

Procedure for Disciplinary Matters at the University of Borås

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Summary

This procedure contains information about the assessment of disciplinary matters and other important information for those who, as an employee at the University of Borås, come into contact with questions related to student disciplinary matters. The document Information on the procedure and assessment of disciplinary matters concerning students from 2008-04-23 is no longer valid, in accordance with the Vice-Chancellor's decision.

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Procedure for Disciplinary Matters at the University of Borås

1. Introduction

Disciplinary measures may be taken against students who attempt deception during examination, interfere with or obstruct the activities of the university, or harass another student or an employee at the university. The administrative processing of disciplinary matters takes place in accordance with the Higher Education Ordinance (1993:100), the Administrative Procedure Act (1986:223) and the rules laid down by the Vice-Chancellor.

This procedure contains information about the assessment of disciplinary matters and other important information for those who, as an employee at the University of Borås, come into contact with questions related to student disciplinary matters. The purpose of this procedure is to facilitate employees in the handling of disciplinary cases and to ensure that fairness and legal certainty for students is achieved by handling all disciplinary cases in a similar manner.

2. Regulatory framework

2.1 Higher Education Ordinance (1993:100) Chapter 10, Disciplinary measures

General provisions

1 § Disciplinary measures may be taken against students who:

1. with unauthorised means or in another way attempt to deceive when it comes to examinations or other occasions when study performance is being assessed.
2. interfere with or hinder teaching, examinations, or other activities within the framework of the education at the university.
3. interfere with the activities of the University Library or other special establishments within the university, or
4. subject another student or worker at the university to harassment or sexual harassment as referred to in Chapter 1, Section 4 of Sweden's Discrimination Act (2008:567).

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

Disciplinary measures

Section 2 Disciplinary measures are as follows: warning or suspension.

A decision to suspend means that the student may not participate in teaching, examinations, or other activities within the framework of educational programmes or courses at the university. The decision is to apply to one or more periods, but not exceeding six months in total.

A decision to suspend a student may also include limited access to certain premises within the university.

Disciplinary Board

Section 3 Disciplinary proceedings are to be subject to Section 9 and are to be handled by a Disciplinary Board. Such a board is to be present at each higher education institution.

Section 4 The Disciplinary Board is to consist of the Vice-Chancellor as Chair, a member who is well-versed in the law who is or has been a judge, and a representative of the teachers at the university. Students at the university have the right to be represented on the board with two members. Ordinance (1998:1003).

Section 5 The member who is well-versed in the law and the member representing the teachers are to be appointed for three years by the higher education institution. Ordinance (1998:1003).

Section 6 The members of the board representing the students are appointed for one year.

Section 7 When the Vice-Chancellor cannot attend, the Vice-Chancellor's deputy or another person specially appointed deputy becomes chair of the Disciplinary Board.

For each of the other members, there is to be a replacement. The replacement of the member who is well-versed in the law is to be or must have been a judge. The replacements are to be appointed according to the same procedure and for the same period as the members. Ordinance (1998:1003).

Section 8 The Disciplinary Board has a quorum when at least three members are present, including the chair and the member well-versed in the law.

Where there are differences of opinion in the judgment of a case, the provisions of Chapter 29 of the Swedish Code of Judicial Procedure on the voting in courts of law with only members well-versed in the law are to be applied. Ordinance (1998:1003).

Administrative procedure for cases

Section 9 Grounded suspicion of an offence as described in Section 1 must be report to the Vice-Chancellor quickly.

The Vice-Chancellor is to have the case investigated and give the student the opportunity to comment on the report.

The Vice-Chancellor is to then decide, where appropriate after consulting the member well-versed in the law, whether the circumstances are such that the case:

1. is to be written off (dismissed)
2. is to call for a warning by the Vice-Chancellor
3. is to be referred to the Disciplinary Board for review. Ordinance (1998:1003).

10 A decision by the Vice-Chancellor to issue a warning may be submitted by the student to the Disciplinary Board for examination. The student must be informed of this right.

Other provisions

Section 11 The Disciplinary Board is to ensure that a case referred there is thoroughly investigated. The board is to give the student concerned by the case the opportunity to make a statement on the case before the board.

The student also has the right to attend when others speak before the board, unless there are special reasons against it. Ordinance (2004:289).

Section 12 A suspension decision is to apply immediately, unless otherwise provided for in the decision.

