision of the Appeals Committee of the Academic Board is final. Once the Appeals Committee has declared its decision, the Appeals process concludes.

Learners are advised that, as per *QQI Assessments and Standards, Revised 2013*, QQI does not have a role to play in a learner's appeal of the provider's assessment decisions.

Where an appeal fee has been paid and the appeal outcome results in a learner's mark being increased, the fee for that specific appeal will be refunded. Where multiple marks are appealed at any one time, only those resulting in an upgrade will be refunded.

DBS is committed to ensuring that all decisions pertaining to assessment are fair and that learners have access to clear consistent and comprehensible appeals procedures.

### 3.5.12 Dissatisfaction with the Outcome of the Appeal Process and lodging a Complaint

If a learner is dissatisfied with the outcome of the appeals processes and believes that the procedures have been conducted improperly then she/he has a right to make a complaint to the Registrar within 15 working days of the announcement of the decision. Complaints regarding the outcome of an Appeal are distinct from the process outlined in the Complaints Policy in Section 3.6, however, the same Complaints Form is to be used in the submission to the Registrar.

Any Complaint regarding the outcome of an Appeal is not a re-opening of the appeal, and the learner must provide reasonable evidence of procedural impropriety. The Registrar, or an appropriate nominee, will undertake a review to establish the validity of the Complaint. Following a decision from DBS, the learner must be formally notified that s/he has exhausted all procedures of the College and that the matter is now closed.

Learners must ensure that the completed Complaint form (which should include full details of the Complaint) is submitted by the published deadline. If any relevant supporting documentation is not available at this time, this should be indicated on the form and supplied within a maximum of 10 working days. Learners should be aware that after this time their complaint will be considered without reference to outstanding supplementary evidence.

### 3.5.13 The Determination of a Complaint

Having undertaken a review of the evidence and having consulted with appropriate stakeholders, the Registrar will communicate to the learner the outcome of a Complaint regarding an Appeal. A complaint will be upheld, or dismissed, or found to have an inconclusive element. The communication of the outcome may take more than 14 days.

