

STUDENT DISCIPLINARY CODE

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A. PREFACE

1. The studies at the University are based on a great deal of trust between the institution and those learning there and oblige conduct befitting the dignity of the University and the student's status.
2. A Student Disciplinary Code (hereinafter: "the Code") enters into force after being approved by the Senate and on its publication date, where then the preceding Disciplinary Code expires. For offenses committed prior to the entry into force of the Code the provisions of the Disciplinary Code that was in force at the time the offense was committed shall apply.

B. DEFINITIONS

3. In this Code, the terms listed below shall have the meanings written beside each one of them.

In this Code, whatever is said in the masculine also imports the feminine, and vice versa. In this Code, whatever is said in the singular also imports the plural, and vice versa.

3.1 "**The University**", University of Haifa, including any entity or institution under its control or its supervision or affiliated therewith.

3.2 "**Faculty Dean**", including a head of school of the University and a head of an academic unit not included within a faculty.

3.3 "**Academic employee**", whoever performs a teaching, guidance, training or research role on all the tracks and levels in the University or on its behalf.

3.4 "**Security employee**", an administrative employee or whoever is employed by an external security company and is authorized in writing by the Security and Safety Officer to serve as a security employee.

3.5 "**Administrative employee**", a University employee, or a person employed on behalf of the University (also in the absence of employer-employee relations with the University) and who is not an academic employee.

3.6 "**Disciplinary authorities**", head of the disciplinary authority, the Disciplinary Officer, the judges, chairman of the appeals committee and members of the appeals committee.

3.7 "**Student**" (a) a person who has registered for studies at the University, either degree studies or non-degree studies, including students of the pre-academic unit and students of the international students unit and admitted by it as a student, from the time of his registration and so long as he is registered as a student, including school holidays; (b) a person who has applied to be admitted as a student and a decision has not yet been made on his application, from the time of submitting his application and until a decision is made denying his application – from the time of its submission and until the decision is made ; (c) a person who has finished his studies but has not yet received a certificate; (d) a person who was a student at the time of the offense; (e) a student who functions as an academic employee unless he has been brought for a disciplinary hearing before the academic faculty disciplinary tribunal; (f) a postdoctoral student shall not be deemed a "student" for the purpose of this Code and an academic disciplinary code shall govern his affairs.

3.8 "**University campus grounds**", the University premises, its buildings and facilities, including housing complexes, student dormitories and facilities of the University, whether owned by it or leased or rented by it even if they are located outside the campus grounds, and including areas and structures that are owned by the University, under lease by it, rented to it or in its possession and used by other entities.

C. DISCIPLINARY RULES

4. A student must fulfill the following disciplinary rules:

4.1 To preserve the dignity of the University and the dignity of its academic employees, its administrative employees, its teachers, its students and its visitors, to avoid harming their welfare, their bodies and their property, and to act in a manner befitting him being a student in an institution of higher education and the principles of law and public morals.

4.2 To faithfully fulfill all the academic, disciplinary and other obligations, as they apply to the students under the University constitution, regulations and procedures.

4.3 To obey instructions of the University authorities, its academic employees and its administrative employees, and its agents, which are given pursuant and in relation to performing their duties in accordance with the University constitution, regulations and procedures.

4.4 To safeguard the property of the University and the cleanliness and order within its grounds.

4.5 The students must strictly observe discipline and proper conduct in the various areas of activity, within and outside the University, and an act or omission shall be deemed a disciplinary offense in cases such as:

- A failure to obey codes and procedures prescribed by the University authorities or a failure to fulfill instructions of its academic employees or its administrative employees;

- A failure to observe the rules of integrity and fairness governing the writing of exams, homework assignments, seminar papers, final theses and others; and a failure to observe the rules of integrity and fairness when making a written or verbal inquiry to the University authorities;
- Conduct harming the course of lessons and exams as well as academic employees and administrative employees;
- Conduct harming facilities and the handling of equipment and property of the University.

