



Academic Council Committee on Student Conduct and Capacity (ACCSCC)

Tuesday, 26 April 2022, 10am

Red Room, Student Centre

Present: Prof. Michelle Norris (Chair), Mr Julian Bostridge, Ms. Aoife Bracken, Prof. Niall English, Ms Lynn Foster, Prof. Jason Last, Assoc. Prof. Jorie Lagerway, Ms Karen McHugh, Assoc. Prof. Shane Whelan

In attendance: Ms Agnieszka Legutko, Student Engagement, Conduct, Complaints and Appeals Office

The items are presented in the order in which they appear on the agenda.

1. Apologies

Apologies had been received from Prof. Barbara Dooley and Prof. Marie Clarke.

The Chair welcome members to the first in person meeting of the committee for some time.

The Chair expressed congratulations to Prof. Barbara Dooley who had been appointed Acting Registrar and Deputy President of UCD since the committee's last meeting.

The Chair also noted that this was Ms Aoife Bracken's final meeting as she will finish her role as SU Education Officer in June 2022. The Chair thanked Aoife for her contribution to the work of ACCSCC during her term of office.

2. Minutes of the ACCSCC meeting held on 23 February 2022 and Matters Arising

The minutes of ACCSCC meeting held on 23 February 2022 were approved. There were no matters arising.

3. Summary Note of the ACCSCC meeting held on 23 February 2022

Summary note of ACCSCC meeting held on 23 February 2022 was approved.

PART 1 – ITEMS FOR DECISION AND RECOMMENDATION TO ACEC

4. Update from ACCSCC Working Group 1

a) Working Group Recommendations: Student Disciplinary Procedures following investigations under the Dignity and Respect Policy

The Chair of the Working Group 1, Mr Julian Bostridge, noted that the purpose of the group was twofold:

- To develop guidance for Student Disciplinary Committees on the application of penalties under the Student Discipline Procedure. It was noted that this guidance had been approved by ACCSCC last year and incorporated into the Student Conduct Panel members handbook
- To make recommendations in relation to any additional guidance and supports required for Student Disciplinary Committees when hearing allegations of bullying, harassment or sexual misconduct against students following investigations conducted under the Bullying, Harassment and Sexual

Misconduct - Formal Complaints Procedure arising from a complaint made under the Bullying and Harassment Policy or the Sexual Misconduct Policy (“the Dignity and Respect Policies”).

Mr Bostridge presented recommendations of the working group as follows:

- **Establishment of a special standing student conduct panel**

A sub-panel of the Student Conduct Panel should be established for convening Student Disciplinary Committees to hear cases that are referred as an outcome of the Dignity and Respect complaint procedure and cases of a more serious misconduct nature. The sub-panel should be established by a way of expressions of interest sought from the existing Student Conduct Panel and potentially cohorts of staff holding roles associated with EDI. A standing chair for the panel will be sought to further enhance continuity of decision-making.
- **Training**

Members of the new panel should be provided with appropriate training in relation to the Dignity and Respect Policies and the procedures associated with the investigation of formal complaints. ACCSCC should consult with EDI to ascertain whether the planned Dignity and Respect training programme, that will be provided to university leaders and managers, could be extended to include the panel members. Training for the panel should be trauma-informed to enable committees to deal with cases sensitively and with due care and consideration for the parties involved.
- **Evidence**

The full investigator’s report and appendices should be included with the documentary evidence provided to Student Disciplinary Committees.
- **Guidance on the application of penalties**

The guidance developed by the working group in 2020/21 and included in the new Student Conduct Panel Member Handbook should be updated with a paragraph on dignity and respect matters.
- **Student Discipline Procedure**

A number of amendments to sections 4.4, 4.5, 4.6, 4.9 and 6.4 and 6.5. were proposed. These amendments relate to cases that are referred to Student Discipline Procedure following investigations under the Dignity and Respect Policy including the participation of witnesses and the procedures of the student disciplinary committee hearings. In relation to the proposed amendments of section 4.6 it was noted that while the investigator’s report concerning the cases arising out of the Dignity and Respect Procedure should normally be accepted by a Student Disciplinary Committee, there may be instances where the committee wishes to make further enquiries or where an objection has been raised by a respondent student that the committee requires further enquiry. Mr Bostridge clarified that the working group considered this matter in great detail and that external advice had been sought. This provision will only be used in exceptional circumstances and that members of the sub-panel will be made aware of its purpose as part of their training. Mr Bostridge further advised that from a legal perspective, respondents should be permitted to be able to defend themselves at a disciplinary hearing regardless of the prior investigation process.