### 3.5.14 The Appeals Process Flowchart

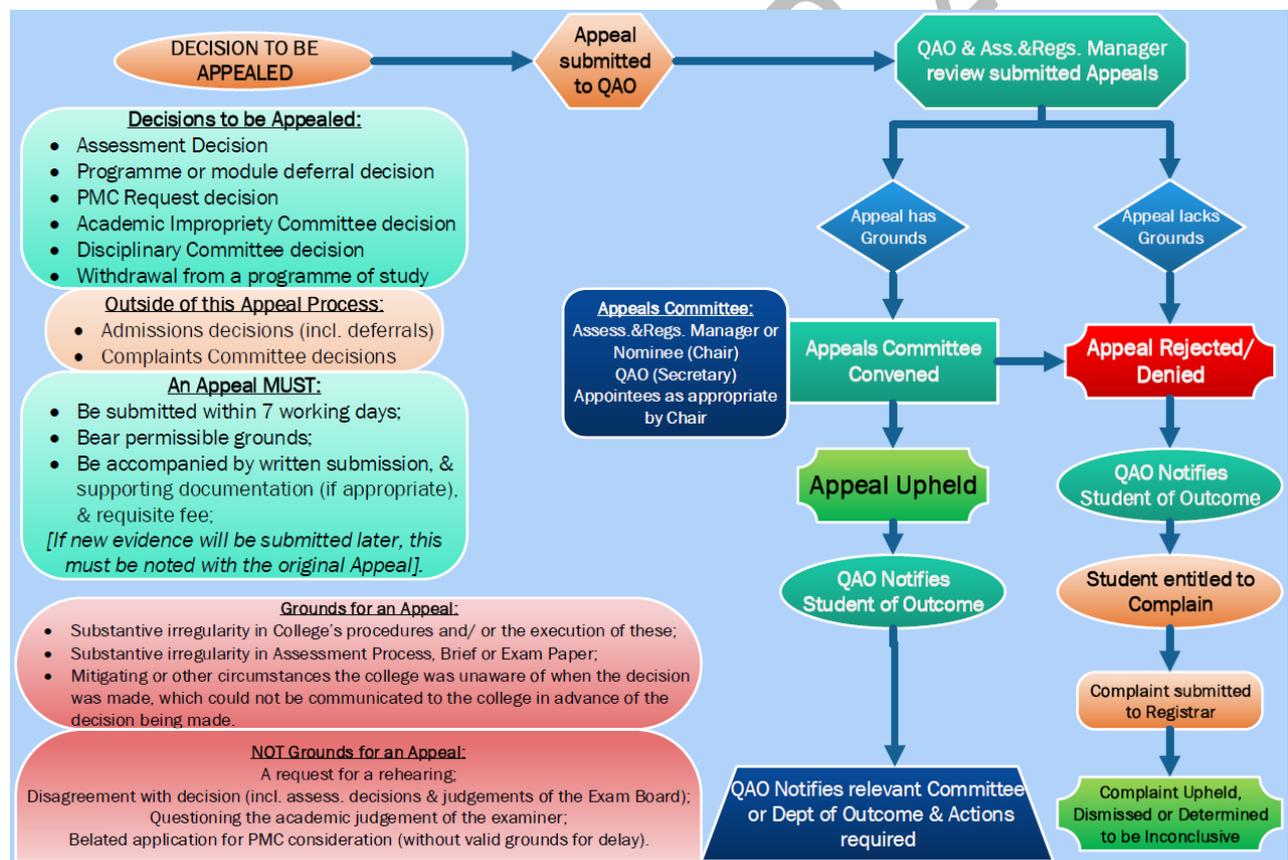


Figure 3: Appeals Process Flowchart

## 3.6 Complaints Policy

Quality Assurance Handbook (QAH) Part B	
	
<b>Document Name</b>	Complaints Policy
<b>Policy Document Number</b>	014
<b>Version Reference</b>	v2.0
<b>Document Owner</b>	Assessment and Regulations Manager
<b>Roles with Aligned Responsibility</b>	Registrar, QA Officer, Heads of Department
<b>Applicability</b>	All programmes: NFQ L6–9, Professional Programmes, Study Abroad, DBS Online
<b>Approved by</b>	DBS Academic Board
<b>Approval date</b>	23/07/19
<b>Date Policy Becomes Active</b>	18/09/19
<b>Revision Cycle</b>	A minimum of every five years
<b>Revision History/ Amalgamation History</b>	N/A
<b>Additional Information</b>	Active date will be following approval by QQI
<b>References/ Supporting Documentation</b>	<ul style="list-style-type: none"> <li>• QQI (2016) <i>Core Statutory Quality Assurance (QA) Guidelines, Section 5.2, 'Teaching and Learning'</i>.<sup>11</sup></li> </ul>

### 3.6.1 Policy Overview

The DBS Complaints policy attempts to lay out processes in order to resolve complaints or issues to the mutual satisfaction of the complainant and the individual, service or department against which the Complaint or issue is being made.

### 3.6.2 Policy Statement

This policy is applicable to all DBS provision and all programmes leading to QQI awards, and is based upon transparency and fairness. This policy should be referenced by all learners or staff who wish to submit a complaint.

The policy is based upon transparency and fairness. This policy outlines a series of steps required to resolve complaints or issues to the mutual satisfaction of the complainant and the individual, service or department against which the complaint is being made. DBS commits to timely, transparent and fair resolution of issues within a supportive framework.

<sup>11</sup> <https://www.qqi.ie/Downloads/Core%20Statutory%20Quality%20Assurance%20Guidelines.pdf>

The DBS Complaints policy reflects the principles of natural justice and cognisance of the dignity of the persons involved. Natural justice protects against arbitrary exercise of power by ensuring equal treatment and fair play. It ensures that no decision is valid if it was influenced by any other interest or bias and where the opposing party has not been afforded a full right of response. For this reason, anonymous complaints will not be considered.

