

Disciplinary Policy and Procedure for Faculty (ED-Pol-070)

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Related Documents	ED-Pol-067 – Academic Integrity Policy for Faculty ED-Pol-069 – Complaints Policy and Procedure for Faculty

1. Purpose

The purpose of this document is to set out the principles guiding the management of disciplinary process for faculty in RCPI. Its aims are to:

- protect the academic standards of RCPI
- protect RCPI's own reputation and to uphold the standards of QQI
- ensure fairness for all faculty involved with RCPI Education Programmes

2. Scope

This process applies where the conduct of a faculty member is such that it may lead to disciplinary action.

3. Responsibilities

Any individual who is involved in, but not the subject of, the disciplinary process must ensure that they adhere to the guidance steps set out in this policy.

The Head of Function is responsible for the oversight of this policy.

4. Disciplinary Policy – Guiding Principles

4.1 RCPI may initiate the disciplinary process at its sole discretion

- (i) The initiation of the disciplinary process will not necessarily result in a formal investigation.
- (ii) If possible and appropriate, the individual may be provided with informal counselling and be given the opportunity to rectify the issues, rather than having the matter dealt with under the formal disciplinary process.
- (iii) In cases of gross misconduct, the progressive stages of the process may be bypassed. Any gross misconduct may lead to immediate suspension subject to an investigation
- (iv) The disciplinary process normally operates on a progressive basis but RCPI reserves the right at its sole discretion to commence the process at any stage depending on the circumstances of a case.

5. Informal process

1.1 Where possible and appropriate, RCPI will seek to deal with any issues relating to the conduct or behaviour of an individual informally.

1.2 Every effort will be made by the Programme Lead to address the issues through the informal process without invoking the formal procedure.

- 1.3 A meeting will be arranged with the individual and the Programme Lead to identify and discuss the problem. RCPI administration may also attend at this meeting for the purposes of note taking. Where the Programme Lead is the subject of the disciplinary process, the Chair of the Academic Board will oversee the process.
- 1.4 The individual shall be given precise details of the specific aspects of their conduct or behaviour which led to the meeting. The individual shall be given the chance to respond to any allegations and highlight any matters of concern to them.
- 1.5 Careful consideration shall be given to all matters highlighted by the individual.
- 1.6 The Programme Lead shall identify appropriate measures that can be taken to assist the individual and formulate an action plan in an agreed timeframe.
- 1.7 A written record of the meeting will be kept on file in the RCPI as per the Records Management Policy (DP-Pol-089)
- 1.8 The Programme Lead will monitor the individual's conduct or behaviour ensuring it meets the required standards, within the agreed timeframe, or the matter will be dealt with under the formal procedure.

6. Stage One: Formal Meeting

- 1.1 In some circumstances, it may not be appropriate to deal with matters of individual's conduct or behaviour informally.
- 1.2 Where this is the case, but it is not necessary to investigate an incident (for example, in circumstances where the individual does not dispute the facts, or where the allegation relates to matters of minor misconduct/performance matters) the individual will be invited to a formal meeting.
- 1.3 The Formal Meeting will be held in RCPI, where possible.
- 1.4 The Programme Lead, a member of Faculty (if appropriate) and a representative from RCPI administration will attend the meeting with the individual.
- 1.5 A written record of the meeting will be kept.
- 1.6 The individual shall:
 - (i) be provided with advance notice of the formal meeting
 - (ii) be provided with the precise nature of the issues/allegations to be discussed in enough detail to allow them to prepare for such a meeting
 - (iii) have the right to be accompanied by a colleague or another individual at the meeting
 - (iv) In advance of the meeting, to be provided with any documentary evidence which is to be taken into consideration
 - (v) be afforded the opportunity to state their case, raise any mitigating circumstances and challenge any evidence that may be relied upon in reaching a decision

- 1.7 If necessary, the Programme Lead may adjourn the formal meeting to allow time for the consideration of matters raised by the individual.
- 1.8 The Programme Lead having considered all matters, may (as appropriate):
- (i) determine that no further action needs to be taken
 - (ii) identify appropriate measures that can be taken to assist the individual and formulate an action plan for achieving the required improvements in an agreed timeframe
 - (iii) issue a formal first written warning, to remain on the individual's record for a period of three months, or
 - (iv) determine that the matter should be investigated in accordance with Stage Two (as set out below) of the Disciplinary Procedure. In such cases the Programme Lead notifies the Chair or the Academic Board.
- 1.9 If an action plan is formulated, the individual should be given sufficient time to rectify the issue and advised that if the individual fails comply with the action plan, the matter may result in further disciplinary action under Stage Two of the disciplinary procedure. Where appropriate, remediation and support will be provided to the individual.
- 1.10 If a formal first written warning is issued, the individual will be informed that if their conduct does not meet the required standards within three months, the matter may result in further disciplinary action under Stage Two of the disciplinary procedure.