Section 13 Once a decision on suspension has been taken, notification of this is to be sent immediately to the Swedish Board of Student Finance and the bodies within the university concerned.

Interim suspension

Section 14 If a case is referred to the Disciplinary Board, the Vice-Chancellor may, after consulting the member who is well-versed in the law, and with immediate effect, provisionally suspend the student from the activities of the university.

A decision on interim suspension is to remain in force until the case has been examined by the Disciplinary Board, but not more than one month. Ordinance (1998:1003).

2.2 Suspicion of a disciplinary offence according to Chapter 10, Section 1 of the Higher Education Ordinance (1993:100)

In accordance with Chapter 10, Section 1 of the Higher Education Ordinance, disciplinary action may be taken against students who:

1. with unauthorised means or in another way attempt to deceive when it comes to examinations or other occasions when study performance is being assessed.
2. interfere with or hinder teaching, examinations, or other activities within the framework of the education at the university.
3. interfere with the activities of the University Library or other special establishments within the university, or

4. subject another student or worker at the university to harassment or sexual harassment as referred to in Chapter 1, Section 4 of

Sweden's Discrimination Act (2008:567) and corresponding laws in the field of labour law. Disciplinary action may not be taken more than two years after the offence has been committed.

The disciplinary measures that can be taken are warning or suspension (Chapter 10, Section 2 of the Higher Education Ordinance).

The most common cases investigated by the Vice-Chancellor/the university Disciplinary Board are those that fall under Chapter 10, Section 1 of the Higher Education Ordinance.

3. Attempts to deceive in accordance with to Chapter 10, Section 1 of the Higher Education Ordinance

3.1 Definitions

In order for a disciplinary case to be examined, regardless of its nature, the person who is reported must be a **student** at the university. In accordance with Chapter 1, Section 4 of the Higher Education Ordinance, a student means a person who is admitted to, and pursues higher education at, the university. This means that disciplinary action under Chapter 10 of the Higher Education Ordinance cannot be taken in connection with admission tests (higher education examinations) or against a guest student who has not been admitted to higher education at the university. The same applies to a student in a contract education if the student has not been admitted to higher education at the university. In the case of persons admitted to qualified vocational training, they are also not to be considered as students at the university and the provisions of Chapter 10 of the Higher Education Ordinance are therefore not applicable. Investigation and measures arising from suspicion against a person who is not to be considered a student are regulated by agreements and in case of such a suspicion, the responsible Administrative Officer for student law issues is contacted for further information.

"Unauthorised aids" in accordance with Chapter 10, Section 1 of the Higher Education Ordinance means all aids – e.g. notes, unauthorised notes in permitted aids, telephone, other people's texts (plagiarism), advanced technology that may be relevant for the specific examination.

"Attempted deception in connection with examination" means all forms in which students try to use unauthorised aids in connection with an examination or other occasion when study performance is to be assessed, with the intention of giving the examiner an incorrect idea of their study performance. Whether the student actually succeeds in attempts to deceive does not matter in this context, but it is the reprehensible attempt that is the unlawful act.

3.2 Information for students

Before each course, students should be given clear information about the rules that apply for the examinations that will take place during the course. For example, there should be no uncertainty about which aids are allowed for an examination or how to correctly indicate sources in an academic paper. Examples of ways to inform students are: information via the course's website, written information that is distributed in connection with teaching, information sent to the students' email addresses, or oral information at the start of the course. However, the last information channel can be difficult to prove when it is word against word about what has been said, which is why information provided verbally should be followed up with a written version.

3.3 Some typical examples of attempted deception in examinations

Some typical examples of situations that fall under Chapter 10. Section 1, point 1 of the Higher Education Ordinance states:

- plagiarism of another student's work, the internet or other source, or self-plagiarism, i.e. to reuse one's own previously written own text.
- use of cheat sheets, unauthorised notes in books, mobiles, or other unauthorised means in connection with examination
- unauthorised collaboration in an individual examination
- changing answers and scores in a corrected examination
- being an accomplice in cheating, for example by taking marking another student as present at a seminar when he/she has been absent
- unauthorised access to examination content

3.4 When does a case of deception arise?

In order for a student to be convicted of deceptive conduct in examinations pursuant to Chapter 10, Section 1 of the Higher Education Ordinance, it must be made clear that such unauthorised acts (such as the above-mentioned type examples under point 3.3) have actually occurred. In addition, it should be clear that the student must have realised that they have committed unauthorised acts. For example, if a student has not been informed about which aids are allowed during an examination, they cannot be convicted of deception.