D. DISCIPLINARY OFFENSES

5. A disciplinary offense is one of the following offenses committed by a student.

5.1 Conduct harming the dignity of the University, its property or its operations.

5.2 Conduct harming the dignity, body or property of the academic employees, administrative employees, students or visitors of the University if done in connection with the status of those injured as academic employees, as administrative employees, as students or as visitors.

5.3 Conduct not befitting a student, whether he is within the University campus grounds or anywhere else where he is present in his capacity as a student (such as: activities designed for training academic employees or students; programs for practical training in social work; excavation sites; educational tours; field studies; public sports activity; activity in legal departments, etc.).

5.4 Disruption to teaching, to research or to work at the University, or disruption to any other activity that has been approved by the applicable institutions at the University, as well as aiding any such disruption.

5.5 Examination fraud, including a violation of instructions pertaining to writing or to conduct during the examination or aiding another student in such act and including possession of prohibited material, copying from another student or allowing another student to copy, conduct contrary to the instructions of the proctor, or any communication with another examinee.

5.6 Discussion or attempted discussion with an outside party during the examination. Inserting any change in the examination after the end of the examination time.

5.7 Fraud or misrepresentation in a homework assignment, in a seminar paper or in other work imposed on the student in connection with his studies, including a violation of instructions pertaining to carrying out such work, as well as aiding another in carrying out such act.

5.8 Fraud in the University entrance examination, either with the aim of being admitted as a student or with the aim of aiding another to be admitted as a student at the University.

5.9 Any other fraudulent act, or misrepresentation done for the sake of receiving rights at the University or in relation to studies thereat, whether to benefit himself, or to benefit someone else, as well as aid in carrying out any such act.

5.10 A failure to obey instructions of the University authorities and including of its academic employees and of its administrative employees, given in the capacity of performing their duties, as well as a failure to obey such instructions even if given outside the University campus grounds.

5.11 Carrying out an act involving deceit, fraud or forgery, whether or not the act yielded a benefit, and including:

- Knowingly submitting false information to the University, knowingly refraining from submitting required information, composing a false document and/or submitting the same to its authorities, to its academic employees, or to its administrative employees for the sake of receiving rights at the University, or in relation to studies at the University, whether to benefit the giver of the information, the author of the document or the submitter of the same, as stated, or to benefit someone else.

- Inserting a change in any document, certificate or record on behalf of the University, without authorization from its competent authorities.

5.12 Harming the property of the University libraries and including stealing books, printouts, digital material, audio-visual material or other material, concealing them, removing them without permission, vandalizing them, violating a code or procedures of the University libraries and any other offense associated with using the libraries.

5.13 Violating the University regulations, instructions and procedures and including a violation of regulations, instructions and agreements related to –

a. The procedure for public activity on campus.

b. Smoking in a non-smoking place.

c. Use of the University facilities, including libraries, laboratory rooms, auditoriums, dormitories and housing complexes, clubhouses, offices, sports facilities and open areas,

d. Parking offenses,

e. An act or omission that has led or may lead to precluding exercise of the right of a student, an academic employee, an administrative employee or a visitor of the University, of access to the aforementioned facilities, to books, to other teaching and learning aids or any other right conferred on them by law.

5.14 Refusal to identify oneself to an academic employee or an administrative employee in the capacity of performing their duty.

- 5.15 A failure to appear before the disciplinary authorities or refusal to testify before them.
- 5.16 Giving false evidence or withholding facts in a hearing before the disciplinary authorities.
- 5.17 A full or partial failure to fulfill a decision handed down by the disciplinary authorities.
- 5.18 Conduct that violates the law or the principles of public morals and any conduct involving moral turpitude.
- 5.19 Disorderly conduct, causing noise and commotion, participating in a brawl, violent conduct, within the University campus grounds.
- 5.20 Using the University property for private purposes without authorized approval and including use of computer time for private purposes without authorized approval. Burglary or trespassing to the University or its property.

