

ISCTE — INSTITUTO UNIVERSITÁRIO DE LISBOA
Decision 2246/2010

On 30 September 2010, the General Council of ISCTE — Instituto Universitário de Lisboa, hereinafter referred to as ISCTE -IUL, approved the Student Disciplinary Regulations, in accordance with its Statutes, on the following terms:

Student Disciplinary Regulations

CHAPTER I

General provisions

Article 1

Scope

1. These regulations apply to students at ISCTE — IUL, without prejudice to any civil or criminal liability that they may incur for commission of the infraction.
2. Temporary loss of student status shall not prevent punishment for a previously committed infraction and the penalty will be imposed after the offender regains the said status.

Article 2

Disciplinary infractions

1. A disciplinary infraction is any malicious or merely intentional act committed by the persons referred to in Article 1 in violation of obligations of proper behaviour or ethically responsible conduct set out and punishable by these regulations and other obligations set out in the law, statutes or any regulations.
2. The following are students' general obligations:
 - a) Treat faculty staff, non-faculty staff, fellow students and any others with whom they have contact with courtesy, loyalty and respect;
 - b) Not falsify the results of tests, exams or academic work by using plagiarism, fraudulent access to exam papers, fraudulent replacement of answers, simulation of personal identity or falsifications of grade lists, records or exam papers;
 - c) Not commit acts of violence or physical or psychological coercion on other students;
 - d) Abide by any disciplinary sanctions imposed upon them;
 - e) Ensure the good use and conservation of all ISCTE-IUL property;
 - f) Abide by the rules of the Code of Academic Conduct and other obligations set out in internal regulations, the statutes and the law.

Article 3

Principle of legality

1. Only an act described and declared punishable by law or regulations prior to the time at which it is committed can be subject to disciplinary sanction.
2. Extensive or analogous interpretation to qualify an act as a disciplinary infraction is not allowed and the acts constituting the violation, as set out in applicable provisions, must have occurred.

Article 4

Application in time

1. Sanctions are determined by current disciplinary rules at the time of the act or fulfilment of the requirements on which they depend.

2. An act punishable under a disciplinary rule in effect at the time of commission ceases to be so if a new rule eliminates it from the number of infractions. In this case, if there has been a sanction, its execution and disciplinary effects shall cease.
3. If the disciplinary rules in effect at the time of the punishable act are different from those set out in later rules, the rules that are most favourable to the offender shall apply. If a sanction has already been established, even by a non-appealable decision, its execution and disciplinary effects shall cease as soon as the part of the sanction already fulfilled reaches the maximum limit of the sanction set out in the later disciplinary rule.

CHAPTER II
Disciplinary sanctions and their effects

Article 5
Disciplinary sanctions

Applicable disciplinary sanctions are as follows:

- a) Warning,
- b) Fine,
- c) Temporary suspension from academic activities,
- d) Suspension from tests and exams for one year,
- e) Ban from attending ISCTE - IUL for up to five years.

Article 6
Qualification of disciplinary sanctions

1. The sanctions set out in subparagraphs a) and b) of the preceding article are considered light.
2. The sanctions set out in subparagraphs c) and d) of the preceding article are considered serious.
3. The sanction set out subparagraph e) is considered very serious.

Article 7
Description of disciplinary sanctions

1. The warning shall be in writing.
2. The fine shall be a fixed sum between one tenth and half the annual fee payable by the student.
3. Temporary suspension from academic activity shall consist of an interruption in attendance of classes in one or more subjects in which the student is enrolled for a period from one month to one academic year.
4. Suspension from tests and exams for one year consists of:
 - a) Impossibility of taking final exams in the subjects in which the student is enrolled for one year following the infraction,
 - b) Annulment of any exams that the student has taken in the year following the date of the infraction, if the disciplinary proceeding ends in imposition of the sanction.
5. The ban from attending ISCTE - IUL for up to five years consists of the impossibility of enrolling as a student, attending classes and classrooms at the institution for a period from one to five academic years.

Article 8

Preventive suspension

1. At the request of the adjudicator of the proceeding, the Rector may order preventive suspension of the student for no longer than 30 days if, due to the nature of the disciplinary infraction or the student's personality, there is a risk of disruption of normal classes, academic assessment or research activities or of the normal operation of ISCTE - IUL's bodies or services.
2. The alleged offender will be informed of the preventive suspension when s/he is notified of the disciplinary proceeding.
3. If the sanction is that set out in Article 5 (c), the preventive suspension period will be deducted from the effective suspension time.

Article 9

Limits on effects of sanctions

The disciplinary penalties shall only have the effects set out in these regulations.

Article 10

Accumulation of sanctions

A student cannot be subject to more than one disciplinary sanction for each infraction or for accumulated infractions appreciated in the same proceeding.

Article 11

Registration of sanctions

Sanctions shall be registered in the student's individual ISCTE - IUL file.

CHAPTER III

Measure and grading of sanctions

Article 12

Application of sanctions

Application of sanctions shall take account of the descriptions set out in Chapter II of these regulations:

- a) The number of infractions committed,
- b) The form of implementation and consequences of each infraction,
- c) The extent of the student's participation in each infraction,
- d) The degree of malice,
- e) The student's reasons and purposes,
- f) His/her conduct before and after the infraction.