Both of the above-mentioned requirements must therefore be fulfilled and a high evidentiary requirement is imposed on investigating administrators as well as the Vice-Chancellor and the university's Disciplinary Board. This requirement of proof is not set out in the Higher Education Ordinance but has been advanced by the prevailing case law (see Supreme Administrative Court ruling in RÅ 1996 ref. 15 and RÅ 2010 ref. 6).

3.5 Specifically about plagiarism

Plagiarism means "presenting someone else's work as your own, whether intentional or unintentional." Presenting means copying or imitating someone else's work, such as a text, image, diagram, or design product, and presenting the material as one's own, without specifying the source.

Plagiarism as an attempt to deceive in accordance with Chapter 10, Section 1 of the Higher Education Ordinance is defined as intentionally and for your own benefit submitting someone else's work as their own in examination or when study performance is otherwise assessed. One consequence is that self-plagiarism can also be judged as plagiarism when the student does not include a reference to the original work, even though it is not a question of presenting someone else's work as their own. In disciplinary contexts, the concept of self-plagiarisation is defined by using one's own previous work in a study performance as if it were new, without any including a reference, thereby attempting to deceive in an examination.

The University of Borås has established an Anti-Plagiarism Guide that contains detailed information about plagiarism, see link below. The guide is available in both Swedish and English.

<https://pingpong.hb.se/public/courseId/15169/lang-sv/publicPage.do?item=7664599>

4. Suspicion of disruptive and harassing behaviour pursuant to Chapter 10, Section 1, paragraphs 2-4 of the Higher Education Ordinance

Although unusual, there are cases when a student is deemed to be acting in a disruptive manner or otherwise obstructing teaching. What is disruptive to the university is not stated in the Higher Education Ordinance but may be assessed in each case. Factual opinions in themselves can never be said to be disruptive or obstructive to the university, but repeated irrelevant questions can in some cases be perceived as disturbing.

Examples of disruptive behaviour/obstruction of teaching, examinations, or other activities may be:

- violations of rules of conduct, such as breach of rules of conduct at the exam (e.g. if students interfere by talking to each other during the examination itself) or at other assignments
- that a student in a teaching context has recurrent inappropriate behaviour that adversely affects teaching
- that a student behaves threateningly or violently (behaviour that even outside teaching can be considered to hinder or interfere with teaching because the teacher feels so affected that he is unable to carry out the education in a normal way)

Examples of disruptive behaviour at the University Library or other special establishment within the university may be:

- when students violate safety regulations in, for example, a laboratory room
- when the student behaves in a disruptive manner i.e. violates the applicable rules of conduct in the University Library in different ways
- when students behave disruptively i.e. violate the applicable rules of conduct in connection with activities within the framework of the education that are located in, for example, hospitals, schools, or similar
- when students use the university's computer network in such a way that they violate the applicable rules of use (e.g. by storing unauthorised material in the university's computers);
- when the student destroys property, which has negative effects on the university where property is located

When a teacher/University Library staff/examination supervisor feels that a student's behaviour interferes with or hinders teaching or examination, or behaves disruptively in the University Library or at another institution, the event must be documented with a description of what has happened. The student must be informed that their behaviour is perceived as disruptive and this information must also be documented. If, despite the notice, the student does not cease their disruptive behaviour, the employee concerned at the university must draw up a report regarding disturbing or obstructive teaching/examination/other activities.

If necessary, a report may be made directly, i.e. without giving the student a chance to correct their behaviour. This may be relevant in such serious cases that it is clear to the student that their behaviour is unacceptable. These cases are often followed by a police report for suspicion of crimes such as unlawful threats, assault, or theft.

In order for disciplinary action to be taken against students who carry out harassment against another student or an employee of the university, the harassment must fall under the following points under the Discrimination Act(2008:567) Section 5 and apply to:

- sex: male or female (or other)
- transgender identity or expression: someone does not identify as a woman or a man, or through clothing or in some other way, expresses the opposite gender identity,
- ethnicity: national or ethnic origin, skin colour or other similar,
- disability: enduring physical, mental, or ability limitations to the functioning of a person who, as a result of an injury or illness, were present from birth, have arisen thereafter, or are expected to occur;
- sexual orientation: homosexual, bisexual, or heterosexual orientation,
- age: life expectancy achieved. Even those who intend to change or have changed their gender are covered by the grounds of discrimination on the basis of sex. Law (2014:958).