E. PENALTIES

6. A student who is found guilty of a disciplinary offense is subject to one or more of the penalties listed below:

6.1 Caution.

Reprimand.

Severe reprimand.

6.2 Disqualification of the student from receiving an academic award, tuition discount, loan or scholarship or revocation of the right to receive them for a period to be prescribed. Revocation of rights or achievements acquired as a result of deceit.

6.3 Denial of access and use of the University facilities and property, including laboratories, libraries, computers, housing complexes and student dormitories, clubhouses, sports facilities and parking lots for a period to be prescribed.

6.4 Disqualification of an examination taken by the student, as well as disqualification of an exercise, homework assignment, seminar paper, thesis, doctoral dissertation, or other work imposed on the student in connection with his studies.

6.5 Prohibition on participation or invalidation of certain yearly or semester courses in which the student participated.

6.6 Prohibition on sitting for a certain examination or examinations at a particular time or at particular times.

6.7 Postponement of providing any document on behalf of the University associated with studies.

Postponement of granting a certificate or certification attesting to the student's studies or completion of his studies, for a period to be prescribed.

6.8 Revocation of a document, certificate, degree or certification on behalf of the University that is associated with studies, subject to the approval of the Rector.

6.9 A monetary fine at a rate that shall not exceed half of the full annual tuition for a regular student. Any fine shall be linked to the consumer price index from the end of thirty days of the date it is imposed and up to the date of actual payment.

6.10 Invalidation of the current academic year or a part thereof. Retroactive invalidation of an academic year or a part thereof.

6.11 Suspension of the student from the University for a specified period including prohibition on the student entering, during the suspension period, the University campus grounds.

6.12 Permanent expulsion of the student from the University, including prohibition on the student entering the University campus grounds.

A penalty of permanent expulsion from the University requires the approval of the Rector.

6.13 Denial of registration or denial of resumption of studies.

6.14 Whereupon a student has been found guilty of a disciplinary offense and in consequence of the offense material damage has been caused to the University property, and including the library, or to employees of the University or its students, he may be charged with monetary compensation.

Any compensation shall be linked to the consumer price index from the end of thirty days of the date it is imposed and up to the date of actual payment.

6.15 Obligating the student to perform a service for the University or on its behalf or for the public on conditions and at times that are to be prescribed by the disciplinary authorities.

6.16 Towing and/or booting a car.

6.17 Denial of employment of the student at the University, in any position or in a particular position, either with pay or without pay, for a fixed term or until completion of his studies at the University.

6.18 Conditional penalty.

The disciplinary authorities may order that a penalty imposed by them shall be, in whole or in part, conditional. The condition is that the student is not to commit an offense or offenses to be prescribed by the disciplinary authorities during a specified period.

6.19 A student who has been sentenced to a conditional penalty shall not serve his sentence, unless he has committed within the prescribed period one of the prescribed offenses and has been convicted in respect of such offense within or subsequent to the conditional period. The conditional period shall commence from the day of the decision, unless prescribed otherwise in the body of the decision.

6.20 Whereupon a student has been so convicted, the condition shall be activated by the disciplinary authorities and this shall not derogate from the powers of the disciplinary authorities to impose on the student, concurrently or cumulatively, a penalty or penalties in respect of the new offense in respect of which the condition was activated.

6.21 A summary of the decision and the sentence shall be recorded in the personal file of the convicted student, which is managed at the academic unit in which he studies and at the Department of Student Services and Tuition.

6A

6A.1. A student who has been found guilty of an offense under Section 5.5 or 5.7 shall be suspended by actual suspension for a period to be prescribed by the judge according to the severity of the offense.

6A.2. A student who has once again been found guilty of an offense under Section 5.5 or 5.7, within three years of the day he was first convicted of an offense under Section 5.5 or 5.7, shall be permanently expelled from the University, unless the judge has found special circumstances, which he shall specify in his decision, which justify a lighter penalty. The provisions of Section 6.20 shall apply to this section.