All parties are advised that in making a complaint, it is expected that they themselves have complied with the requirements of the student Code of Conduct in relation to the matter concerned. It is also expected that Complaints will not be of a vexatious nature or for the purpose of personal gain.

Most complaints are capable of being resolved on an informal basis without recourse to the formal Complaints procedure. The College accepts that there might be instances that necessitate immediate engagement of formal action in response to a complaint.

DBS is committed to ensuring that:

1. Complaints are handled in a fair, transparent, timely and sensitive manner, with due recognition of the dignity and confidentiality of the persons involved.
2. Learners will not be disadvantaged by making a complaint.
3. Complaints are handled in a cooperative manner, with every effort being made to arrive at a solution by consensus among the relevant parties.
4. Complaints that impact on the assessment process, but are not directly concerned with the process, will not interfere with a learner's normal right to appeal the result of an examination.
5. The reputation and professional integrity of DBS staff and learners will be safeguarded by ensuring that complaints are dealt with in a confidential manner and are resolved to the mutual satisfaction of all parties concerned, as far as is possible.
6. Complaints that are proved to be malicious or vexatious will result in disciplinary action being taken against the complainant and other possible sanctions may arise, including the possible referral of the matter to the Gardai.
7. The principles of natural justice are applied when dealing with complaints:
  - All parties to a complaint have the right to be heard and represented or accompanied by a friend, family member or colleague at all meetings held in relation to the complaint.
  - The person against which a complaint is made is entitled to a right to respond to all allegations.
  - DBS does not engage with legal representatives as part of the complaints process.

- Any hearings or meetings will be undertaken by an independent staff member, without bias.
- Minutes will be taken of all formal meetings and records are maintained in accordance with the College's policy on records retention.

This complaints policy applies to all students of DBS and in respect of any service they receive from the College with the exception of academic appeals. Academic appeals should be conducted in line with the Academic Appeals Policy. The complaints procedure is not intended as a further avenue of appeal in the event that an academic appeal is not upheld.

Complaints usually fall into the following categories:

- Issues regarding learning activities
- Issues regarding academic or support services
- Issues regarding facilities
- Difficulties with a member of staff
- Difficulties with an enrolled learner

Issues regarding assessment are covered under the Policies on Assessment in the QAH Part B Section 5.

### 3.6.3 Submitting a Complaint: Timeframe and Requirements

- Any complaint should be raised within 14 days of the alleged incident, matter or concern.
- All complaints received will normally be acknowledged within 5 working days of receipt.
- The person or department against whom the complaint (formal or informal) is made will normally be notified within 5 working days that a complaint has been made.
- All parties will be notified of the steps the College are taking, whether an investigation is being undertaken or whether and when meetings are to be convened.
- Anonymous complaints will not be accepted.
- In some instances, where the basis of a Complaint can be reasonably corroborated and is of sufficient severity, the Complaint may be escalated directly to a Disciplinary.

#### Procedure for Informal Complaints

It is expected that all complaints should be considered informally in the first instance. This can be directly with the learner and relevant person or department, or facilitated by the Class Representative, Student Services, Module Leader, Course Director or relevant manager.

Where complaints are made as a group these should be addressed through a Class Representative or agreed spokesperson.

In order to initiate an informal complaint, the complainant is advised to directly contact the subject of their complaint or the manager responsible for the service. This can be carried out directly with the complainant and relevant person or department, or facilitated by the Class Representative, Student Services, Module Leader, Course Director or relevant manager.

Initial informal action can be initiated in writing but will not be considered a formal written complaint at this stage. No formal record will be retained.

In some cases, where appropriate, the Course Director or relevant department manager may also communicate with the complainant and the subject of the complaint (if applicable) if it will assist the informal resolution of the complaint.

If the matter is not resolved satisfactorily through informal discussions, the complainant can seek to raise a formal complaint.

