



## **REGULATIONS FOR DISCIPLINARY ACTIONS FOR STUDENTS OF IUSS UNIVERSITY SCHOOL**

***The official and legally binding of the regulations is the one in Italian. This document is for informational purposes only and cannot be used for legal purposes.***

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## **TITLE I**

### **GENERAL PROVISIONS**

#### **Art. 1 - Object and scope of application**

1. These Regulations regulate, in implementation of the art. 16 of the R.D.L 20 June 1935, n. 1071, converted into Law no. 78 of 2 January 1936, the disciplinary proceedings and sanctions applicable to students of IUSS Higher University School (hereinafter "School") in the event of a disciplinary offense being ascertained.
2. Those enrolled in ordinary courses and doctoral courses, pursuant to art. 27 of the Statute, are students of the School; for the purposes of the provisions of the art. 9 paragraph 2, those enrolled in PhD courses in agreement with administrative headquarters at another University and operational headquarters at the School are also considered students of the School.
3. Students of the School are those enrolled in Degree Courses activated by the School in agreement with one or more university institutions pursuant to art. 24 of the Statute and those enrolled in first and second level Specialization Courses, other higher education courses, of ongoing training, short courses and seminars, also in collaboration with Italian and foreign universities and/or other public or private entities.

#### **Art. 2 - Disciplinary offense**

1. Students are required to comply with the principles of correct behavior in relationships with academics, with technical-administrative staff and with each other. They are required to respect the Statute, the Code of Ethics, the regulations and the decisions taken by the Bodies and Academic Structures of the School.
2. The pupils and students of the School must align their conduct with respect for the principles of loyalty, solidarity, correctness, collaboration and non-discrimination.
3. Failure to comply with the principles or violation of the rules referred to in this article entail disciplinary responsibility for the Pupil and the Student in the event that the failure, even if committed outside the School:
  - a. disturbs, even indirectly, coexistence or teaching activities or research activities or the School's services, including through serious behavioral excesses or violations of the duty to maintain a behavior appropriate to the context;
  - b. violates the provisions referred to in the previous paragraph 1;
  - c. harms or endangers the decorum or reputation or image of the School or its bodies or of the people who constitute the academic community;
  - d. damages or endangers the assets of the School;
  - e. damages or endangers the physical integrity or property of the people who constitute the academic community;
  - f. engages in behavior that constitutes a crime or that constitutes a violation of other mandatory provisions of the law;
  - g. undermines or endangers the fundamental rights or freedoms of individuals;
  - h. prevents and makes it more difficult to ascertain disciplinary offenses committed by others.

4. Participation in collective demonstrations and any other form of protest does not constitute a disciplinary offense, provided that it occurs in compliance with the rights of those who do not participate and without prejudice to people and things in accordance with articles 17 and 18 of the Constitution.

5. The provisions regarding liability also apply, to the extent compatible, to Students awaiting graduation.

## **TITLE II**

### **PROCEDURE**

#### **Art. 3 - Investigation**

1. As soon as he receives news of the disciplinary offense or when he becomes aware of it, the Rector may carry out the activities necessary to evaluate whether or not it requires the opening of disciplinary proceedings, pursuant to these Regulations, also making use of the competent School Offices.

2. The news of the disciplinary offense is given immediately by anyone who becomes aware of a fact that may constitute one of the cases envisaged by the art. 2 of these Regulations; the news must be presented in writing to the Rector in a non-anonymous form. The School adopts all necessary measures to protect the privacy of the complainant.

3. The investigation cannot last more than ninety days.

4. If, following this investigation, he believes that the elements to proceed exist, the Rector initiates disciplinary proceedings.

5. When the information referred to in paragraph 2 shows facts that may constitute a crime, the Rector immediately informs the competent judicial Authority.

#### **Art. 4 - Disciplinary competence**

1. Disciplinary jurisdiction over Pupils and Students lies with:

- a) the Rector or his delegate in cases of verbal warning;
- b) to the Academic Senate in all other cases.

2. Outside of cases of verbal warning, while awaiting the imposition of the definitive sanction, also upon proposal of the Commission referred to in art. 6, the Rector may apply a precautionary measure, in order to avoid and prevent the recurrence of facts of the same nature. The duration of the precautionary measure cannot exceed 90 days and it is included in the final sanction.

3. If the disciplinary proceedings end with a dismissal order, the Pupil or Student subjected to a precautionary measure must be allowed, as far as possible, to recover the exam sessions or the final exam session to which he or she would have been entitled to participate in the absence of the aforementioned precautionary measure.

### **Art. 5 - Disciplinary Commission**

1. The Disciplinary Commission is made up of the two Deans of the Classes and the representative of the Students in the Academic Senate of the course of study other than that followed by the subject being proceeded towards. The Commission is chaired by the oldest Dean in office or, in the case of equal seniority, by the oldest among the Deans.
2. In the event that the representative is the person being prosecuted, the Rector appoints the other Student representative in the Academic Senate as a substitute.
3. The Commission may be integrated by other members designated for this purpose by the Rector.
4. The members of the Commission, and anyone who becomes aware of the facts and documents relating to the disciplinary proceedings, are required to maintain the strictest confidentiality.
5. The Commission avails itself of the collaboration of an official who carries out the functions of minute-taking Secretary.