6A.3. Whereupon a student has been found guilty of an offense under Section 5.5 or 5.7, the Disciplinary Officer shall decide, in consultation with the head of the disciplinary authorities, on whether to report the incident to the Attorney General.

F. THE DISCIPLINARY AUTHORITIES

7. The disciplinary authorities and other position holders:

a. The disciplinary authorities at the University are:

1. Head of the disciplinary authority.
2. The Disciplinary Officer and the judges.
3. Chairman of the appeals committee and members of the committee.

b. Other position holders: The chief prosecutor, the prosecutors and the coordinator as defined in the code.

HEAD OF THE DISCIPLINARY AUTHORITY

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7.1 The University Senate, on recommendation of the Rector and on the authority of the President, shall appoint from among the academic employees of the University the head of the disciplinary authority. The head of the disciplinary authority is responsible for the organization, management and operation of the disciplinary authorities.

7.2 THE DISCIPLINARY OFFICER AND THE JUDGES

7.2.1 The University Senate, on recommendation of the Rector and on the authority of the President, shall appoint from among the academic employees the Disciplinary Officer and shall also appoint from among the academic employees, the administrative employees, the students and public officials the judges, in a number that is to be prescribed from time to time by the Senate. The appointment shall be for a fixed term.

7.2.2 The Disciplinary Officer shall hear and decide – as a sole judge – complaints of disciplinary offenses.

7.2.3 Any power granted to the Disciplinary Officer pursuant to this Code – excluding his powers under Section 7.2.4 below – shall also be afforded to each one of the judges. A decision of a judge has the same legal standing as a decision of the Disciplinary Officer for all intents and purposes.

7.2.4 The allocation of the cases between the Disciplinary Officer and the judges and scheduling of the hearing dates shall be done according to general guidelines that are to be prescribed by the Disciplinary Officer from time to time, or as he prescribes for a particular matter or matters. Notwithstanding the aforesaid in Section 7.2.2, the Disciplinary Officer has the power to determine, at his discretion, that for particular complaints the hearing shall be held by a panel of three, composed of the Disciplinary Officer and two of the judges that shall be determined by him.

7.2.5 The Disciplinary Officer may delegate his powers pursuant to Section 7.2.4 above to a judge or to judges.

7.2.6 Whereupon the appointment term of the Disciplinary Officer or of one of the judges expires, they are authorized to continue and complete the hearing on any complaint submitted to them before then, as well as on new complaints until the appointment of their substitutes.

7.3 APPEALS COMMITTEE

7.3.1 The members of the appeals committee shall be eight academic employees who shall be appointed by the University Senate, four students who shall be appointed by the student union committee of the University and four public officials who shall be appointed by the University President. The chairman of the appeals committee shall be appointed by the Senate on recommendation of the Rector and on the authority of the President from the eight academic employees or from among the four public officials, as stated. The appointment shall be for a fixed term.

7.3.2 The appeals committee shall adjudicate in a panel of three academic employees, one student and one public official.

7.3.3 The composition of the appeals committee for hearing any appeal shall be determined by the chairman of the appeals committee from among the members of the appeals committee and the chairman of the appeals committee shall determine the chairman of the panel.

7.3.4 Whereupon the appointment term of the chairman of the appeals committee or of its members expires, they are authorized to continue and complete the hearing on any appeal submitted to them before then, as well as on new appeals until the appointment of their substitutes.

7.4 COORDINATOR AND PROSECUTOR

7.4.1 The Rector shall appoint an administrative employee who shall serve as a coordinator of the disciplinary authorities (hereinafter – "the coordinator").

7.4.2 The President and the Rector shall appoint administrative University employees, academic employees and students who shall serve as a chief prosecutor and as prosecutors in the disciplinary hearing (hereinafter – each one of them "the prosecutor"). The appointment of students shall be in consultation with the student union and in conjunction with the Dean of Students.