### **Procedure for Formal Complaints**

Formal complaints should be lodged with the School Administrative Officer via the Programme Coordinator.

Once initial contact has been made the School Administrative Officer will advise of the following:

- The requirement to put the complaint in writing using the relevant form.
- The right of the subject of the complaint to receive notification of the nature of the allegations made, a copy of the complaint and the details of the complainant.
- The requirement that the complainant is in a position to stand over all allegations and provide evidence to support the complaint.
- The complainant's right to representation.
- Reassurance that there will be no detrimental impact on a learner for invoking the complaints procedure.

All complaints received should be evidence-based and factual. The complaint must detail the complainant's name and contact details, any relevant documentation, dates, locations and witnesses as appropriate. Any previous efforts to resolve the matter should also be noted.

When received, the School Administrative Officer will catalogue the complaint including details of the date received, the identity of the complainant, the nature of the complaint and the individual(s) and or department(s) against which the complaint is made.

The School Administrative Officer will forward the complaint to the Head of Academic Operations, who will acknowledge receipt of the complaint and contact an appropriate manager to investigate the complaint, if appropriate.

Where the complaint relates to the actions or activities of the Academic Operations Department, the Head of Academic Operations will undertake the role of investigating manager.

Where the complaint is made against the Head of Academic Operations, the School Administrative Officer will forward the complaint to the Registrar who will appoint an appropriate manager to investigate the complaint.

#### 3.6.4 Investigation of a Formal Complaint

Upon submission of a formal complaint to the School Administrative Officer, and the appointment of an appropriate investigating manager, the investigating manager will, where applicable, advise the person who is the subject of the complaint and provide that person with details of the nature of the allegations.

##### **Investigation Discussions**

The investigating manager can arrange to meet with the complainant and the subject of the complaint to establish facts and seek clarification. This can take place by telephone, e-mail or face-to-face. **Importantly, the investigating manager is not authorised to give a viewpoint nor a decision relating to the complaint.**

Any party involved in a complaint is entitled to be accompanied by a friend, fellow student or family member who is not a legal representative or advocate. Where the complainant or subject of the complaint wishes to be accompanied, the corresponding discussion must take place face-to-face.

Where the discussion is to take place face-to-face, the investigating manager may be accompanied by a note taker so that an accurate record can be created.

Such meetings can include:

- Meeting the complainant to discuss the complaint.
- Meeting the subject of the complaint, where applicable and appropriate in the view of the investigating manager.
- Interviews of any potential witnesses.

A summary of the discussions should be documented and e-mailed to all those involved in the meeting to ensure transparency. Matters of factual inaccuracy may then be identified and corrected. Responses should normally be received within 5 working days.

Where two or more parties disagree on the record of the meeting, the conflicting versions of events should be documented and retained.

Upon completion of the investigation into the facts, the investigating manager will compile a report summarising the actions taken as part of the investigation, including a summary of the main findings and the evidence available to inform the decision-making process.

The investigating manager, having considered all the available evidence, will determine the matter following the compilation of their investigation report, and after consulting with appropriate stakeholders. If the investigating manager determines that the matter is more complex or that further consideration of the issues in dispute is necessary, the investigating manager will convene a Complaints Committee within 10 working days of the compilation of their report.

### 3.6.5 Complaints Committee

The investigating manager may convene a Complaints Committee to review the findings of the investigation. Membership of the Complaints Committee is subject to the nature of the complaint and the parties involved, but would ordinarily comprise of the investigating manager, sitting as Chair, alongside one other departmental manager and a member of the academic lecturing staff. The School Administrative Officer acts as Secretary to the Committee.

Where necessary and appropriate, to ensure fair process and informed decision-making, alternative members of staff, student representatives or an external expert may be requested to sit on the Committee.

The investigating manager is required to present the investigation to the Complaints Committee and provide clarification on any points raised. The complainant is not required to attend a hearing of the Complaints Committee, but the complainant may be contacted by the investigating manager for further clarification where required.

