

THE HEBREW UNIVERSITY OF JERUSALEM

**DISCIPLINARY REGULATIONS FOR ACADEMIC STAFF
OF THE HEBREW UNIVERSITY**

June 2013

1. Definitions

- “The University” - the Hebrew University of Jerusalem
- “Party” - complainant, prosecutor, defendant
- “Dean” - the Dean or Acting Dean of a Faculty of the University
- “Academic Secretary” - the Academic Secretary or Acting Academic Secretary of the University .
- “Professional jurist” - a judge of a court in Israel, a retired judge of a court in Israel, or a member of the Israel Bar Association of at least ten years standing– and who is not an employee of the University and does not have an appointment at the University.
- “Complainant” - the person submitting the complaint.
- “President” - the President or Acting President of the University.
- “Academic employee” - one of the following:
- (1) a person who has either a full or part time position in the University, in one of the following academic tracks, at any level, including persons who have retired and continue to work at the University.
- (a) The regular academic track
- (b) Teaching and research staff
- (c) Clinical track
- (d) Parallel track
- (e) Teaching Aids, Assistants and Research Assistants
- (f) Research-teachers track
- (g) External teachers
- (h) Visiting teachers and scientists
- (i) Teaching associates track
- (j) Teaching employees track
- (k) Any other tracks as determined by the University from time to time.
- 2) Whoever had an appointment, as mentioned above, and retired or whose employment at the University was terminated for any reason whatsoever, in relation to a violation committed during the course of his/her work at the University.

“Head of a school”	- Head of a school that is not in the framework of one of the faculties of the University.
“Rector”	- Rector or Acting Rector of the University.
“Complaint”	- the complainant’s account of an incident constituting a disciplinary offense.

Chap. 1: Disciplinary Offenses and Sanctions

2. Disciplinary Offenses

An academic employee who does any of the following commits a disciplinary offense:

- a) Does not fulfill his teaching, training, research and/or administrative functions without a justified reason or is negligent in fulfilling them.
- b) Abuses his position in fulfilling his teaching, training, research or administrative functions.
- c) (1) Acts unscrupulously or fraudulently with respect to academic research, its publication or in citation of its authors.
(2) Acts contrary to the accepted rules for academic research and publication thereof.
- d) Acts on the basis of irrelevant considerations, or from a position of conflict of interests, in fulfilling his duties at the University.
- e) (1) Takes or uses University property without permission or to make a profit in an unacceptable manner.
(2) Causes damage to University property, either knowingly or due to negligence.
- f) Obtains benefits or rights from the University by fraudulent behavior.
- g) Conducts himself in the activities relating to his functions at the University in a manner that does not benefit an academic.
- h) Is in breach of a rule or directive lawfully determined by a competent body of the University, including the provisions of these Regulations or by virtue thereof. Organizational measures authorized by the professional union representing the employee shall not be considered a disciplinary offense.
- i) Is in breach of any of the provisions of these Regulations or of a directive issued by an official by virtue of the authority granted to him in these Regulations.
- j) Was convicted in a final judgment of an offense involving moral turpitude in circumstances liable to adversely affect his functioning as a faculty member of the University.
- k) Commits an act of sexual harassment or persecution, as defined in the Prevention of Sexual Harassment Law, 1998.
- l) Has intimate relations, including consensual sexual relations, whether temporary or ongoing, with a student during such time as an academic authority relationship exists between them.

For the purpose of this section, “academic authority relationship” includes, *inter alia*, frontal teaching (participation in a course/tutorial/laboratory, supervision of papers); granting of scholarships or other benefits; membership in committees of the unit,

faculty or university in which the student's matters are being considered, and taking part in any action which involves some determination regarding the student.

- m) Performs an act that causes harm to the body or the dignity of University teachers, employees or students, if the act was committed due to or in connection with their status as teachers, employees or students, or if it was committed within the premises of the University's facilities.

3. Derivative offenses

Attempt, solicitation or abetting in the commission of any of the above offenses is subject to the same law as commission of the offense itself.

3A. Limitation of Action

Disciplinary action will not be taken in accordance with these Regulations against an academic employee for a disciplinary violation if two years or more have elapsed since the day it became known to the President, the Rector, or the Director of Prosecutions that there is reasonable suspicion that a violation has been committed by that employee. The President the Rector or the Prosecutor shall not be deemed to have received such knowledge if the information they received is not sufficient, with reasonable effort, to ascertain the facts.

Notwithstanding the above, with regard to the offense of a fraudulent act which contributed or may have contributed to the appointment or promotion in rank of the employee, no disciplinary procedures shall be taken if four or more years have elapsed since the time a reasonable suspicion became known. The period during which a police investigation or criminal trial for that same act or omission took place shall not be taken into account in the calculation of the above period. In this context, a trial is considered to be concluded when no further appeal is possible.