If a student or an employee at the university feels harassed on another basis, there may be a report of disruption of activities. The harassment does not need to have taken place on the university's premises, but in order for the incident to be taken up for investigation of any disciplinary offence, it must be related to the university.

The report of discrimination or harassment of students and applicants to the university is submitted to the University of Borås. Following the university's decision on the matter, the Vice-Chancellor will, if necessary, decide on possible handover to the university's Disciplinary Board.

The university also has established guidelines containing procedures for discrimination and harassment of employees at the university. More information about these can be found in the rules applicable at the university regarding discrimination, harassment, and abusive discrimination.

The above-mentioned forms of disciplinary offences such as disruptive behaviour (threats or violence), harassment of various kinds, forgery and others may also fall under the Swedish Penal Code and thus also lead to prosecution. It is important to clarify that there is no obligation to report a suspected crime in these cases. However, in order to ensure it is legally fair and legally certain, the Vice-Chancellor should ensure that a criminal complaint is made in cases where the suspicion relates to a crime that is so serious that the penalty can be assumed to be more severe than a fine.

5. Reports in accordance with Chapter 10, Section 1 of the Higher Education Ordinance

5.1 Administrative procedure in advance of reporting to the Vice-Chancellor

In the event of suspicion of misleading examination, the Dean of Faculty/Head of Professional Services or the person to whom this task is delegated is to have the employees concerned assess the situation arising on the basis of the following:

1. Is the student a student as defined in the Higher Education Ordinance? (see definition above under section 3.1 Definitions)
2. What unauthorised aids has the student used? (E.g. notes, plagiarism of other people's texts, unauthorised collaboration.)
3. The relevance of the unauthorised aid to the substance content of the study performance to be assessed. (Whether the student could have benefited from the unauthorised aid in the relevant exam/assignment regardless of the questions that were actually given.)
4. How much benefit would the unauthorised aid be estimated to have?
5. In case of plagiarism, consistency between the student's performance and the original must be assessed. What is the extent of the text suspected of being plagiarised? What does the use of quotes, footnotes, and citations look like?
6. What does the student's study situation look like?
7. Any additional information/comments which may be relevant for the further handling of the case.

Use of unauthorised aids for examination:

As stated above in section 3.4, the student must have violated the rules in force at the time of the current study performance and these rules must have been known to the student. When explaining whether the aid is unauthorised or not, the rules in force at the time when the current study performance would be clearly assessed, i.e. what information the student has received before and during the exam, thesis, etc.

Relevance:

In order for it to be considered relevant, the suspected offence must relate to the subject to which the study performance relates. In the case of suspected offences in the form of unauthorised notes for exams, it shall be clarified whether the notes could have been helpful in the examination in question. If the unauthorised aid relates to the subject to be examined at the examination but is not helpful for this particular examination, the relevance requirement may still be met as the unauthorised notes could have been helpful if the examiner had chosen to design the relevant

examination in a different way. Relevance therefore depends not on how the examination in question is designed, but on the subject to be examined.

The application must also contain an account of what the student's study situation looks like. This refers to the time of examinations, assignments, or compulsory components of the educational programme that fall in the coming months. The report should also contain information about whether the student is to take a course that is given for the last time or if the student has remaining exams and when there is an opportunity to re-take an examination. The reason for this statement is that the board has the opportunity to take into account the student's study situation when making a possible decision to suspend.

In the event of suspicion of *disruptive and harassing behaviour*, the Dean of Faculty/Head of Professional Services or the person to which he has delegated are to have the situation investigated and, on the basis of the investigation, assess the extent to which the matter is to be reported to the Vice-Chancellor.

5.2 Grounded suspicions

Grounded suspicions of disciplinary offences are subject to report under Chapter 10. Section 9 of the Higher Education Ordinance and the concept itself indicates a low degree of suspicion. In short, this can be said to arise when an initial investigation has been carried out and that it has been determined that the student has been admitted to the university, that there is a violation of the rules and relevance in relation to the relevant study performance.

In the event of a justified suspicion of an offence as specified in Chapter 10. Section 1 of the Higher Education Ordinance, this should be reported to the Vice-Chancellor as a matter of urgency by the Dean of Faculty/Head of Professional Services or the person to whom it has been delegated, as specified in section 5.1. Disciplinary matters are to be given high priority.