8. RESERVATION OF POWERS

8.1 The powers of the disciplinary authorities to hear and to rule on disciplinary offenses does not negate the power of an academic employee or an administrative employee to issue instructions or to take measures – within the scope of their powers – for the sake of preventing disruptions on the part of a student to the proper conduct of studies, examinations or other activity at the University.

8.2 The provisions of the Code do not prejudice the powers afforded to an academic employee or an administrative employee pursuant to other University codes.

G. HEARING PROCEEDINGS BEFORE THE DISCIPLINARY OFFICER

9. The power to conduct disciplinary proceedings pursuant to this Code is not negated by the holding of a police investigation, criminal proceedings or a judgment in respect of the same act.

9.1 A complaint with regard to a disciplinary offense is to be submitted by the complainant in writing in two copies to the prosecutor.

9.2 The prosecutor shall process the complaint as close as possible after receiving the same and he may request explanations from the complainant, from the student defendant, if the latter wishes to give an explanation, and from any other source.

9.3 Whereupon the prosecutor has reached a decision that there is no call to initiate disciplinary proceedings, he may archive the complaint. The prosecutor shall notify the complainant and the defendant

of the archived decision and of the complainant's right to appeal this decision before the Rector and the President within fourteen (14) days of receiving this notice. The appeal shall be accepted if the Rector and the President have so decided. The decision of the Rector and the President is final. Once per year the prosecutor shall submit a detailed report to the standing committee on the complaints that have been archived.

9.4 Whereupon the prosecutor has decided that there is call to initiate disciplinary proceedings, he shall prepare the prosecution form and forward the same to the Disciplinary Officer while specifying the following details:

- a. Details and description of the complainant.
- b. A description of the acts or omissions attributed to the student defendant.
- c. A breakdown of the disciplinary offense sections attributed to the defendant, as well as whether the prosecution intends to demand the imposition of one of the penalties set forth in Sections 6.8, 6.10 or 6.12 above and/or a penalty as set forth in Section 6.11 above for a period of one year or more (these penalties shall hereinafter be referred to as "severe penalties").
- d. Listing of the prosecution witnesses and documents.
- e. That the prosecution shall be represented in the proceedings by an attorney (in cases where this is so decided by the prosecutor).

9.5 The Disciplinary Officer, through the coordinator, shall send to the defendant, to the prosecutor, to the complainant and to the chairman of the student union, as soon as possible, a written summons of the place and time scheduled for hearing the complaint, together with the prosecution form and a copy of the Code.

The summons form shall clarify to the defendant:

- 9.5.1. The choice, which requires the consent of both parties, between a hearing by way of mediation and a disciplinary hearing.
- 9.5.2. That he may be assisted by a representative who is another student or an academic employee.
- 9.5.3. In cases where it is determined that the prosecution is to be represented by an attorney and/or that the prosecutor intends to demand to impose on the defendant severe penalties as defined above (in those same cases where the prosecutor has so decided) – that the defendant may be represented in the disciplinary hearing by an attorney.
- 9.5.4. That he must deliver to the Disciplinary Officer, not later than five working days from the day when the summons was delivered to him, written notice that includes the following details:

- (a) His choice of a mediation path or of a disciplinary hearing path.

- (b) If he has chosen to be assisted by a representative as set forth in Section 9.5.2 above or by an attorney (upon satisfaction of the conditions set forth in Section 9.5.3 or in Section 9.5.A of this Code) – the name and address of the representative / the attorney.

9.5.A If according to the student he is significantly limited in his ability to represent himself or there are special circumstances that according to him justify allowing him to be represented in the disciplinary proceedings by an attorney, he must apply with a request to allow him such representation and this together with the notice set forth in Section 9.5.4. In his request, the student shall detail the reasons that according to him justify granting his request and shall attach evidence supporting his reasons, if any. The Disciplinary Officer shall notify the student of his decision on the request at least 4 (four) days prior to the date scheduled for the hearing on the complaint. There is no right to appeal the decision of the Disciplinary Officer pursuant to this section. Whereupon the Disciplinary Officer has decided to permit the student to be represented by an attorney, the prosecution shall also be entitled to such representation, even if it had not notified in advance of its intention to be represented by an attorney in the disciplinary proceeding.