Article 13

Special aggravating circumstances

1. The following are special aggravating circumstances in any disciplinary infraction:
 - a) Premeditation,
 - b) Collusion with others to commit the infraction,
 - c) Resistance to legitimate orders,
 - d) Commission during fulfilment of a disciplinary sanction,
 - e) Reoffending,
 - f) Accumulation of infractions,
 - g) A serious result imputable to the offender at least for negligence.
2. Premeditation is a calculating attitude, reflection of means or continuation of intent for more than 24 hours.

3. Reoffending is when an infraction is committed less than one year after the last day of fulfilment of a sanction imposed for a previous infraction.
4. Accumulation is when two or more infractions are committed on the same occasion or one is committed before the previous one has been punished.

Article 14

Special, decisive mitigating and extenuating circumstances

1. The following are special mitigating and extenuating circumstances of disciplinary infractions:
 - a) Previous good behaviour,,
 - b) Spontaneous confession of the infraction,
 - c) Provocation,
 - d) Prompt compliance with an order given by a competent entity.
2. Other mitigating circumstances may be considered exceptionally if their relevance so warrants.
3. The following are extenuating circumstances of disciplinary liability:
 - a) Coercion,
 - b) Accidental or involuntary loss of mental faculties at the time of the infraction,
 - c) Self defence or defence of others,
 - d) No requirement of conduct or fulfilment of an obligation.

Article 15

Grading of disciplinary sanctions

1. If any of the circumstances referred to in Article 13 (a) to (g) occur, the sanction will be increased within its minimum and maximum limits.
2. If there are both aggravating and mitigating circumstances, the sanction may be increased or decreased within its limits on the basis of the predominant circumstances.

Article 16

Extraordinary reduction of sanctions

If there are particularly relevant extenuating circumstances, a lesser sanction may be exceptionally imposed.

Article 17

Complicity

1. Anyone who commits an act themselves or through others or who plays a direct part in its commission by agreement and in conjunction with others or who deliberately makes another person commit the infraction shall be punishable as the offender, provided that the act has been committed or started.
2. Any accomplices shall be subject to the specially mitigated penalty established for the offender.
3. Anyone who with intent and in any way provides material or moral assistance to an offence by others is punishable as an accomplice.

CHAPTER IV

The disciplinary proceeding

Article 18

Mandatory nature of a disciplinary proceeding

1. A disciplinary proceeding is mandatory and must be speedy.

2. If at any stage of the proceeding, the adjudicator finds that the disciplinary offence constitutes a crime, s/he must inform the Rector.

Article 19

Forms of proceeding

1. A disciplinary proceeding may be common or special.
2. A special proceeding applies to the situations expressly set out in these regulations and a common proceeding to all others.
3. A special proceeding is governed by its own rules and additionally by those of a common proceeding.
4. In the event of omission, the adjudicator may take the necessary measures to uncover the truth, in accordance with the Constitution and the general principles of criminal procedure.

Article 20

Confidentiality

1. A disciplinary proceeding is secret until the charge, and the student may request that it be provided to him/her for examination.
2. Denial of a request referred to in the preceding paragraph must be justified and communicated to the student in three days.
3. The student may, under the law and at any stage in the proceeding, appoint a lawyer to attend the questioning of the student, with no right to participate.

Article 21

Nullity

Failure to hear the student, to notify him/her of the content of the notice of fault or to take the necessary steps to uncover the truth shall result in irrevocable nullity of the proceeding.

Article 22

Reporting

1. Anyone learning of a disciplinary infraction pursuant to these regulations must report it to the Rector within five 5 days.
2. The Rector shall send the report received with an indication of all the details of the infraction to the adjudicator of the proceeding appointed pursuant to Article 24 within five days,
3. If the disciplinary infraction consists of insults, threats, coercion or simple bodily harm, the disciplinary proceeding requires submission to the Rector of a written complaint from the offended party.
4. A complaint may be withdrawn at any stage of the disciplinary proceeding prior to the imposition of the sanction in a written statement by the offended party addressed to the Rector.

Article 23

Pursuit or dismissal of the disciplinary proceeding

Without prejudice to the power of delegation, the Rector shall pursue or dismiss a disciplinary proceeding on the basis of his/her judgement of the evidence of a disciplinary infraction.

Article 24

Appointment, impediment, rejection and recusal of the adjudicator

1. Without prejudice to the power of delegation, the Rector shall, on the advice of the Department Director, appoint an adjudicator from among the faculty staff of the institution.
2. The following cannot be appointed as an adjudicator:
 - a) The offended party of an infraction,
 - b) A direct relative or to the collateral third degree of the offended party or alleged offender.
3. In the five days following appointment of the adjudicator, the alleged offender may send an application to the Rector, rejecting the adjudicator due to the risk of serious suspicion generating doubts as to his/her impartiality.

Article 25

Consolidation of proceeding

1. Only one proceeding shall be organised for all infractions committed by the same offender.
2. If several proceedings have been brought they will be consolidated with the most serious infraction and, if they are of the same degree of seriousness, with that which was brought first.