Anyone who makes a report of an offence pursuant to Chapter 10, Section 1 of the Higher Education Ordinance must submit it to the Registrar's Office for record-keeping. Anyone who suspects an offence under Chapter 10 may make a report in accordance with the Higher Education Ordinance.

The Dean of Faculty/Head of Professional Services (in cases where the report comes from an employee at Professional Services) or the person to whom this duty is delegated must notify the student concerned that the report has been made and that the matter has been submitted to the Vice-Chancellor for consideration.

The Dean of Faculty/Head of Professional Services or the person to whom this duty is delegated is also inform the student, in cases in which the student has received indications of a possible report, when a report has not been made.

Please note that the student as a party to the case always has the right to see all the documents in the case. Everything that is added to a case, such as email, report, official documentation, which is deemed to possibly be the basis for a decision on the case, is attached to the file. These documents become public and can therefore be disclosed to the person requesting a document.

5.3 What a report should contain

The report is to contain different information depending on the type of case being reported. Attached are checklists on what a report should contain depending on the nature of the case. These checklists ensure that a report is complete, which also leads to faster case processing. More information can be found at the university's website.

The report must contain different information depending on the type of disciplinary offence reported. The information that a report should contain is shown in the checklists (appendices). The purpose of these is to support the reporter in writing a report and to contribute to the completeness of the report, which in turn leads to faster case processing. Normally, one report per student must be prepared, even if more students are suspected of deception via the same type of offence at the same examination. The same applies if several students are suspected of deception during an examination by, for example, plagiarism and unauthorised collaboration in individual examinations.

Suspicion of an offence during examination may also arise after the student has received a passing grade. However, these cases must be reported to the Vice-Chancellor according to the same procedure as above, provided that it has not been more than two years since the offence was committed.

In the case of a report relating to a student who, through their behaviour, interferes with or obstructs teaching/examination/activities at the university and/or harasses another student or employee of the university in accordance with Chapter 10, Section 1 of paragraphs 2 to 4 of the Higher Education Ordinance, as mentioned earlier in paragraph 4 of this document, the University has established guidelines for their handling.

5.4 Examinations during an ongoing case/following the decision of the Vice-Chancellor/Disciplinary Board

As a general rule, as regards the examiner's assessment of a study performance regarding a student who is/has been suspected of a misdemeanour, it is a general rule that the examiner waits to assess the study performance to which suspicion of the offence originates, until the final decision has been made. The examiner's assessment is not governed by the decision taken in the case.

Nevertheless, the general rule should be that a study performance should be assessed in cases where the case is dismissed. However, there may be cases where it may be justified as an examiner to give a failed grade decision even though the Vice-Chancellor or the Disciplinary Board have determined that misleading or attempted misleading has not occurred. One such case may be, for example, when a student has had access to and used an unauthorized aid during an examination but that they have not understood that the aid was not allowed, which is why the requirements for a violation in Chapter 10, Section 1 of the Higher Education Ordinance are not met.

In cases where the Vice-Chancellor or disciplinary board decides on disciplinary action, the general rule should be that the assessment of performance does not take place. However, even in these cases, it may sometimes be justified as an examiner to give an approved grade decision even though the Vice-Chancellor or the Disciplinary Board have determined that misleading or attempted misleading has taken place. One such case may be, for example, when a student brought unauthorised aids for an examination, but that the offence was discovered and that the aid was taken care of so early that they obviously lacked the opportunity to use it.

However, it is important to remember that it is the examiner who, in his sovereignty, has the right to approve or reject a study performance regardless of the outcome of a disciplinary case.

As mentioned earlier, suspicion of misleading examination can also arise after grading decisions have been made and communicated to the student. However, these cases must be reported to the Vice-Chancellor, provided that it has not been more than two years since the offence was committed. According to Chapter 6, Section 24 of the Higher Education Ordinance prohibits the change of a favourable management decision, i.e. a grading decision, in a negative direction for the individual (student). In practice, however, exceptions have been developed to this general rule, which is supported by the Bill to the Administrative Act (prop. 1985/86:80). One of these exceptions is the revocation/review of a government decision that has been obtained through misleading information. These positions have been clarified and raised in the Prop of the Government 2016/17:180 to the new Administrative Act proposed to entered into force on 1 July 2018.