7. Stage Two: Investigation Panel

- 7.1 An individual whose behaviour continues to fall below the required standards within the agreed timeframe after Stage One, or where the matter in question is of such significance to warrant bypassing the Informal stage and Stage One (e.g. serious misconduct) an investigation panel will be convened by the Chair of the Academic Board.
- 7.2 The Investigation Panel will normally comprise of faculty not associated with the individual and an RCPI staff member to provide administration support.

8. Investigation Panel Review

- 8.1 The Investigation Panel will be constituted in accordance with the above.
- 8.2 All conflict of interest must be declared.
- 8.3 The role of the Investigation Panel will be to consider the matter in detail and produce a Report outlining findings of fact.
- 8.4 Any such investigation may involve the gathering of detailed information, the review of manual or electronic files, as well as the carrying out of interviews and the taking of written statements.

- 8.5 In particular, the Panel will:
- (i) review all relevant documentation gathered to date, including documentation gathered in previous stages of the process.
 - (ii) request further relevant documentation from the individual, learners or other faculty etc.
 - (iii) meet with the individual to determine what has occurred from the perspective of the individual.
 - (iv) The individual will be informed of the reason for the meeting and has the right in advance of the meeting to submit any information or evidence to support their case and the right to challenge statements made. They also have the right to be accompanied at this meeting.
 - (v) A written record of the meeting must be kept.
 - (vi) meet with any other relevant stakeholders and ask a series of questions to determine what has occurred from their point of view. This could include Faculty (previous or current), learners and/or RCPI staff.
 - (vii) A written record of any such meetings must be kept.
 - (viii) Provide the individual with the statements of other relevant stakeholders.

8.6 The intimidation or exertion of pressure on any person either directly or through indirect means such as social/electronic media, who may be required to attend as a witness will be considered gross misconduct which may result in disciplinary action being taken against persons undertaking such actions.

9. Report

9.1 Once all the documentation has been reviewed and the relevant stakeholders have been interviewed the panel will analyse the responses, consider their findings and prepare a Draft Report.

9.2 The panel will include in the Draft Report:

- (i) the sequence of events that led to the incident occurring
- (ii) if, in the opinion of the Panel, a disciplinary infraction has occurred
- (iii) noted patterns of behaviour (if relevant)
- (iv) mitigating circumstances (if any)
- (v) their assessment of the severity of the infraction
- (vi) other people affected and how
- (vii) other Findings of fact by the Panel

9.3 The individual shall be provided with the Draft Report for comment or observation. Having considered such observations, the Report may then be finalised and submitted to the Chair of the Academic Board.

9.4 The individual shall be provided with a copy of the final report.

10. Disciplinary Hearing

- 10.1 The investigation report will be reviewed by the Chair of the Academic Board. If the facts support an allegation or allegations against an individual a disciplinary hearing will be convened.
- 10.2 The Chair of the Academic Board will convene the Disciplinary Panel.
- 10.3 The Disciplinary Panel will normally comprise of two members of Faculty and a Programme Lead from other programmes
- 10.4 The members of the disciplinary panel must not be associated with the individual. All conflict of interest must be declared at the Disciplinary Hearing.
- 10.5 If a Disciplinary Hearing is convened, the individual will be:
- (i) given at least two weeks' notice of the meeting
 - (ii) informed of the reason for the meeting
 - (iii) allowed to submit any information or evidence to support their case or to challenge statements made in advance of the meeting
 - (iv) allowed to be accompanied at this meeting by a colleague
- 10.6 A written record of the meeting shall be kept by an RCPI staff member.
- 10.7 At the hearing the disciplinary panel shall review the findings of the Investigation Committee.
- 10.8 The disciplinary panel, following a full consideration of the Investigation Report, a meeting with the individual, meetings with any other witnesses it chose to call and any written submissions made to it, may confirm or amend the findings the Investigation Panel.
- 10.9 The disciplinary panel will make recommendations as to the appropriate range of sanctions that the Programme Board may wish to consider.
- 10.10 The decision and recommendations of the disciplinary panel will be conveyed to relevant Programme Board via the Programme Lead.
- 10.11 The Programme Board will decide on the severity of sanction required.
- 10.12 The decision will be conveyed in writing by the Programme Lead to the individual within 14 working days of the date of the Disciplinary Hearing.
- 10.13 The individual may appeal against the Disciplinary Panel's decision.

11. Appeals Process

- 11.1 The individual has a right to appeal the disciplinary panel's decision. Please refer to the Appeals Policy (ED-Pol-071).

2. Reference documents

Quality Qualifications Ireland (2016) Core Statutory Quality Assurance Guidelines

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

ENQA (2015) Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG)

https://enga.eu/wp-content/uploads/2015/11/ESG_2015.pdf