The Complaints Committee will meet, including remotely if the investigating manager considers this appropriate, to discuss the findings and to arrive at a fair decision.

The Complaints Committee is required to decide a complaint based on the investigating manager's report and any additional evidence presented. The potential outcomes are:

- The outcome of the investigation confirms there is sufficient evidence to accept the complaint, and the complaint is upheld.

- The outcome of the investigation confirms that there is insufficient evidence to accept the complaint, which is dismissed.
- The outcome of the investigation determines that there is insufficient evidence to form a definitive conclusion, due to an inconclusive element.

### 3.6.6 Determination and Notification of a Complaint

The Complaints Committee should arrive at a majority decision of the Committee. Where there is an even number of votes cast for both sides the Chair will invoke the right to a final casting vote. This is in addition to the Chair's own vote as a member of the Complaints Committee.

In reaching a decision, where the complaint is upheld, the Committee is required to agree on the subsequent action or options to be afforded to the learner.

The School Administrative Officer, or the investigating manager (as appropriate), will formally respond, in writing, to both parties to inform them of the findings of the investigation, any decisions made, the reason for the decision(s) and any subsequent action(s) to be taken, where appropriate. The communication of the outcome may take more than 14 days. The College will endeavour to complete any investigation within no more than 30 days, subject to the nature of the case in question.

A copy of all correspondence, along with the investigation report and evidence, will be lodged with the School Executive Administrator and where applicable may be forwarded to Human Resources.

Where the result of the complaint includes consequent action or recommendations, the School Administrative Officer or the investigating manager (as appropriate) shall notify the appropriate person(s) or committee(s), without undue delay.

It should be noted that there can be instances where it is not possible for a decision to be reached and the College will attempt to provide further clarity to the student issuing the complaint while also providing guidance to the subject of the complaint in an attempt to prevent a recurrence of such incidents.

Both the complainant and the subject of the complaint should each be notified of their right to appeal.

### 3.6.7 The Right to Appeal a Complaint Outcome (a Petition)

Any party wishing to appeal the decision of the investigating manager or a Complaints Committee can do so by submitting a Petition to the Registrar or the appropriate nominee. Where a nominee is

appointed the complainant will be notified of this and the identity of the nominee. This is distinct from the Appeals Process outlined in the QAH Part B Section 3.5.

Any Petition should be submitted within 5 working days of the decision of the investigating manager or the finding of the Complaints Committee being communicated.

Grounds for appealing the outcome must be clearly outlined in the Petition submission.

Valid grounds for this appeal can relate only to the processes and procedures followed at the previous stages. Disagreement with the outcome of the complaint process or a request for a rehearing do not constitute valid grounds for a Petition. As such, the Petition does not normally involve reconsideration of the original complaint and new evidence is not normally accepted at this stage.

The Registrar, or appropriate nominee, will determine whether or not a Petition shall be heard. The decision will be communicated to the petitioner normally within 5 working days post the Petition deadline.

If a Petition is granted the right to proceed, the Registrar or nominee will appoint an appropriate hearing panel. This will be scheduled at the earliest opportunity and normally not more than 14 working days after the Registrar or nominee has confirmed a hearing will take place.

Any party to the Petition, including Complaints Committee members, may be invited to attend the panel meeting, depending upon the nature/ basis of the Petition, or where the hearing panel deems this to be necessary. Attending parties are entitled to be accompanied by a family member, friend or colleague who is not acting as a legal representative.

The petitioner and other parties involved in the Petition are entitled to a record of the hearing and a record of the decision reached at the hearing. Where required some information may be redacted in accordance with data protection legislation.

The outcome of the Petition will be communicated to the petitioner and other parties at the earliest opportunity.

No further right of appeal is available once the hearing panel has met and determined the outcome.

### 3.6.8 Reporting and Recording Complaints

A list of formal complaints managed under this process will be maintained by the School Executive Administrator.