4. Sanctions

The sanctions for disciplinary violations are as follows:

- a) Written reprimand;
- b) Termination of position in an endowed chair;
- c) Disqualification from performing academic or administrative duties as specified in the decision.
- d) Cancellation of the right to receive research funding from University sources or via the University or cancellation of the right to administer research budgets.
- e) Prevention of use of University property or equipment as decided and for the period decided.
- f) Cash fine, which shall not exceed two months gross salary of the defendant.
- g) Cancellation of rights or benefits that were obtained in a fraudulent manner.
- h) Cancellation of sabbatical rights not exceeding four months.
- i) Postponement in commencement of promotion procedure.
- j) Suspension of employment for a period not exceeding one year, without salary and benefits or part thereof.
- k) Demotion, when the defendant is found guilty of fraudulent actions that contributed or might have contributed to his promotion.

- l) Dismissal from the University with the payment of severance pay, in whole or in part, or without payment of severance pay.
- m) Disqualification from service at the University – permanently or for a defined period. To this measure it is possible to add cancellation of pension benefits, in part or in full, only when this does not negate the right to receive pension benefit after the age of retirement required by the pension agreement and does not negate the right to receive disabled and/or survivor benefits.

The abovementioned sanctions may be implemented for a defined period or indefinitely according to the case; and may be implemented conditionally, in full or in part. The tribunal shall decide, with regard to each sanction imposed, whether to notify a University body that shall be determined.

5. Accompanying obligations

In addition to the sanctions specified in sec. 4 the disciplinary bodies are authorized –

- a) To obligate the defendant to apologize to the complainant or to any other body as decided.
- b) To obligate the defendant to act to correct the wrongdoing or reduce the damage.
- c) To obligate the defendant to pay monetary compensation to the University, its employees or students, to cover the financial loss caused as a result of the disciplinary offense, provided that the compensation shall not exceed two gross monthly salaries of the defendant.
- d) In the case of cancellation of classes without adequate justification, to reduce the defendant's salary accordingly.

6. Disciplinary offenses that are also criminal offenses

- a) The fact that a disciplinary violation is also a criminal offense shall not prevent execution of the disciplinary procedure.
- b) The Chairman of the disciplinary tribunal will inform the State Attorney General in writing, prior to the beginning of the disciplinary process, of a complaint that was brought before him when there is suspicion that the complaint also involves a criminal offense under sec. 268 of the Penal Law, 1977.

Chap. 2: Disciplinary Bodies, their Composition and Authority

7. Disciplinary bodies

The University bodies responsible for the discipline of academic employees are:

- a) The first instance
 - (1) Single judge
 - (2) Disciplinary tribunal
- b) Appellate tribunal

8. The Prosecution

- a) Upon recommendation of the Standing Committee, the Executive Committee shall appoint a jurist with the rank of full professor to serve as the Director of Prosecutions.

In addition, the Standing Committee shall appoint two academic employees who will act as prosecutors.

- b) In a complaint that is heard before the tribunal, the prosecution shall be represented by the Director of Prosecutions or by one of the prosecutors, as per the decision of the Director of Prosecutions.
- c) If the Director of Prosecutions has an interest in the matter, or is unable to perform his duties, the Rector shall select one of the two prosecutors to replace him.
- d) The appointment of prosecutors does not negate the right of the complainant to appear before the tribunal, and to participate in the proceedings in the manner prescribed by the Chairman of the panel.

9. Authority of the Director of Prosecutions

- a) The Director of Prosecutions is authorized to decide whether to commence disciplinary proceedings, as specified in sec. 18 below.
- b) Where the Director of Prosecutions has decided to commence disciplinary proceedings, he shall decide whether he intends to request the imposition of one of the sanctions prescribed in secs. 4(a), 4(f) or 5 or whether he will request other sanctions, if the disciplinary body decides that the defendant is guilty of a disciplinary offense.
- c) A complaint against the Rector, Dean or Head of a School will be heard by the disciplinary tribunal.
- d) In execution of his function, the Director of Prosecutions will consult, as needed, with the President and the Rector.

10. Single judge

- a) A single judge may be a Dean, Head of a School or a person appointed by the Head of the tribunal from a list of members of the tribunal as specified in sec. 12 below.
- b) In the event that the case is to be heard before a single judge, in accordance with sec. 23 below, the Head of the tribunal (as mentioned in sec. 12 below) will decide who the single judge will be.

11. Authority of a single judge

A single judge is authorized to impose the penalties specified in secs. 4a and 4f and the accompanying obligations specified in sec. 5.

