

The Higher Education Ordinance (1993:100)

Chapter 10 Disciplinary measures

General provisions

Section 1

Disciplinary measures may be invoked against students who:

1. use prohibited aids or other methods to attempt to deceive during examinations or other forms of assessment of study performance
2. disrupt or obstruct teaching, tests or other activities within the framework of courses and study programmes at the higher education institution
3. disrupt activities in the library of the higher education institution or other separate establishments at the institution, or
4. subject another student or member of the staff of the higher education institution to harassment or sexual harassment of the kind laid down in Section 4 of Chapter 1 of the Discrimination Act (2008:567).

Disciplinary measures may not be invoked more than two years after the offence has been committed. Ordinance (2008:944).

Disciplinary Measures

Section 2

The disciplinary measures comprise warnings and suspension.

A suspension decision means that the student is prohibited from participating in instruction, tests or other activities within the framework of the courses and study programmes at the higher education institution. The

decision shall comprise one or more periods, but shall not exceed six months in total.

A suspension decision may also be limited to apply to access to certain premises at the higher education institution.

Disciplinary boards

Section 3

Cases involving disciplinary measures shall, unless otherwise stipulated in Section 9, be dealt with by a disciplinary board. Every higher education institution shall have a board of this kind.

Section 4

The disciplinary board shall consist of the vice-chancellor as chair, a legally qualified member who shall hold or have held tenure as a judge, and a representative of the teaching staff at the higher education institution. The students at the higher education institution shall be entitled to representation on the board by two members. Ordinance (1998:1003).

Section 5

The legally qualified member and the member representing the teaching staff shall be appointed by the higher education institution for a period of three years. Ordinance (1998:1003).

Section 6

The members of the board representing the students shall be appointed for a period of one year.

Section 7

When the chair is prevented from attending, the deputy vice-chancellor or another specially appointed deputy shall act as chair of the disciplinary board.

There shall be a deputy for each and every member of the board. The deputy for the legally qualified member shall hold or have held tenure as a judge. The deputies shall be appointed according to the same procedure and for the same period as the members of the board. Ordinance (1998:1003).

Section 8

The disciplinary board is in quorum when at least three of its members are present, among them the chair and the legally qualified member.

If there are differences of opinion when a decision is to be made on any matter, the provisions of chapter 29 of the Code of Judicial Procedure relating to votes in courts of law consisting exclusively of legally qualified members shall apply. Ordinance (1998:1003).

Rules of procedure

Section 9

If there are grounds for suspecting that an offence of the kind laid down in Section 1 has been committed, the vice-chancellor shall be notified promptly.

The vice-chancellor shall arrange for the matter to be investigated and provide the student with an opportunity to make representations concerning the complaint. The vice-chancellor shall then, after consultation with the legally qualified member when appropriate, decide whether the circumstances are such that the matter shall:

1. be dismissed without further action,
2. call for a warning from the vice-chancellor, or
3. be referred for a hearing by the disciplinary board. Ordinance (1998:1003).

Section 10

A decision by the vice-chancellor to issue a warning may be submitted to the disciplinary board by the student for review. The student shall be informed of this right.

Miscellaneous provisions

Section 11

The disciplinary board shall ensure that matters referred to it are investigated thoroughly. The board shall give the student concerned in the case an opportunity to address the board on the issue. The student is also entitled to be present when others address the board, unless there are special grounds to the contrary. Ordinance (2004:289)

Section 12

A decision to suspend shall take immediate effect, unless otherwise stated in the decision.

Section 13

When a decision to suspend has been made, the National Board of Student Aid and the bodies at the higher education institution concerned shall be informed without delay.

Interlocutory suspension

Section 14

If a matter is referred to the disciplinary board, the vice-chancellor may after consultation with the legally qualified member order the interlocutory suspension of the student with immediate effect from activities at the higher education institution.

A decision on interlocutory suspension shall apply until the disciplinary committee has appraised the issue, but for no longer than one month. Ordinance (1998:1003).

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