

3 June 2002, § 50

Revised

20 October 2003, § 305

Revised

President's decision

29 May 2007, §395

Foundation Governing Board's decision

25 August 2008, §64

President's decision

5 March 2009, §446

DISCIPLINARY AND EXPULSION DECISIONS

Instructions for the Disciplinary and Expulsion Committee

Duties

§ 1 In accordance with Section 12 of the Statutes of Jönköping University Foundation ("the University"), there shall be a joint student disciplinary committee at the University. Consequently, the University has given the Schools the joint task of establishing such a disciplinary committee, referred to by these Schools as the Disciplinary and Expulsion Committee ("the Committee").

The Committee shall function as an independent body with responsibility for hearing and making decisions in disciplinary and expulsion cases pertaining to students admitted to education at undergraduate, graduate and third cycle level at the Schools of the University.

Disciplinary actions

§ 2 The Committee shall determine disciplinary action in the case of a student

1. using forbidden material or otherwise trying to cheat in coursework or at examinations,
2. disrupting or preventing lectures, examinations or other activities within the framework of education at the University and its affiliate Schools,
3. disturbing the activities of the University's library or other institutions at the University,
4. subjecting a fellow student or an employee of the University to harassment as referred to in Chapter 1, § 4 the Discrimination Act (2008:567)
5. failing to pay the student union fee as from time to time prescribed during his/her education.

Disciplinary action shall be invoked against a student no later than four months after the misdemeanour was brought to the University's knowledge, but no later than two years after it was committed.

Expulsion

§ 3 The Committee shall also decide in matters of *expulsion*.

A student may be expelled from studies if the student

1. suffers mental disturbance,
2. abuses alcohol or drugs, or
3. is found guilty of having committed a serious crime.

Expulsion on these grounds is permitted only if, owing to the circumstances, the student poses a significant physical risk to others or to valuable property during the course of his/her studies or seriously disrupts activities in general.

§ 4 In its decisions, the Committee must take into consideration the overall interest in creating and maintaining established practice for disciplinary and expulsion decisions within the University.

Commentary: By this Section the Committee is obligated to take previous decisions into consideration as well as to create a system that facilitates the maintenance of established practice. Should the Committee choose to deviate from established practice, the reasons for this should be clearly stated.

Sanctions

§ 5 The disciplinary measures applicable are *warning*, *exclusion from examinations* and *suspension*.

- A *warning* means that the student is informed in writing of the Committee's decision to issue a warning.
- A decision to invoke an *exclusion from examinations* means that the student is not allowed to participate in any examinations held at the University for the period stated in the decision. The decision shall apply to a continuous period which must not exceed six months.
- A decision to invoke a *suspension* means that the student is not allowed to attend classes, participate in examinations or other activities within the framework of education given at the University. The decision shall apply to one or more periods, but must not exceed six months in total

A decision to invoke a suspension may apply to access to certain specified facilities within the University.

A decision about warning, exclusion from examinations or suspension shall include the grounds for the decision.

Commentary: The aim of this Section is to avoid arbitrary or what may be perceived as arbitrary decisions and to facilitate the establishment and maintenance of standards of practice in decisions made by the Committee.

§ 6 A decision to invoke an *expulsion* shall invariably mean that the student is not allowed to continue his or her education until further notice. The decision shall state explicitly whether this also means that the student is not eligible to register for any other education program given at the University until further notice.

A decision to invoke an expulsion may be reviewed upon receipt of a written request by the student, at the earliest two years from the date of notification of the expulsion.

A decision to invoke an expulsion shall clearly state the grounds for the decision.

Commentary: See § 5 above.

Structure of the Committee

§ 7 The Committee shall comprise a member learned in the law to act as Chairperson, and one representative of the faculty of each School. Students at the University are entitled to have two representatives on the Committee.

Commentary: The composition of the Committee is motivated by the fact that the body of the first instance should be strongly representative of the Schools, as opposed to the Board of Appeals.

§ 7a When hearing cases of expulsion, the Committee shall appoint an additional member with relevant medical or psychiatric expertise.

Commentary: Expulsion cases are matters of extreme gravity and therefore require appropriate and professional expertise on the Committee.