12. The Composition of the tribunal and the appellate tribunal

- a) The disciplinary tribunal shall consist of twenty members: twelve academics and eight representatives of the public, at least three of whom are professional jurists. The appellate court shall consist of eight members, four academics and four representatives of the public, at least two of whom are professional jurists. Members of the tribunal and the appellate tribunal will be chosen by the Executive Committee of the University; the academic members will be chosen on the recommendation of the Standing Committee, and the public representatives on the recommendation of the Board of Managers.
- b) On the recommendation of the Standing Committee, the Executive Committee shall determine who amongst the academic members will serve as Head of the tribunal and Chairman of the appellate tribunal, as well as who shall serve as permanent

deputies of the Head of the tribunal and Chairman of the appellate tribunal, who are authorized to fulfill their functions in the event that the Head of the tribunal or the Chairman of the appellate tribunal have a personal interest, or are unable to fulfill their function, or in the event that a complaint was filed against them.

- c) The Executive Committee, on the recommendation of the Board of Managers, will appoint a deputy Head of the tribunal from amongst the representatives of the public.
- d) The Standing Committee or the Board of Managers of the University are authorized to appoint additional members to the tribunal, or the appellate tribunal at the request of the Head of the tribunal or the Chairman of the appellate tribunal when the need arises.
- e) Members of the tribunal and appellate tribunal will be appointed for two years with the possibility of reappointment. Should the term of office of a member of the tribunal or of the appellate tribunal come to an end during the course of a process in which he is sitting as a judge, his term of office shall be extended automatically until the completion of the process.
- f) In this section “academic members” – including staff members who have retired, provided that not more than six years have elapsed since the date of their retirement.

13. Panel of the tribunal

- a) The panel of the tribunal will comprise three judges; the composition of the panel, including its chairman, shall be determined by the Head of the tribunal in accordance with the provisions of sec. 23.
- b) The Head of the tribunal will consult with the Deputy Head of the tribunal regarding the composition of the tribunal.

14. Authority of the tribunal

The tribunal is authorized to impose one or more of the sanctions specified in sec. 4 and the accompanying obligations in sec. 5.

15. Appellate tribunal

The panel of the appellate tribunal will comprise three judges; the composition of the panel, including the Chairman of the panel, will be determined by the Chairman of the appellate tribunal, in accordance with the provisions of sec. 44.

16. Authority of the appellate tribunal

- a) In an appeal of a decision rendered by a single judge, the appellate tribunal is authorized to impose the sanctions specified in secs. 4a and 4f and accompanying obligations specified in sec. 5.
- b) In an appeal of a decision of the tribunal, the appellate tribunal is authorized to impose one or more of the sanctions specified in sec. 4, and the accompanying obligations specified in sec. 5.

17. Authority of the law

- a) A judge shall be subject to no authority other than the authority of the law and of these Disciplinary Regulations.
- b) No person may serve on a tribunal if he is connected to the issue or if a reasonable possibility of bias exists in respect of that person.

Chap. 3: Administrative Procedures of the Bodies in Charge of Discipline

Part A: Submitting a Complaint

18. Submitting a written complaint

- a) The complaint shall be submitted in writing to the Academic Secretary who shall transfer the letter to the Director of Prosecutions.
- b) The Director of Prosecutions is authorized to decide that the person submitting the complaint is not sufficiently involved in the subject-matter of the complaint to justify recognizing him as a complainant.
- c) The Director of Prosecutions is authorized to decide not to commence disciplinary proceedings if in his opinion the complaint has no grounds, or that there is no interest in the disciplinary procedure, or that there is no need for clarification of the complaint since it had already been decided to commence disciplinary proceedings on the matter of the complaint. The Director of Prosecutions is authorized to conduct an investigation of the complaint and to summon evidence, and he must offer the defendant a chance to have his claims heard.
- c) (1) If the Director of Prosecutions decides to investigate the complaint, he may, where he sees fit and at his discretion, appoint a special examiner, or a special examining committee, composed of University employees or of other persons, for the purpose of conducting the investigation. University employees and the academic employees must cooperate with this investigation. Lack of such cooperation as approved by the representative professional union of the employee shall not constitute a disciplinary offense.
- d) If the Director of Prosecutions decides to commence disciplinary proceedings, he will decide whether to request the sanctions prescribed in secs. 4(a), 4(f) or 5, or other penalties. Notice of his decision will be sent to the complainant, the Rector and the Academic Secretary.
- e) The complainant may object in writing to the Head of the tribunal regarding the decision of the Director of Prosecutions under this section. The Head of the tribunal will decide on this objection following consultation with the Deputy Head of the tribunal.

18A. Information about an alleged offense

- a) In the event that the University authorities receive information, other than through the submission of a complaint, or through the submission of a complaint by a person who has not been recognized as a complainant in accordance with sec. 18(b) above, raising the possibility of an apparent disciplinary offense, the Rector may, at his discretion, conduct a preliminary investigation as to whether it is warranted for him to submit a complaint.
- b) The preliminary investigation may be conducted in any manner that the Rector deems appropriate, including by appointing a special investigator, or a special investigative committee, either from among University employees or others, at his discretion.
- c) University employees and the academic employees must cooperate with this investigation.