In the light of this exception, there is usually reason to consider reviewing the grading decision in the light of misleading, if the Vice-Chancellor/Disciplinary Board establishes that cheating has occurred. If the review proves that the decision was incorrect, it may be changed on the basis of the decision of the Vice-Chancellor/Disciplinary Board to be correct, even if it would be to the detriment of the student.

5.5 Administrative procedure of cases before the Vice-Chancellor

The Vice-Chancellor shall have the matter investigated and give the student the opportunity to give an early opinion on the report. At the University of Borås there is an administrative officer with special responsibility for student law issues who also investigates and handles disciplinary matters and is rapporteur/secretary of Disciplinary Board of the university. Reports can contact the administrative officer for any matter relating to disciplinary offences and their handling.

The administrative officer checks that the notification is complete and requests supplements if necessary. The student to whom the application relates is contacted with a request for an opinion on the matter (which usually takes place in writing) and a copy of all registration documents is sent to them by post. The student concerned is usually always called to a meeting with the administrative officer where all important information regarding the procedure in disciplinary matters is provided. If, for any reason, a meeting does not take place, this information is conveyed by other means, usually by telephone contact. The student has the right to access new information that emerges during the course of the proceedings. When the matter has been investigated and the student concerned has been given the opportunity to comment, the Vice-Chancellor are to, where appropriate after

consulting the member of the law, decide whether the circumstances are such that the case

1. provided without further action
2. is to call for a warning by the Vice-Chancellor
3. referred to the Disciplinary Board for review

If the Vice-Chancellor decides to leave the case without further action, this means that the case is dismissed from further processing and that the student is exempt from suspicion.

A warning by the Vice-Chancellor means that the Vice-Chancellor has found that the student has committed a misdemeanour but that there has been reason to issue a warning instead of referring the matter to the Disciplinary Board. The Vice-Chancellor's decision on the warning may, at the student's request, be reviewed by the Disciplinary Board. When a student relapses in their behaviour, i.e. commits a new disciplinary offence and the Vice-Chancellor considers they are guilty of the offence, the decision may be affected by the repeated behaviour. In practice, this may mean that a disciplinary offence that would normally lead to a warning results in the case being referred instead to the Board for assessment on the basis of repeated conduct.

In cases where the Vice-Chancellor decides that the matter should be referred to the Disciplinary Board, the Vice-Chancellor may, after consulting the member of the Law with immediate effect, provisionally suspend the student from the activities of the University. A decision on interim suspension shall remain in force until the matter has been examined by the Disciplinary Board, but not more than one month (Chapter 10 Section 14 of the Higher Education Ordinance).

The administrative officer must inform the student, Dean of Faculty/Head of Professional Services or the person to which this task is delegated, where applicable, the of the Vice-Chancellor's decision.

The administrative officer must also, where applicable, return any originals of examination/ other assignments to the Faculty's contact person in the case.

Whether or not examination/assignment etc. should be examined will be decided, as mentioned earlier, by the relevant examiner. In order to obtain uniform assessments at the university, the general rule should nevertheless be that a study performance should be assessed in cases where the case is dismissed and vice versa: in cases where the vice-chancellor decides on disciplinary action (warning), the main rule should be that the assessment of performance does not take place. A re-take examination is recommended in the latter case. However, derogations from the general rule, as mentioned earlier in section 5.4, may be justified.

5.6 Administrative procedure of cases before the Disciplinary Board

Where a case has been referred to the Disciplinary Board, it has already been established that there is a breach of the rules and that the offence is relevant in relation to the study performance to be assessed. Since it is required that the student has acted intentionally in order for disciplinary action to be taken, it must first be ascertained whether the student has deliberately tried to mislead the examiner. It is only when it has been established that there has been an intention to select a penalty. If it cannot be demonstrated that the student acted intentionally, disciplinary action cannot be taken. It is therefore not enough, for example, that the student has violated instructions that have been given, it must also be

shown that the student has done this with the intention of misleading the examiner.

The Disciplinary Board is to allow the matter to be thoroughly investigated and give the student the opportunity to give the board a say on the matter. The student also has the opportunity to give a written opinion to the Disciplinary Board.

The Disciplinary Board may decide whether:

1. that the case should be submitted without further action
2. that the case should give rise to a warning or
3. shutdown

If the Disciplinary Board decides to leave the case without further action, it means that the case is dismissed and the student is thus exempt from the suspicion.

