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| **Institiúid Teicneolaíochta Leitir Ceannainn**
Letterkenny Institute of Technology

Section 13

Learner Charter

1. INTRODUCTION

- 1.1 The Institute is committed, through a partnership of management, staff and learners, to ensuring that its affairs are conducted in a fair and equitable manner, which is conducive of good working relations on campus and an efficient and effective academic environment. This Learner Charter, which sets out the rights and obligations of learners, has been prepared and will be implemented in that spirit.
- 1.2 The Charter includes particulars of:
- a) The rights of learners
 - b) The Institute's code of conduct
 - c) Disciplinary procedures.
- 1.3 The Charter applies to all registered learners, whether registered for whole-time or part-time programmes or full-time officers of the student union or other learner representative body recognised by the Governing Body for that purpose.

2. RIGHTS OF LEARNERS

- 2.1 Learners have the following rights:
- a) The right to expect from the Institute tuition of professional standard on the programme for which they are registered and reasonable educational and support facilities consistent with the resources available to the Institute.
 - b) A statutory right to two representatives, one male and one female, on the Governing Body of the Institute.
 - c) A statutory right to one representative on the Academic Council of the Institute. [The regulations governing membership of the Academic Council in Letterkenny Institute of Technology provide for two learner members on the Academic Council – one male and one female – as nominated by the President of Letterkenny Students Union].
 - d) The right to be treated equally irrespective of gender.
 - e) The right to fair and just procedures, including appropriate appeals procedures, in all matters involving breaches of the code of conduct.
 - f) The right to be treated as responsible adult members of a third-level institution, to be able to represent personal views in a reasonable manner and to be treated with normal standards of courtesy by all other members of the Institute.
- 2.2 As members of the “college” as created by the Regional Technical College Act 1992, to be recognised by the Institute authorities in a partnership approach to the administration of the Institute through open and constructive consultation with learners and their representatives.
- 2.3 The Institute is a registered Data Controller and will comply with its obligations under existing or future Data Protection legislation with regard to the dissemination of personal information to any third party.
- 2.4 The Institute will comply with its obligations under existing or future Freedom of Information legislation.

3. CODE OF CONDUCT

- 3.1 The Institute recognises the respect due to third-level learners as responsible adults. Accordingly, it expects that each learner of the Institute will behave on campus, or on activities off-campus under the aegis of the Institute, in a mature, reasonable and honest manner which protects the good name of the Institute, meets the requirements of his/her programme of study, has due regard to the rights of others and does not adversely affect the conduct of Institute business.
- 3.2 While self-discipline will be expected and encouraged, failure to meet the standards expected may result in sanctions up to and including suspension and exclusion.
- 3.3 The following specific provisions shall apply without prejudice to the generality of the foregoing.
- a) Only learners who are validly registered may be admitted to classes. Registration is valid up to a maximum of one year at a time.
 - b) Learners shall at all times obey the lawful instruction of Institute staff.
 - c) Learners shall carry at all times while on Institute property the student card which is issued to each learner at the time of registration. The Institute reserves the right to charge for the replacement of lost cards.
 - d) Student cards must be produced when requested by any members of Institute staff on campus.
 - e) Persons unable to show evidence of registration may be required to leave the Institute grounds.
 - f) Learners shall refrain from conduct liable to infringe the rights of others.
 - g) Learners shall respect Institute property at all times. Learners may be held liable for the cost of repair or replacement of Institute property damaged by them.
 - h) Learners shall respect the property and persons of all members of the campus community.
 - i) Unauthorised use or entry to the Institute or its facilities shall be prohibited.
 - j) Learners must pay the appropriate Institute fees and charges prescribed for each year in advance of registration or must satisfy the Institute that the appropriate payments will be made on their behalf within such a period as the Institute may allow. Fees are non-refundable unless otherwise specifically provided.
 - k) Learners must keep the Registrar's Office informed of their current address while at the Institute.
 - l) Learners must comply with the academic discipline laid down for their programme including the requirements of attendance, assessments and examinations as laid down by the school or department. [The right to continue a programme of study depends upon satisfactory enrolment, the maintenance of satisfactory attendance, academic performance and satisfactory conduct].
 - m) Learners must comply with the Assessment Regulations of the Institute (outlined in Section 7 of the Institute's Quality Assurance Handbook). The Board of Examiners decide on the appropriateness of any academic sanctions against candidates on foot of recommendations from the relevant Assessment Regulations Committee. All decisions of the Board of Examiners are subject to the Institute's procedures on rechecks, reviews and appeals. Learners may also have the disciplinary procedures (outlined below) initiated against them in respect of an alleged breach of the Assessment Regulations.
 - n) Learners shall comply with all safety regulations that may be in force at the time, including those laid down at School/Department level and those governing the buildings and facilities such as laboratories, workshops and library.
 - o) Smoking is forbidden in the Institute as a result of the smoking ban legislation implemented by the Government in March 2004. Smokers are required to observe the designated smoking areas provided adjacent Institute facilities.

- p) The display of posters is subject to the approval of the Registrar's Office or Students Union Office. Posters and notices concerning learner social activities may be displayed only on the appropriate notice boards.
- q) Vehicles and bicycles may be parked only in authorised places and are parked at owner's risk.
- r) The Institute does not accept responsibility for any loss of personal property, whether or not such property was left in lockers or cupboards. Learners should report any such loss to the Institute authorities.