9.6 Any notice, summons or documents that are sent to the defendant and to the complainant by registered mail according to his address listed at the University Registration and Tracking Department or his address listed at his academic department, or that has been delivered to the defendant by courier shall be deemed to have been delivered to the defendant seven (7) days after they were sent – if sent by mail, as stated, or on the day of their actual delivery to the defendant – if delivered by courier, as stated.

9.7 The date that shall be scheduled for commencing the hearing on the complaint shall be not later than thirty (30) working days from the day the complaint was received by the prosecutor and in the case of holidays during which there is no activity at the University, one hundred (100) days, and not earlier than seven (7) days from the day when the summons was delivered pursuant to Section 9.5 above to the defendant. A prosecutor or defendant seeking to postpone the date of the hearing, shall so notify the Disciplinary Officer, together with reasons, within three (3) days of the day a summons has been delivered to him. The decision of the Disciplinary Officer on the postponement request shall be delivered to the defendant, to the prosecutor, to the complainant and to the chairman of the student union, or whoever is appointed by him, as soon as possible.

9.7A The student defendant, or his representative, shall have a right to inspect similar decisions that were handed down in similar cases and that were posted anonymously by the disciplinary authorities over the course of the two years preceding the hearing, via the authority's website.

9.8 The hearing on the complaint can be conducted in the absence of the defendant if he does not appear on the scheduled date even though he has been duly summoned. Whereupon a hearing was held in the absence of the defendant under circumstances as described above, the Disciplinary Officer shall be permitted to hand down any decision also not in the presence of the defendant. Whereupon a decision is handed down not in the presence of the defendant, the coordinator shall serve a copy of such decision on him and the defendant shall be permitted to petition for reversal within seven (7) days of the date when a copy of the decision was served on him. The petition shall be heard before the Disciplinary Officer, who

shall be authorized to reverse his decision or to modify the same on special grounds that shall be recorded and to hold a rehearing on the complaint in the presence of the defendant.

9.9 The hearing on the complaint shall be attended by the prosecutor, the complainant, the defendant and the representative (if appointed as set forth above and he has been given a written power of attorney by the student), as well as a student observer, who is appointed by the Rector from a list of observers to be submitted by the student union. The attendance of the defendant's representative at the hearing does not exempt the defendant from appearing at the hearing according to the summons that he received.

9.10 The coordinator shall identify the defendant and shall introduce him to all the attendees by their name and position.

9.11 The Disciplinary Officer shall read the prosecution form before the defendant and shall explain to him, if he is so requested – what is stated therein. The Disciplinary Officer shall explain to the defendant and to the prosecutor the possibility of holding the hearing by way of mediation. In the absence of mutual consent of the parties with regard to holding the hearing by way of mediation, the disciplinary hearing shall be held.

9.12 Whereupon there is no admission by the defendant, the prosecutor shall present his version and his evidence and shall address his arguments. When he has finished, the defendant, or whoever represents him, shall present his version and his evidence and shall address his arguments.

9.13 At the end of this hearing and as soon as possible, the Disciplinary Officer shall decide in writing regarding the acquittal or conviction of the defendant. If the defendant has admitted committing the offense, the Disciplinary Officer shall decide as soon as possible regarding his conviction. If the defendant was convicted of committing the offense, the prosecutor shall present his evidence and his arguments with regard to the penalty. When he has finished, the defendant shall present his evidence and his arguments with regard to the penalty.

9.14 The presiding judge or judges, the defendant and the prosecutor, may cross-examine the witnesses, including the complainant and the defendant. The presiding judges shall make arrangements to protect the witnesses against harm and harassment in the course of the hearing and shall exclude irrelevant or repetitive questions in abuse of the hearing.