A warning by the disciplinary board means that the board has found that the student has committed an offence but that there has been reason to issue a warning instead of making a decision on suspension. When a student relapses in their behaviour, i.e. commits a new disciplinary offence and the board considers them guilty of the offence, the sentence may be affected by the repeated behaviour. In practice, this may mean that a disciplinary offence that would normally lead to a warning results in a suspension due to repeated behaviour.

A decision to suspend means that the student may not participate in teaching or other activities within the framework of the educational programme. In practice, this means the following:

It is allowed for the student to:

- study independently, which means preparing for what will come after the suspension and doing those studies that you would have done during the time of the suspension
- be present on the university's premises where the public has access, which means e.g. the University Library, the university's restaurants
- register for examinations that are after the suspension period, which means that during the suspension period you can register for examinations and choose courses that fall after the suspension period
- have contact with the university's Student Health Care, which means that you can visit the Social Counsellor, nurse, and pastor during the suspension period.

It is not allowed for the student to:

- contact the university's teacher for advice and help, which means that you must not have any contact with teachers/administrators regarding anything related to your studies, that you are not allowed to submit laboratory assignments, practice assignments, receive supervision, etc. during the suspension period, that you are not allowed to participate in any kind of examination during the suspension period
- use your university access card, which means that during your suspension period you only have access to the premises to which the public has access. You do not have access to, for example, departmental spaces, laboratory rooms, lecture halls, and classrooms.

- use the university's computer network, which means that you only have access to the pages on the Internet to which the public has access.

A suspension decision may be placed for one or more periods and may last a maximum of six months. The suspension period normally begins on the first Monday after the date on which the decision was made. Exceptions may be made in specific cases, for example taking into account previously scheduled VFU/student placements/internships, approved leave from studies, etc.

The secretary of the Disciplinary Board is to send decision minutes to the student and the Dean of Faculty/Head of Professional Services or the person to whom they have delegated this task, the latter being responsible for informing the employees concerned of decisions taken by the Vice-Chancellor and the Disciplinary Board, and, where appropriate, taking appropriate measures to ensure compliance with the decision.

If the decision relates to suspension, the secretary of the Disciplinary Board is also to notify the university's Registrar's Office, the IT Office, the University Library, the Degree Certification Office, the Student Centre, the Student Records Office, and the Swedish Board of Student Finance of the decision. If the decision applies to a foreign student and concerns a warning or suspension, the student's home university/equivalent is also informed of the decision.

The administrative officer is also to, where applicable, return any originals of examination/ other assignments to the Faculty's contact person in the case.

Whether or not examination/assignment etc. should be examined will be decided, as mentioned earlier, by the relevant examiner. In order to obtain uniform assessments at the university, the general rule should nevertheless be that a study performance should be assessed in cases where the case is dismissed and vice versa: examiners should not examine performance in cases where the Disciplinary Board has assigned a disciplinary measure (warning or suspension). A re-take examination is recommended in the latter case. However, derogations from the general rule, as mentioned earlier in section 5.4, may be justified.

5.7 Appealable decisions

The Vice-Chancellor's decision on the warning may, at the student's request, be reviewed by the Disciplinary Board in accordance with Chapter 10, Section 10 of the Higher Education Ordinance. The decision by the Vice-Chancellor to dismiss a case from further proceedings cannot be appealed as well as a decision to refer a case to the Disciplinary Board as the latter does not constitute a final decision.

A decision by the Disciplinary Board on warning and suspension may be appealed by the student to the general administrative court, in accordance with the Administrative Procedure Act. The appeal must have been received at the University of Borås within three weeks of the date on which the student received the decision. Other decisions of a disciplinary board may not be appealed in accordance with Chapter 12, Section 3, of the Higher Education Ordinance.

For those who want to read more

For those who want to read more, the following are recommended as they deal with assessment and procedure in disciplinary matters.

On the assessment of suspected offences: Nils Jareborg – Disciplinary responsibility for students who cheat or are disruptive.

On the disciplinary procedure: Hans-Heinrich Vogel – The procedure in disciplinary matters under the Higher Education Ordinance.

As appendices to this procedure document, there are also updated process descriptions that explain the case in general terms how disciplinary cases are handled.

Disclaimer

This document has been translated from Swedish into English. If the English version differs from the original, the Swedish version takes precedence.