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Rules of Discipline for students at Chalmers tekniska högskola AB

Policy document at Chalmers

Introduction

The purpose of the Rules of Discipline is to uphold the equal worth of students, good conduct, the maintenance of academic honour, good study and social environment and adherence to the rules and regulations applicable at Chalmers. Studies at Chalmers are based on a relationship of trust between teachers/other employees and students.

The Rules of Discipline set out what conduct and acts can lead to disciplinary measures. The Rules also set out on what grounds and how these measures can be taken at Chalmers. The existing regulatory system for students at Chalmers includes laws on equal treatment, discrimination and the work environment and internal administrative regulations.

In cases in which a student is suspected of breaches or if other irregularities have arisen, the matter has to be reported to the President.

Disciplinary measures

The disciplinary measures that can be taken at Chalmers are a warning, suspension from studies for a certain period or expulsion from Chalmers.

A decision to issue a warning results in a disciplinary note in the Chalmers' register. The note remains in the register until graduation or for at most three years.

A suspension decision means that the student may not take part in instruction, examinations or other activities as part of their course or study programme at Chalmers. The decision may cover suspension from only instruction, examinations or other activities. The decision shall apply to a limited period of time, but at most six months.

A student on a course or study programme at Chalmers can be expelled under the conditions stated in these Rules of Discipline. The decision can apply to a specific course or study programme at Chalmers or to all courses and study programmes at Chalmers. This decision applies until further notice. The Disciplinary Committee has to reconsider the case at the request of the student. Such a request may not be made until two years after the expulsion decision was issued.

The Committee may not decide to issue a warning or suspend a student if more than two years have passed since the breach took place.

Decision criteria

A student may be warned or suspended if they:

1. make an attempt to mislead in connection with an examination or other assessment of study performance;
2. disturb or impede teaching, an examination or other activity at Chalmers;
3. subject any other student or employee at Chalmers to harassment violating their integrity within activities at Chalmers; or
4. breach Chalmers' rules or other regulations for students in some other way.

The Committee can only decide to expel a student if:

1. it is deemed that there is a manifest risk that the student may harm themselves or some other person or damage valuable property during their course or study programme on account of, for example, mental disturbance or misuse of alcohol or drugs; or
2. the student is guilty of serious criminal activity.

In addition, consideration shall also be given to extraordinary factors that have a considerable impact on their course or study programme or future professional activities.

Composition and work of the Disciplinary Committee

Decisions on cases before the Disciplinary Committee shall be made after an oral presentation. The Disciplinary Committee adopts instructions for its working methods.

Composition of the Committee

The Disciplinary Committee shall have the following composition:

- two legally trained members, at least one of whom is a judge;
- the VicePresident for undergraduate education at Chalmers;
- two teachers at Chalmers; and
- two students at Chalmers.

Each member shall have a personal substitute. The President is the substitute of the Vice-President.

The two legally trained members and the two teacher representatives are appointed, along with their substitutes, for a period of three years by the Board of Chalmers. One of the legally trained members is appointed chair. The chairperson and their substitute must be judges.

The students are appointed by Chalmers Student Union for a period of one year.

When the Disciplinary Committee is to deal with a matter in which the disciplinary measure can be expulsion, the Committee shall be supplemented with the necessary expertise, e.g. a psychiatric expert or other appropriate expert. This member is appointed in each individual case by the President.

Quorum and voting

The Committee is quorate when at least five members are present, and one of them is the chair or their substitute. With regard to decisions in matters that are appealable under the Rules of procedure governing undergraduate education in force at the time, the Committee is quorate when four members are present and one of them is the chair or their substitute. The supplementary expert shall be present, if one has been appointed in the case. When a decision regarding expulsion is to be made, only one member may be absent. The Committee may make decisions by correspondence in matters that are appealable under the Rules of procedure for undergraduate programmes in force at the time.

If there are dissenting opinions in the case, the provisions of Chapter 29 of the Swedish Code of Judicial Procedure in a court of law consisting only of legally trained members are applied to voting (see annex 1, extract from the Code of Judicial Procedure).

Reports and processing of cases

Students, teachers and other employees have a joint responsibility for the prompt reporting of grounds to suspect a breach or irregularity to the President. When a report has been received by the President, notification of the report shall be sent promptly to the person who is the subject of the report at their last known address.

Following a proposal from the person presenting the case, the chair shall determine whether or not the circumstances are such that a matter involving a disciplinary measure

1. shall be closed without any measure being taken, when the case should manifestly not be referred to the Disciplinary Committee for consideration, or
2. shall be referred to the Disciplinary Committee for consideration.

Reasons shall be given if a case is to be closed without any measure being taken.

The student shall be given access to the report and have the opportunity to state their opinion on the report and the investigation into the case. The student ombud shall receive a copy of the report and the material in the investigation.