9.15 The Disciplinary Officer shall conduct the hearing and shall admit evidence in the manner that he deems to be just and efficient, while adhering to the rules of natural justice.

9.16 In the course of the hearing, the coordinator shall keep a record, which shall be signed by the Disciplinary Officer.

9.17 The disciplinary hearing shall be conducted *in camera*, unless the Disciplinary Officer decides otherwise, at the request of the plaintiff or the defendant.

9.18 As near as possible to completion of the collection of evidence and hearing the arguments of the parties, the Disciplinary Officer shall hand down a reasoned, written decision.

9.19 The coordinator shall send copies of the decision to the prosecutor, to the Dean of the faculty in which the defendant learns, to the complainant, to the defendant, to the student union, as well as to other relevant parties in the University. One copy of the decision shall be filed in the personal file of the defendant.

9.20 The serving of a decision on the student defendant shall be by sending a copy of said decision to the student by registered mail, according to the student's address as recorded at the Department of Student Services and Tuition or at his academic department, or by delivering a copy of the decision to the student by courier and the decision shall be deemed as though served on the student as stated seven days after being sent if sent by mail, or on the day of its actual delivery to the student, if delivered by courier, as stated.

9.21 The decision shall come into effect from the time it is read to the defendant and if the defendant was not present at this time, from the time of its delivery to the defendant.

- a. An application to defer the penalty implementation date shall be submitted in writing to the coordinator of the disciplinary authorities, within 20 days of the day that the applicant is informed of the penalty.
- b. If an application to defer the penalty implementation date has been submitted, the Disciplinary Officer may defer the implementation thereof to another date and stipulate the deferment on conditions that he shall deem appropriate.

9.22 If an appeal has not been filed, the decision of the Disciplinary Officer shall be final. However, if the Disciplinary Officer has imposed a penalty of suspension, or invalidation of an academic year or a part thereof, this penalty requires approval from the President of the University or the Rector, or their authorized deputies, according to the type of offense, who are authorized to reduce the penalty, or to replace in with a lighter penalty, from the penalties listed in this Code.

H. INTERIM DECISIONS

10. The Rector or the Dean (in consultation with the Disciplinary Officer) or the Disciplinary Officer may, after a complaint has been submitted to the prosecutor, hand down interim decisions (such as: postponing checking of an examination, prohibiting sitting for an examination, prohibiting use of the University facilities, etc., as well as – prohibiting entry to the campus, except for the purpose of participating in a compulsory course and examination the absence from which would completely deprive the defendant of the ability to complete his obligations in said course).

These interim decisions shall be valid until a decision is handed down on the complaint, or an earlier date as shall be prescribed by the person handing down the decision, but in any case the validity of an interim decision shall not exceed three weeks, subject to the provisions of Section 10.1 below.

10.1 Whereupon the student defendant has requested to postpone the date scheduled for the hearing against him and the Disciplinary Officer has granted the postponement request, the Disciplinary Officer may extend the validity of the interim decision until handing down the decision.

10.2 Copies of the interim decisions shall be sent to the defendant, to the plaintiff, to the complainant, to the Faculty Dean and to the head of the department in which the defendant learns and to the student union.

10.3 An interim decision shall be handed down, to the extent possible, after the person handing down the decision has afforded the student or his representative an opportunity to be heard.

10.4 Whereupon an interim decision has been handed down in the absence of the student, the student shall be allowed to request from the Disciplinary Officer a rehearing on the decision in his presence. Whereupon the Disciplinary Officer has approved holding a rehearing, this hearing shall be conducted not later than within one week from the date of the request.

10.5 The decision of the Disciplinary Officer on such rehearing shall be final.

10.6 Interim decisions are not appealable to the appeals committee.

10.7 The Disciplinary Officer is authorized to reverse or to modify, at any time, an interim decision that he has handed down, either on his own initiative or on the initiative of the student or the complainant.