With regard to the proposed amendments to section 4.6 Prof. Jason Last expressed concern that the ability of a Student Disciplinary Committee to make further enquiries could amount to the reinvestigation of a complaint that has already been thoroughly investigated by an external professional investigator. It was noted that this also has the potential to re-traumatise both parties, in particularly where a respondent student requests participation of the complainant as a witness. It was agreed that it is not the Disciplinary Committee’s role to reinvestigate matters before them. It was also agreed that students involved in this process will need to be offered appropriate support, for example, witness participation could be facilitated through remote attendance or written submissions.

Members acknowledged that allegations relating to bullying, harassment or sexual misconduct can be difficult and complex, and can lead to serious sanctions. It is the responsibility of the University to ensure that the process is fair, robust and meets legal requirements.

ACCSCC agreed to the proposed changes subject to the addition of some text in section 4.6 of the Student Discipline Procedure clarifying that the provision for further enquiry will only be used only in exceptional circumstances and students will be provided with the relevant supports.

Decision:

- ACCSCC endorsed recommendations of the working group subject to the above change to section 4.6 of the Student Disciplinary Committee and recommended them for approval to ACEC.

b) Proposed changes to Student Discipline Procedure

ACCSCC proposed the following additional amendments to the Student Discipline Procedure:

- section 5.8 and 5.9 (Student Conduct Meeting) – amendment to permit the Registrar or their nominee the authority to adjourn the meeting and pause the procedure where appropriate for the wellbeing of the student or where a respondent makes a submission that requires further consideration or investigation.
- section 6.5.4 (Student Disciplinary Hearing) – amendment to permit a Student Disciplinary Committee to adjourn the meeting where it is deemed appropriate.
- section 8 (Appeal) – amendment to reflect the changes made to the Student Appeals Procedure by Academic Council Committee on Student Appeals and Complaints

Decision:

- ACCSCC endorsed the above changes and recommended them for approval to ACEC.

5. Update from ACCSCC Working Group 2

a) Working Group Recommendations

The Chair of the working group 2, Prof. Michelle Norris, advised that the purpose of the group was to:

- Assess the use of the UCD Plagiarism Tariff by schools and determine whether it requires further adaptation for the UCD context.
- Consider whether further enhancements of the Student Plagiarism Record System are required.
- Consider a request by Academic Council Executive Committee (ACEC) on 3 June 2021 whether Module Coordinators should be given the authority to apply penalties under the Student Plagiarism Policy when dealing with very minor incidents of plagiarism and poor academic practice. The Chair advised that this item was considered by the committee on 15 December 2021.
- Additionally, the working group agreed to collate feedback from its members relating to plagiarism detection software (Urkund) and submit to IT Services. This feedback will be considered at the next review of the University's plagiarism detection software due to take place in the 2022/23 academic session.

b) Proposed changes to Student Plagiarism Policy and UCD Plagiarism Tariff

The working group developed a survey to collate feedback from the users of the UCD Plagiarism Tariff and the Plagiarism Record System, which included the Chairs of School Plagiarism Committees, School Plagiarism Advises and Administrators who have with access to the Plagiarism Record System.

Feedback received via the survey was considered by the working group and the following recommendations were made:

Amendments to Student Plagiarism Policy

- sections 2 and 7.3.5 – revision of definition of plagiarism relating to incorrect paraphrasing
- section 7.3.5 -

- amendments proposed to better distinguish between the options reducing grades and the full range of options for capping grades where the resubmission of assessments has been permitted by a School Plagiarism Committee.
- clarification that appeals are not applicable where School Plagiarism Committees refer cases to the Student Discipline Procedure. Such cases are referred without decision. Students can separately appeal decisions that are subsequently made under the Student Discipline Procedure.
- section 8 Appeals – amendments to reflect a change proposed by Academic Council Committee on Student Appeals and Complaints (ACCSAC) to the Student Appeals Procedure, which were approved by Academic Council on 21 April 2022.