If the student wishes to present information orally to the Committee, it shall be possible to do so. The student shall also have the opportunity to be assisted by a person they have confidence in. The student ombud should contact the student to inform them about the procedure and the support that is available.

The Committee shall give reasons for its decisions. Dissenting opinions in the Committee shall be attached to the record of the case.

Decisions on disciplinary measures

The Committee itself makes decisions on disciplinary measures.

A decision by the Committee to suspend a student shall come into effect at the earliest after the final date for appeal has passed. However, the Disciplinary Committee may decide that a suspension decision according to points 2 and 3 under "Decision criteria" and an expulsion decision shall be applied immediately.

A student may appeal the decision of the Committee regarding a warning, suspension or expulsion to the Board of Chalmers. An appeal shall be made in writing to the President and reach Chalmers no later than three weeks after the Committee's decision was issued.

Ahead of the decision of the Board the case shall be prepared by a group consisting of

- one external board member

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- the Chair of the Faculty Senate
- the Chair of the Student Union
- one external lawyer and
- the presenter of the case to the Disciplinary Committee.

The group shall submit a draft decision. The Board decides in each individual case what other steps to take in handling the case.

When a decision involving a warning, suspension or expulsion comes into final effect, notification of the decision shall be sent promptly to the Swedish Board of Student Finance (CSN) and the relevant units at Chalmers. The relevant authorities shall also be notified of an expulsion decision.

Provisional decisions

In cases referred to the Disciplinary Committee according to points 2 and 3 under "Decision criteria", the President can, following consultation with the chair or their substitute, suspend a student from Chalmers provisionally with immediate effect. A decision to suspend a student provisionally shall apply until the case has been considered by the Disciplinary Committee, but not for longer than one month.

If a case regarding expulsion has been reported to the President, the President may, if there are special reasons, decide, following consultation with the chair or their substitute, to expel the student from their course or study programme until a final decision can be taken in the case. A decision to expel a student provisionally may apply for at most one month, after which the decision shall be reconsidered.

A decision to suspend or expel a student provisionally cannot be appealed separately.

Appendix 1

Extracts from the Code of Judicial procedure

Chapter 29. Voting

Section 1

If dissenting opinions are presented during deliberations on a judgment or order, voting shall take place.

When the vote is held, the most junior member of the court shall speak first. Thereafter, the members shall speak in the order of their length of service on the court. If a case has been prepared by a particular member, that member shall state their opinion first. If lay judges sit on the court, they shall state their opinions last. Each member shall state the grounds on which they base their opinion.

Section 2

The court shall vote separately on procedural issues.

The court shall vote in a single context on issues concerning responsibility. However, if it may affect the outcome of the case the court shall vote separately on

1. the question of whether the defendant committed the alleged act and, in that case, how the act shall be judged,
2. questions concerning measures that do not relate to sanctions but that bear directly on the determination of sanctions,
3. the question of sanctions, except for the amount of a day fine, directions, a warning, probation, an extension of a parole period or the enforcement of a sanction,
4. remaining issues concerning responsibility.

If a member of the court considers that the defendant shall be surrendered for special care of a kind other than that referred to in Chapter 32, Section 5 of the Penal Code, a separate vote shall be held on that opinion before voting pursuant to the second paragraph, clause 3.

Section 3

In a vote the opinion supported by more than half of the members shall prevail. If one opinion has received half of the votes and is the most lenient or the least intrusive for the defendant, that opinion shall prevail. If no opinion can be considered more lenient or less intrusive, the opinion that has obtained half of the votes, including that of the presiding judge, shall prevail. If more than two opinions are presented during the voting, none of which shall prevail, the votes for the opinion most unfavourable to the defendant shall be counted with the votes for the opinion next most unfavourable. If necessary, the counting shall continue in the same manner until a determination with the required support is reached. When no opinion can be considered more unfavourable to the defendant than any other, the opinion obtaining most votes shall prevail. If several opinions tie for the same number of votes, the opinion supported by the most senior member among those voting for one of these opinions shall prevail. No opinion shall be considered more lenient or less intrusive than any other when voting according to Section 2, third paragraph.

Section 4

A member of the court who has been outvoted is obliged to participate in subsequent voting. However, a member who voted for the acquittal of the defendant shall be considered, in a subsequent vote, to have supported the opinion most lenient or least intrusive to the defendant, when there can be considered to be such an opinion.

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Section 5

Disagreements about how voting shall proceed or which opinion shall prevail shall be resolved by voting.

Section 6

When voting on issues that are procedural and do not concern responsibility, or that concern private claims, and questions under Section 5, or on litigation costs, the provisions in Chapter 16 shall apply. However, when voting on detention or measures stated in Chapters 25 to 28 inclusive, the provisions of this Chapter concerning voting regarding responsibility shall apply. When a private claim is joined with a prosecution, the court's finding in the question of responsibility is binding on the examination of the private claim.