4. DISCIPLINARY PROCEDURES

- 4.1 The Institute has a Learner Complaints Procedure to deal with complaints from learners. Complaints about individual learners by other learners are the subject of 4.2(c) below.
- 4.2 The Charter assumes that learners will comply with the requirements of the code of conduct on a voluntary basis through the exercise of mature self-discipline. Should it become necessary to invoke disciplinary procedures, and it is hoped that this will rarely occur, the following procedures will apply:
 - a) All allegations of breaches of the Charter will be dealt with in accordance with procedures approved by the Governing Body, which satisfy the requirements of Natural Justice.
 - b) No sanction or disciplinary action will be imposed on a learner except in accordance with the Charter.
 - c) Allegations of breaches of the Charter may be made by any member of the Institute staff. While the accountability of learners is in the main to the Head of School/Department, learners are also accountable and amenable to other Institute Officers for certain services and facilities. Where it becomes appropriate that disciplinary proceedings be invoked arising from a complaint by one learner against another learner, the formal procedure will be initiated by the relevant Head of School/Department.
 - d) Where circumstances warrant it, the Institute authorities may suspend a learner pending the completion of inquiries and without prejudice to the outcome of disciplinary procedures.
 - e) Nothing in these procedures shall prevent the Institute from referring matters to the Garda Síochána where it considers this to be appropriate.
 - f) Where a disciplinary action results in the imposition of a sanction against a learner, that fact will be noted on the learner's record and may be taken into account by the Institute authorities in responding to requests for character references if such is deemed relevant and appropriate.
 - g) The actual process will be as set out in paragraph 4.3.
- 4.3 Allegations of breaches of the Charter will be dealt with through a staged process.
 - Stage I – Informal (see paragraph 5)
 - Stage II – Formal (see paragraph 6)
 - Stage III – Appeal (see paragraph 7)
- 4.4 Institute staff shall initiate formal disciplinary procedures in the event of serious breaches of the Code of Conduct.

5. STAGE I

- 5.1 Institute Staff who have observed a learner breach the Code of Practice or are affected by a breach of the code are entitled to raise the matter with the learner concerned.
- 5.2 The staff member must have good reason to believe that the correct learner has been identified.
- 5.3 Learners shall at all times obey the lawful instructions of Institute staff.
- 5.4 Allegations of serious breaches of the Code of Conduct and for allegations of a less serious breach, where informal efforts have failed to resolve the issue satisfactorily, should proceed to Stage II.

6. STAGE II

- 6.1 The Institute appreciates that there may be occasions where Stage I is inappropriate and/or that a more formal approach is necessary.
- 6.2 At this point the staff member concerned should outline in writing the alleged breach of the Code of Conduct and forward the details to the learner's Head of School. The information should be specific and comprehensively documented. The staff member must detail the learner's name, class etc., dates, locations and witnesses as appropriate. Any previous efforts to resolve the matter should also be described.
- 6.3 The Head of School will acknowledge receipt of the documentation within five working days. It is the Institute's aim that all alleged breaches of the Code of Conduct, under Stage II, will be resolved within 21 days.
- 6.4 The Head of School will arrange to meet with the staff member to discuss the allegations. The Head of School will make a written record of the meeting.
- 6.5 To establish the facts of the complaint the Head of School will hold a separate meeting with the learner concerned (who may be accompanied by a fellow learner or Student Union representative), and may also interview any material witnesses. The Head of School will make a written record of the meeting(s).
- 6.6 The Head of School will notify both parties in writing of the result of the complaint and the reasons for the decision. Where the result of the complaint includes consequent action or recommendations, the Head of School shall notify the appropriate person(s) or committee, internal or external to the School, without undue delay.
- 6.7 The Head of School can, as appropriate, impose the following sanctions:
 - a) The imposition of a period of probation of not more than 20 working days during which the learner will be obliged to fulfil all academic requirements of his/her programme
 - b) Withdrawal or restriction of certain rights for a period not exceeding 20 working days
 - c) Suspension from the Institute for a period of not more than 20 working days
 - d) A requirement to pay compensation for damage caused
 - e) Recommend to the President the permanent exclusion of the learner(s) from the Institute.

Compliance with the sanctions will be monitored. Failure to comply will be referred back to the Head of School.

7. STAGE III (APPEAL)

- 7.1 The Learner may appeal the outcome of Stage II within 14 days of receipt/knowledge of the decision. The learner should confirm his/her wish to appeal the outcome of Stage II in writing to the Registrar.
- 7.2 The President will seek appropriate advice on the composition of a learner disciplinary appeal committee and the protocol to be adopted before establishing the learner disciplinary appeal committee to examine the learner's appeal.
- 7.3 Typically the learner disciplinary appeal committee will have four members, chaired by the President (or his/her nominee) and include an experienced manager from another Institute of Technology, a member of the Institute's Executive Board and the President of the Student Union (or his/her nominee). No member of the committee will have been previously associated with the complaint.
- 7.4 The committee will receive the documentation so far generated by the disciplinary proceedings and will consider that documentation and hear other evidence at a hearing in line with 7.2.
- 7.5 The hearing will enable the committee to consider the way in which the disciplinary proceedings has been handled at any previous stage and/or to reconsider the appropriateness of the result of the previous stage of the process.
- 7.6 The decision of the learner disciplinary appeal committee will be final as far as the Institute's learner disciplinary procedures are concerned.
- 7.7 The President will inform both parties, in writing, of the decision of the committee and the reasons for the decision.
- 7.8 If the committee decides that certain actions have to be taken as a consequence of the disciplinary process or appeal, the President will nominate an individual to monitor such actions.