### **Art. 6 - Procedure**

1. Having received news of the alleged offense, the Rector, except in the case of a verbal warning, transmits it to the President of the Commission for the opening of disciplinary proceedings.
2. In carrying out its task, the Commission may acquire documents, hear witnesses, obtain the opinion of experts appointed by it and carry out any other activity it deems necessary; it can also carry out the investigative activities requested by the interested party, if deemed useful and relevant for the purposes of the investigation.
3. The Commission must proceed with the hearing of the subject, who must be informed by registered mail or certified email.
4. The communication must contain:
  - a) clear and precise notification of the alleged fact;
  - b) the notice to appear on a defined date before the Commission to be heard regarding the facts that are contested;
  - c) the information that the interested party has the right to be assisted by a person he/she trusts and/or present defense briefs and any documents in his/her defense, at least 5 days before the hearing
5. A period of no less than thirty days must elapse between the communication referred to in the previous paragraph and the hearing of the pupil or student.
6. The Commission which, during the preliminary investigation, ascertains facts which may constitute a crime, informs the judicial authority, through the Offices, also notifying the Rector.
7. The members of the Commission are required to maintain the confidentiality of the facts of which they become aware.

### **Art. 7 - Conclusion of the procedure**

1. At the conclusion of the preliminary investigation, which must take place within 3 months of becoming aware of the facts, the Commission sends the documents to the Rector, together with a written report in which the facts are reconstructed, and formulates, alternatively, a proposal dismissal or a proposal to adopt a specific disciplinary measure.
2. In the event of a proposal for dismissal, the Rector shall dispose of the same within 7 days. In the event of a proposal to apply a sanction other than a verbal warning, the Rector transmits the documents, together with the Commission's report, to the Academic Senate, in charge of imposing the sanction. The definition of the procedure by the Senate must be concluded within 45 days of the transmission of the documents to the Rector pursuant to paragraph 1 of this article.
3. In the event of the imposition of a sanction, the Academic Senate also establishes the potential penalty to be applied to the degree's final grades.
4. If the behaviors and facts reported also involve a violation of the code of ethics, the disciplinary procedure prevails. If this procedure, for any reason, ends without the application of any sanction, the procedure for violation of the code of ethics may be activated.

## **TITLE III**

### **SANCTIONS**

#### **Art. 8 - Students of Ordinary Courses**

1. The sanctions which can be imposed on students of ordinary courses are:
  - a) verbal warning;
  - b) written warning;
  - c) expulsion from the followed course/s;
  - d) the frequency of training or service activities deemed appropriate based on the conduct carried out;
  - e) expulsion from the School for up to six months;
  - f) the forfeiture, for one or more years, of the award of study;
  - g) expulsion from Ordinary Courses.

#### **Art. 9 - Doctoral Course Students**

1. The sanctions which can be imposed on Students of Doctoral courses are:
  - a) verbal warning;
  - b) written warning;
  - c) the frequency of training or service activities deemed appropriate based on the conduct carried out;
  - d) suspension from the doctoral course for up to one year;
  - e) expulsion from Doctoral Courses.

2. The sanctions referred to in letters a), b) and c) referred to in the previous paragraph can also be imposed on students enrolled in doctoral courses in agreement with administrative headquarters at another University and operational headquarters at the School.

### **Art. 10 - Students**

1. The sanctions which can be imposed on Students are:

- a) verbal warning;
- b) written warning;
- c) expulsion from the followed course/s;
- d) the frequency of training or service activities deemed appropriate based on the conduct carried out;
- e) estrangement from the School for up to six months;
- f) the forfeiture, for one or more years, of the scholarship/award of study if applicable;
- g) l'espulsione dal corso di laurea o di Master o di alta formazione
- h) expulsion from the degree course or specialization course

2. The sanctions referred to in letters a), b) and, if the scholarship/award is paid by IUSS School, f) of the previous paragraph may be imposed on students enrolled in a course with an administrative headquarters at another University.

### **Art. 11 - Imposition of sanctions**

1. The sanctions referred to in the previous articles are cumulative.

2. The identification of the applicable sanction must take place taking into account: the seriousness of the fact and its consequences; any disciplinary records against the student; the adequacy of the sanction with respect to any acts of the same nature committed previously; of any other useful circumstance (both mitigating and aggravating) to make the sanction commensurate with criteria of proportionality, reasonableness and fairness.

3. In the event of imposition of the sanctions of expulsion from the course and removal from the School for up to six months, the Academic Senate must indicate the changes to the Pupil's or Student's study plan in order to avoid failure to fulfill the obligations provided for by the School's Regulations and the consequent forfeiture.

4. The sanctions referred to in art. 8 are communicated to the Rector of the relevant University and the Rector of the relevant College.

5. The imposition of the disciplinary sanction does not preclude the School from taking civil and criminal action, also for the purpose of requesting compensation for damages suffered as a consequence of the conduct referred to in the art. 2 of these Regulations.

## **TITLE IV**

### **FINAL PROVISIONS**

#### **Art. 12 - General referral rule**

1. For anything not expressly provided for by the aforementioned provisions or specific School Regulations, please refer to the Statute, the rules of the university system and national legislation.

#### **Art. 13 - Approval and entry into force**

1. These Regulations and their subsequent amendments and additions enter into force the day following their publication in the School Noticeboard.
2. These Regulations repeal and replace the Regulations issued -with R.D 68/2019.