§ 8 The Committee shall have a secretary. The Secretary is the Committee's official rapporteur.

Commentary: The Secretary has a very important role in the work of the Committee as he/she is responsible for keeping the minutes of the proceedings, recording the decisions and ensuring that it is easy to establish and maintain standards of practice in the decisions made by the University.

§ 9 The Committee member learned in the law shall be appointed by the Board of the University for a term of three years.

§ 10 The Secretary shall be employed by, or work on assignment for one of the Schools and shall be appointed by the Committee.

Commentary: This can be motivated from a financial perspective as well as from an efficiency point of view.

§ 11 The faculty representatives of the Schools on the Committee shall be appointed for a term of two years by the Board of each School. The Boards of the Schools shall coordinate the time for appointing faculty representatives to ensure that the skills and experience acquired by the Committee are maintained.

Commentary: No more than two ordinary members and two deputies should be appointed for one and the same period.

§ 12 The students' representatives shall be appointed for a term of one year by the Student Union.

§ 13 A temporary member with medical or psychiatric expertise shall be appointed by the Committee when circumstances so require and for an appropriate period of time.

Commentary: An appropriate period may be one single Committee meeting including preparations. The Committee should have tentative agreements with one or more individuals willing to be available when so required.

§ 14 There must be a deputy for each of the members of the Committee with the exception of the member appointed in accordance with §13 above. Deputies shall be appointed in the same manner and for the same period of time as the ordinary members.

§ 15 The Committee has the right to co-opt an expert in each case.

Decisions

§ 16 The Committee has a quorum when at least three members are present including the Chairperson and one of the faculty representatives of the School in question. Decisions are based on a majority vote. If the votes are equal, the Chairperson has a casting vote.

Committee procedures

§ 17 The Secretary of the Committee is responsible for the administrative and secretarial work. Commentary: This includes disseminating materials, booking of rooms and general coordination.

§ 18 Any well-founded suspicion about misdemeanour as defined in § 2 or circumstances as defined in § 3 shall be promptly reported to the Secretary of the Committee or to a representative of one of the Schools.

Commentary: All staff at the University and its Schools and affiliates shall report any misdemeanour to the Secretary of the Committee or a representative of one of the Schools. Students are also entitled to report misdemeanour.

The Secretary is responsible for investigating the case and giving the student an opportunity to respond to the allegation, after which the Chairperson of the Committee, together with the Secretary, shall decide whether the circumstances are such that the case

1. shall not be considered, or
2. shall be referred to the Disciplinary and Expulsion Committee for a hearing.

All cases should be heard without delay.

Commentary: A decision in accordance with para. 2 above should be made within approximately three weeks of the date on which the misdemeanour was reported to the Secretary of the Committee.

§ 19 The Committee shall ensure that any case submitted to it is thoroughly investigated. A case shall be forwarded to the members of the Committee and to the student within one week of the date on which it was first submitted to the Committee for a hearing. The Committee shall give the student concerned an opportunity to submit his/her written statement in the investigative phase of the case.

Commentary: In order to safeguard the legal rights of the individual, it is essential for the student to have ample opportunity to respond to any allegation.

Upon request, the student has the right to be present at the Committee meeting in order to give his or her statement to the Committee and also to be present at meetings at which the Committee interviews anyone else.

Commentary: The student shall be informed of all decision data and have the opportunity to comment on statements given by others.

The Committee shall otherwise conduct its deliberations without the student being present.

§ 20 A case submitted to the Committee shall, except in special circumstances, be heard within two months of the date on which the case was first submitted to the Committee.

Commentary: A set date is deemed to be in the best interest both with regard to expediting the process and the need for care and consideration.

The Committee shall be prepared to meet once a month, unless the influx of cases or special circumstances require otherwise.

Commentary: If there are no cases, there is generally no reason to meet.

The Chairperson of the Committee is convener but may delegate this responsibility to the Secretary.

Commentary: In most cases it would be more practical to delegate, as the Secretary is responsible for all other administrative matters.

§ 21 Cases are decided upon the presentation of a report drawn up by the Secretary of the Committee.