Article 26

Note of fault and notification

1. The adjudicator will draft the note of fault if s/he feels that there is sufficient evidence of an infraction subject to a disciplinary sanction.
2. A copy of the note of fault will be made for the student and handed over personally or, if this is not possible, sent in a registered letter with recorded delivery. The student will have eight days to submit a written defence.
3. If the notification set out in the preceding paragraph is not possible, a notice will be published in a major national newspaper and in an announcement posted at the Students' Union and on the official ISCTE -IUL, website, summoning the student to submit his/her defence within 15 days of the date of publication or posting.
4. If the proceeding is complex due to the number and nature of the infractions or because it covers several students, the adjudicator may give a longer time limit than that set out in paragraph 2.

Article 27

Examination of the proceeding

Within the response time, the student or his/her representative may examine the proceeding on a predefined date and at a predefined time and place.

Article 28

Defence

1. The defence must be signed by the student or his/her legitimate representative.
2. The witness list and any documents must be submitted with the defence and any steps may be requested, which may be denied in a reasoned ordinance, if they are merely dilatory.
3. No more than two witnesses will be heard for each act and the adjudicator may refuse to question witnesses if s/he considers that the facts alleged by the student have been proven.
4. Failure to respond within the time limit shall be deemed the actual hearing of the student for all legal purposes.

Article 29

Production of evidence by the student

1. The adjudicator shall question the witnesses on an agreed date and at an agreed time and place and put together the evidence provided by the student.
2. Without prejudice to the following paragraph, any witness who fails to appear after being duly notified will be removed from the list.
3. The adjudicator will only send a second summons if the witness justifies his/her absence within five days of the date indicated for questioning.

Article 30

Final report

After the proceeding has been prepared, within a maximum of 10 days, the adjudicator shall draft a report setting out the material existence, qualification and seriousness of the infraction, and the penalty that s/he deems fair or, alternatively, a recommendation that the case be dismissed due to lack of proof.

Article 31

Competence for a disciplinary decision

Without prejudice to the power of delegation, the Rector shall appreciate the case and proffer a decision within 15 days.

Article 32

Notification of the decision and start of sanctions

1. The student will be notified of the decision in a registered letter with recorded delivery.
2. If the student cannot be notified pursuant to the preceding paragraph, the notification will be made pursuant to Article 26 (3).
3. The sanction shall come into effect:
 - a) On the day following the student's notification, or
 - b) If s/he cannot be notified, 15 days after publication of the announcement pursuant to Article 26 (3).

Article 33

Higher appeal

1. A decision to impose a disciplinary sanction by someone other than the Rector may be appealed with suspensory effect to the Rector's Office.
2. An appeal must be lodged within 10 days of the date of notification or learning of the ordinance.
3. Decisions made by the Rector are subject to judicial appeal.

Article 34

Expiry of disciplinary proceeding

1. A disciplinary proceeding expires after six or 12 months from the date of the infraction, depending on whether it is a light offence or otherwise.
2. Expiry shall be suspended when the disciplinary proceeding commences.
3. If a disciplinary infraction is also considered a criminal offence, the expiry deadlines for the disciplinary proceeding and sanction shall be those established by criminal law.

Article 35

Review of disciplinary proceeding

1. A disciplinary proceeding may be reviewed at any time and shall be based on the subsequent appearance of evidence that raises serious doubts as to the fairness of the decision to impose a disciplinary sanction.
2. The decision to review a disciplinary proceeding is made by the Rector on his/her own initiative or at the student's request.

Article 36

Termination of disciplinary liability

Disciplinary liability shall end on:

- a) Fulfilment of the sanction,
- b) Expiry of the disciplinary proceeding,
- c) Expiry of the sanction,
- d) Revocation or commutation of the penalty,
- e) Death of the offender.

CHAPTER V

Special proceeding

Article 37

Summary and common proceeding

1. If an infraction is punishable with a warning or fine, the adjudicator shall:
 - a) Notify the student of the official report and invite him/her to react within five days,
 - b) Conduct a summary investigation, close the preparation within 10 days of its start and draft a final report.
 2. If the investigation or student's statements result in evidence of an infraction subject to a more serious sanction, the common proceeding shall be organised and the steps already taken will be used.
 3. A common proceeding will also be organised if the student does not accept the penalty and requests one within 10 days of notification or information of the conviction.
- 5 — All matters not specially provided for in the preceding points shall be subject to the general rules of Section II of these regulations.

Article 38

Investigation procedure

The investigation procedure is a summary process for which the Rector is responsible and must be completed, with an order of dismissal or issue of an official report, within fifteen days of its initiation.

CHAPTER VI

Final provisions

Article 39

Additional application

All matters not covered by these regulations shall be subject, with the proper adaptations, to the pertinent provisions of the Disciplinary Statutes for Civil Servants, Criminal Code and Code of Criminal Procedure.

Article 40

Entry into force

These regulations shall come into effect on the day following their approval by the ISCTE-IUL General Council.

30 September 2010. — The Chairman of the General Council, *Carlos Lopes*