Amendments to UCD Plagiarism Tariff

- additional text under the notes section of the document relating to collusion cases,
- updates to reflect proposed changes to section 7.3.5 of the policy,
- the section relating to penalties available under the Student Discipline Procedure has been revised to include full text from sections 5 and 7 of the Student Discipline Procedure. This amendment follows from some feedback indicating that greater clarity regarding the application of penalties under the Student Discipline Procedure.

Decision:

- ACCSCC endorsed the proposed changes to the Student Plagiarism Policy and UCD Plagiarism Tariff and recommended them for approval to ACEC.

c) Proposed changes to Plagiarism Record System

The Chair noted that currently, the Plagiarism Record System allows recording of only 1 category of plagiarism. Feedback received via the survey suggested that it would be useful for schools to be able to select more than one type of plagiarism as sometimes the incidents may span categories.

The working group proposed an amendment to the system to allow users to record a second category of plagiarism against each incident of plagiarism. This will mean that the users will be able to record the primary and the secondary type of plagiarism. This change will be visible when reporting on plagiarism incidents on school level and will provide a greater level of detail for schools in reviewing the cases of plagiarism that have been reported. The overarching college/school reports will continue to report on the primary type of plagiarism only to avoid overcounting of plagiarism incidents.

Decision:

- ACCSCC approved the proposed changes to Plagiarism Record System.

6. Review of Student Fitness to Practise Statements

ACCSCC at its meeting on 15 December 2021 noted that the majority of statements had been in place since the establishment of the Student Fitness to Practise Policy in 2011. They agreed to conduct an audit of programme fitness to practise statements to ensure that all statements currently published are up-to-date and that the list of programmes subject to the policy is accurate. The Chair advised that the Heads of Schools were invited to complete a short survey, review their list of programmes subject to Student Fitness to Practise Policy and corresponding statements. It was also noted that 6 out of 8 schools have completed their audit.

a) Recommendations

ACCSCC considered a list of recommendations arising from the audit of Student Fitness to Practise Statements.

b) Amended list of programs subject to Student Fitness to Practise Policy

ACCSCC was presented with a list of programmes subject to Student Fitness to Practise Policy (currently called *Appendix 1*). It was recommended that the *Appendix 1* be renamed to *Register of Student Fitness to Practise Statements*.

c) Reviewed Student Fitness to Practise Statements

ACCSCC were presented with the amended statements submitted by the relevant governing boards. Members noted that some of the statements replicate procedural information provided in the Student Fitness to Practise Policy and agreed that this information be removed. The relevant areas should be encouraged instead to provide a link to the policy to ensure that the most recent version of the policy is referred to. ACCSCC determined that the statements need to be further reviewed to comply with this requirement and the review should be carried out during the summer by electronic consultation and finalised in advance of the next academic session. The revised statements will be operational from 1 September 2022.

d) Amendments to ACCSCC Terms of Reference

Members agreed that ACCSCC's Terms of Reference should be updated to reflect the committee's role in managing oversight of programme fitness to practice statements. ACCSCC proposed to seek delegated authority of Academic Council to review and approve any new or revised programme Student Fitness to Practise Statements and to maintain a register of programmes subject to Student Fitness to Practise Policy (currently called *Appendix 1*). If approved, this change should be effective immediately to allow the committee to conduct the review of student fitness to practice statements in advance of the start of the next academic session.

The Chair also noted that the proposed changes to the Terms of Reference needs to be reflected in the Student Fitness to Practise Policy (section 2.3).

Decision:

- ACCSCC endorsed the proposed change to its Terms of Reference and recommended for approval by ACEC.
- ACCSCC will continue the review of the statements during summer in advance of the next academic session. ACCSCC agreed that procedural information should be removed from the statements and the relevant areas should be advised of this change.

Action:

- ACCSCC to finalise the review of statements in advance of the next academic session and liaise with the relevant areas in relation to the proposed changes.

7. Other Business

The Chair advised that ACCSCC Annual Report 2021/22, including the proposed work programme for 2022/23, will be developed and circulated to members during summer months. Members were asked to contribute to development of the ACCSCC's work programme for 2022/23. It was noted that one of the items that may need to be considered by the committee next year is the development of guidance for School Plagiarism Committees when dealing with collusion cases.