I. THE APPEAL HEARING

11. A decision is appealable by right.

11.1 A notice of appeal shall be submitted to the coordinator of the appeals committee in three copies, within twenty days of the day the appellant was informed of the decision.

11.2 The coordinator shall forward a copy of the notice of appeal to the chairman of the appeals committee and a copy to the respondent. The respondent may submit his reply to the notice of appeal in three copies to the secretary of the appeals committee within two weeks of the day the notice of appeal was served on him.

The coordinator of the appeals committee shall forward a copy of the respondent's reply to the chairman of the appeals committee and copy to the appellant.

11.3 The chairman of the appeals committee shall schedule the appeal hearing on the earliest possible date and shall notify the parties of this date as soon as possible. The rules for serving the decision shall apply to the serving of this notice.

11.4 A party who seeks to postpone the date of the hearing shall so notify the chairman of the appeals committee, together with reasons, within three days of the day the notice was delivered to him. The

decision of the chairman of the appeals committee on the postponement request shall be delivered to the parties as soon as possible.

11.5 The appeal hearing shall be attended by the appellant and the respondent. The student shall be allowed to be assisted in his arguments before the appeals committee by another student or an academic employee, or – if he was allowed to be represented by an attorney in the hearing that is the object of the appeal – by an attorney. The student shall give a written power of attorney to his representative. The giving of such power of attorney does not exempt the student from appearing for the hearing according to the summons that he received. A failure of the academic employee or another student to appear for the appeal hearing shall not delay the appeal hearing or detract from the validity thereof.

11.6 The appeal hearing can be conducted in the absence of the student who is a party to the appeal (either as an appellant or as a respondent) if he does not appear on the scheduled date even though he has been duly summoned. Whereupon the hearing was held in the absence of the student under circumstances as described above, the appeals committee shall be permitted to hand down any decision also not in his presence. Whereupon a decision has been handed down not in the presence of the student, the coordinator shall serve a copy of such decision on him and the student shall be permitted to petition for reversal within seven (7) days of the date when a copy of the decision was delivered to him. The petition shall be heard before the appeals committee, which shall be authorized to reverse its decision or to modify the same on special grounds that shall be recorded and to hold a rehearing on the appeal in the presence of the defendant.

11.7 The order of the appeal hearing shall be as follows: the appellant shall argue first, the respondent after him.

11.8 The appeal hearing shall be conducted *in camera*, unless the chairman of the appeals committee decides otherwise, at the request of the appellant or the respondent.

11.9 The appeals committee shall conduct the appeal hearing in the manner that it deems to be just and efficient.

11.10 As soon as possible after hearing the parties, the appeals committee shall hand down a reasoned, written decision.

11.11 The appeals committee may in its decision do one of the following:

- a. To accept the appeal, in whole or in part, and to modify the decision of the Disciplinary Officer, or to reverse it and hand down another in its place, or to remand the hearing with instructions to the Disciplinary Officer.
- b. To deny the appeal.
- c. To hand down in relation to the decision any other decision that the Disciplinary Officer would have been authorized to hand down.

11.12 The decision of the appeals committee shall be final. However, if the appeals committee has decided on a penalty of suspension, or invalidation of an academic year or a part thereof, this penalty requires approval from the President of the University or the Rector, or their authorized deputies, according to the type of offense, who are authorized to reduce the penalty, or to replace in with a different lighter penalty, from the penalties listed in this Code.

If the penalty required the approval of the President or the Rector according to the type of offense, the defendant shall be allowed to submit to the President or to the Rector his written objections, within two weeks of the day the decision was served on him.

11.13 Whereupon the President or the Rector have approved, according to the type of offense, a penalty of permanent expulsion of the defendant from the University, the defendant may apply to the President or the Rector, according to the type of offense, not before the end of 3 years from the day of the defendant's expulsion from the University, with a request to allow him to resume his studies at the University. If they shall deem this appropriate, the President or the Rector may pardon him and then the request shall be forwarded to the relevant academic unit, for a practical discussion regarding the conditions for resumption of the studies.