A summary report, detailing the number of complaints, the nature and focus of the complaint, the outcome of the investigation and any corrective action recommended will be submitted to the Academic Board at the end of each academic year.

Where applicable the outcome of complaints received will also be provided for consideration by the Senior Leadership Team which is responsible for addressing areas of common concern and ensuring appropriate intervention(s) and/ or corrective actions at institution level to reduce the likelihood of recurrence.

### 3.6.9 Complaints Process Flowchart

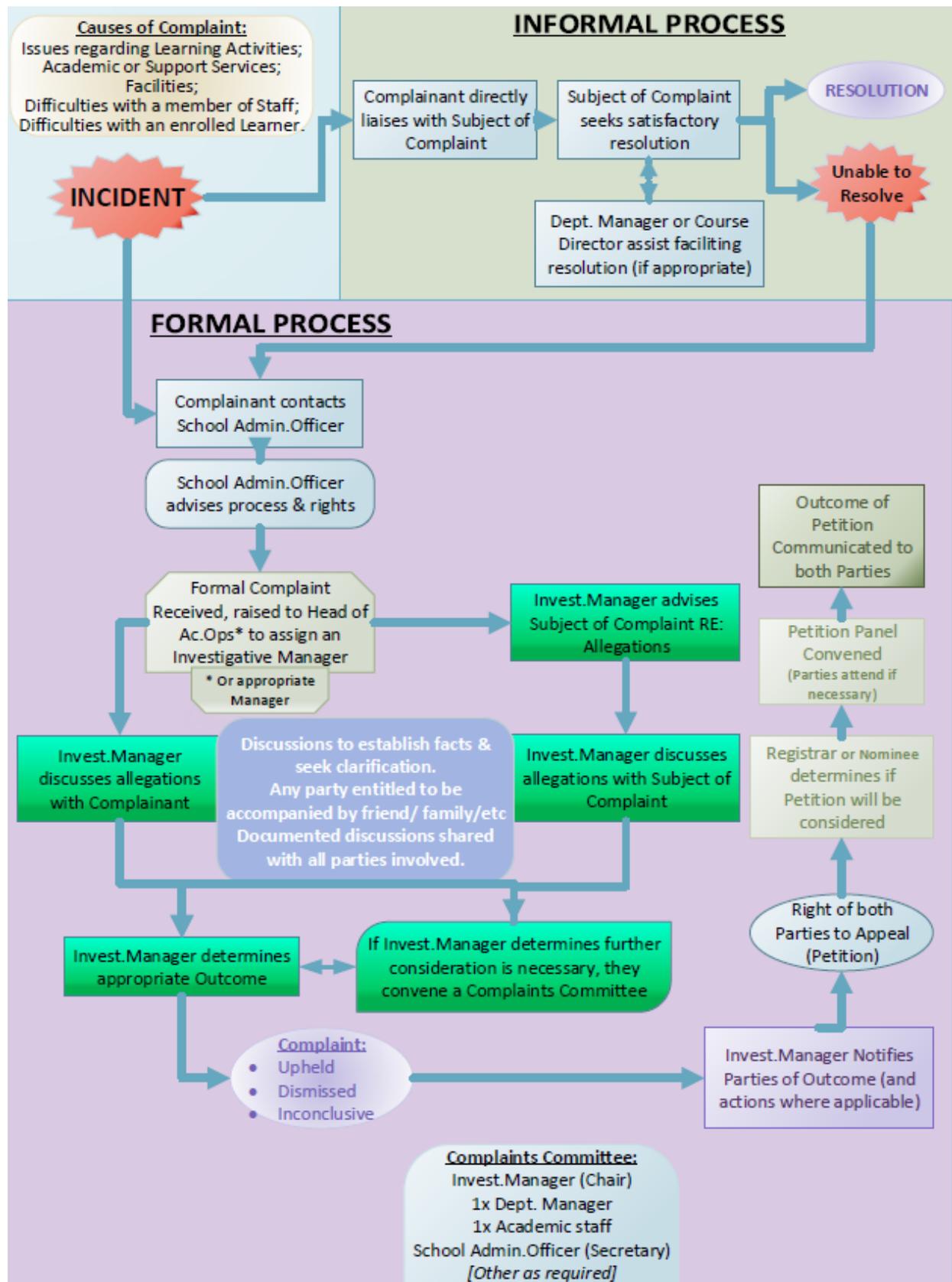


Figure 4: Complaints Process Flowchart

### 3.6.10 Appeal and Complaints Process Flow

The process flow outlined below details the required steps and decision points with regard to this policy. Learners are advised to fully familiarise themselves with the required steps and procedures, and locate the required forms on the College website.

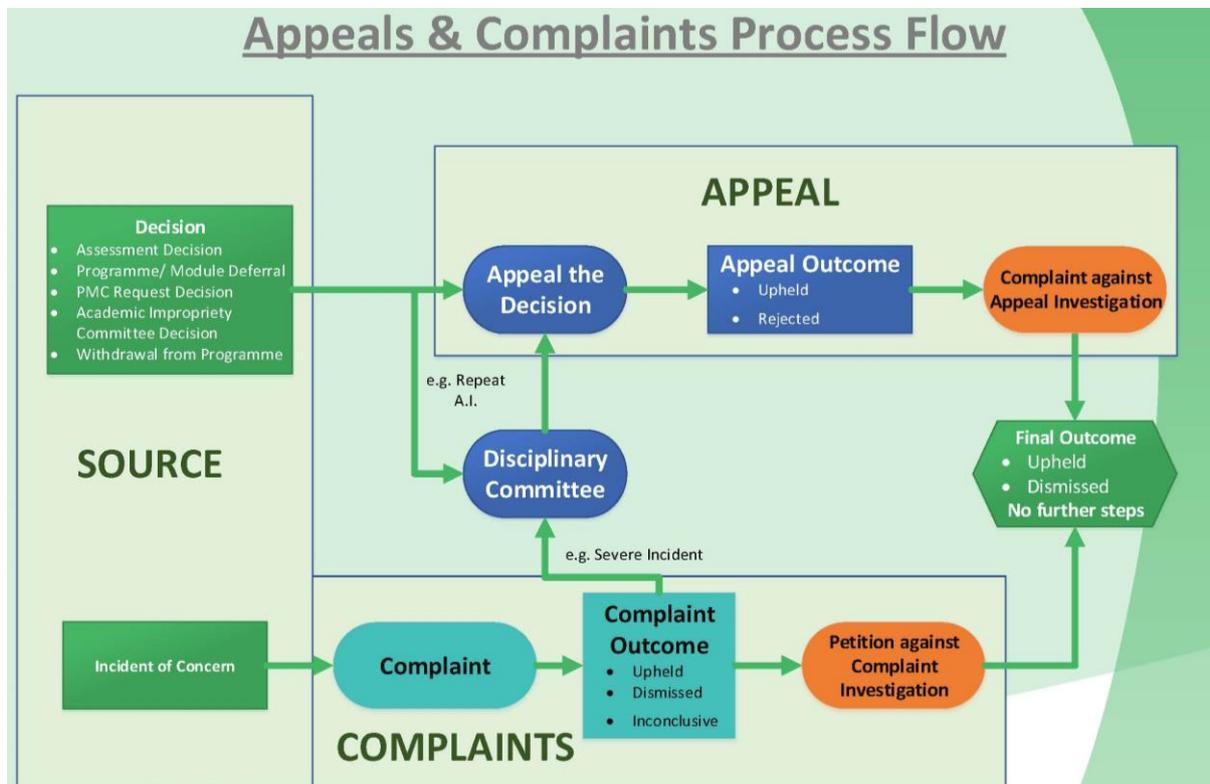


Figure 5: Appeals and Complaints Process Flow

[END OF PART B SECTION 3]

Version as of AQR 2021