§ 22 When a case has been submitted to the Committee, the Chairperson may, after consulting with another Committee member, with immediate effect suspend the student from activities at the University pending a disciplinary hearing.

An interim decision regarding suspension shall remain effective until the case has been heard by the Committee, however not for a period in excess of one month.

§ 23 A decision to invoke an expulsion or to invoke an exclusion from examinations shall come into effect immediately unless otherwise stipulated in the decision.

§ 24 When a decision has been reached about a warning, the Secretary of the Committee shall inform the student in writing and at the same time submit a copy of the decision to the Schools and to University Services at Jönköping AB.

When a decision has been reached about an exclusion from examinations, the Secretary of the Committee shall inform the student in writing and at the same time submit a copy of the decision to the Schools and to University Services at Jönköping AB.

When a decision has been reached about a suspension or expulsion, the Secretary of the Committee shall inform the student in writing and at the same time submit a copy of the decision to the Schools and to University Services at Jönköping AB. In addition, the Secretary shall in a convenient way inform the Central Student Grants Committee

(CSN) and the agencies or institutions within the University concerned by the actual decision.

When a decision has been taken that the case shall not be considered in accordance with § 18, 2 paragraph, item 1, the Secretary of the Committee shall inform the student in writing and at the same time submit a copy of the decision to the person reporting the misdemeanour.

§ 25 A decision about expulsion shall be submitted promptly by the Secretary of the Committee to the Higher Education Expulsions Board.

§ 26 A decision taken by the Committee shall be submitted in writing to all parties concerned in accordance with § 24 above as well as to the Student Union within one week by the Secretary of the Committee.

The student shall in this context be informed about whether the case can be decided by the University Board of Appeals and how an appeal shall be lodged

Commentary: An appeal is to be lodged according to § 27.

§ 27 Any appeal against the Committee's decision on disciplinary action shall be submitted in writing to the Committee within three weeks of the announcement of the decision. It is the duty of the Secretary of the Committee to forward the appeal to the Board of Appeals together with all documentation constituting the grounds for the decision.

Commentary: An appeal shall be submitted to the Committee in order to ensure that all important investigative material is made available to the Board of Appeals as well as in order to avoid time-consuming inquiries and communication between different authorities. Furthermore, it is easier for the decision-making body to monitor time aspects, etc.

A decision about expulsion made by the Committee may not be appealed.

§ 28 A decision may always be appealed to the Board of Appeals on the grounds that the decision contravenes Chapter 2 § 5 with reference to Chapter 1 §§ 4 and 5 and Chapter 3 § 15 of the Discrimination Act (2008:567),

Commentary: The sections mentioned stipulate that it is prohibited to directly or indirectly discriminate against a student or applicant because of gender, ethnic affiliation, sexual orientation or disability when the University decides in cases of admission to studies or similar, credit transfer, deferment or resuming of studies, change of tutor, or intervention measures against a student. Prohibition against discrimination also applies to the extent possible to the ability of disabled persons to access the premises of the University as comfortably as persons without disabilities. A university may not resort to reprisals against a student or an applicant because he/she has reported the university for discrimination or participated in an investigation about discrimination. In the public higher education sector, an appeal against any such decision may be submitted to the University Appeals Board. Students attending Jönköping University should therefore have the same opportunity to appeal.

Miscellaneous

§ 29 The secretary of the Committee is responsible for taking the minutes of the meetings (resolution minutes).

The minutes shall provide a record of the members and deputies present and of what cases were heard. For each case, the minutes shall provide a record of the voting and its outcome, the decisions taken and reservations against them.

Commentary: The record of the decisions taken shall also contain the grounds for the decisions.

Minutes of meetings shall be checked and confirmed no later than five days after the date of the meeting and in the manner decided at the meeting; however, should there be a decision section stipulating that the decision should be effective immediately; the minutes shall be confirmed promptly.

§ 30 The Secretary of the Committee is responsible for ensuring that cases received and the Committee's decisions are processed in a manner that enables the Committee to draw up and establish a sustainable practice.

§ 31 A remuneration shall be paid to the Committee member learned in the law, a member with medical or psychiatric expertise and, in special cases, to experts co-opted. The amount of the remuneration shall be determined in joint consultation between the parties concerned.