19. Suspension of an academic employee and adoption of urgent measures

- a) Upon submission of a complaint, the Head of the tribunal is authorized, at the request of the Director of Prosecutions, to suspend the defendant from functions to be determined, if in his opinion continuation of those functions is liable to harm the University, its employees, its students or the complainant.
- b) The suspension of the defendant will be until the end of the disciplinary procedure, except where the Head of the tribunal directs otherwise.
- c) A defendant who is suspended will be paid half of his salary for the first six months of his suspension, and thereafter he will be paid his whole salary; however, the Head of the tribunal is authorized, at the request of the Director of Prosecutions or the defendant, as relevant, to reduce or to stop payment for the period of the suspension in full or in part, and during the first six months of the suspension, to increase the payment, under such conditions as he deems fit.
- d) A defendant who has been suspended will not be subject to limitations and prohibitions regarding employment outside the University.
- e) At the request of the Director of Prosecutions, the Head of the tribunal is authorized to adopt urgent measures during the course of the disciplinary proceedings, in order to prevent harm to the University, its students, its employees or the complainant.
- f) The Head of the tribunal will give the defendant an opportunity to state his arguments regarding the implementation of the authority under this section, at the earliest possible opportunity under the circumstances, and he is entitled to change his decision according to the situation.
- g) A suspended person who was acquitted of the charge that caused his suspension shall be paid his salary for the period of suspension in the event that he was not paid according to subsec. (c) above. The salary shall be paid according to its value at the time of payment in accordance with the employee's rank during the period of suspension.

20. Suspension in the case of a criminal charge

- a) In the event that an academic employee is indicted for an offense involving moral turpitude that affects his functioning as a University employee, the Head of the tribunal may, at the request of the Director of Prosecutions, suspend the employee from fulfilling functions to be determined if he thinks that the continued functioning of the employee is liable to harm the University, its employees or students.
- b) Suspension of the employee as stated shall continue until the end of the criminal proceedings against him, unless the Head of the tribunal directs otherwise.
- c) Sections 19 (c)-(g) will also apply, with the necessary changes, to a decision to suspend according to this section.

21. Complaint

The Director of Prosecutions will prepare a written complaint including:

- a) The names of the parties, their positions and addresses.
- b) Details of the disciplinary offense and a description of the relevant facts.
- c) The prosecutor's statement as to whether he intends to demand one of the sanctions specified in secs. 4 (a), 4(f) or 5 or whether he will demand another punishment, , if the disciplinary institution finds the defendant guilty of a disciplinary offense.
- d) List of documents for proving guilt.

- e) The names of witnesses whom the prosecutor wishes to call.

22. Serving of notice of process

The Academic Secretary will deliver copies of the complaint as follows:

- a) Three copies to the Head of the tribunal for the members of the panel. The documents accompanying the complaint shall be delivered to the Chairman of the panel.
- b) One copy each to the President of the University, the Rector, the Dean or Head of the School to which the defendant belongs.
- c) One copy to the defendant or whoever the defendant decides, to be sent by registered mail or handed to the defendant in person.

The parties will be entitled to review the documents accompanying the complaint and to photocopy the documents.

Part B: Procedural Rules

23. Appointment of the panel and setting a date for the hearing

- a) If the Head of the tribunal finds that the complaint complies with the requirements of sec. 21, he shall appoint a panel, including a chairman of the panel, that will hear the complaint, in accordance with secs. a1 – a3 below, and will set the place and time for the hearing.
 - a1. If the prosecutor declares that he intends only to demand a sanction that is within the competence of a single judge, the Head of the tribunal shall determine if the complaint shall be heard before a single judge or before the tribunal.
 - a2. If the prosecutor declares that he intends to demand at most one of the sanctions prescribed in secs. 4(a), 4(f) or 5, and the Head of the tribunal has determined that the complaint shall be considered by the tribunal, the Head of the tribunal shall convene a panel on which two academic staff members and one public member shall serve. The Chairman of the panel shall be a member of the academic staff.
 - a3. If the prosecutor declares that he intends to demand a sanction that is not specified in secs. 4(a), 4(f) or 5, the Head of the tribunal shall convene a panel comprising two members of the academic staff and one professional jurist. The Chairman of the panel shall be a professional jurist. The Head of the tribunal may, if so requested by the defendant and there are special reasons for so doing, order that the complaint be considered by the panel specified in this sub-section, even if the prosecutor declared that he intends to demand at most one of the sanctions specified in secs. 4(a), 4(f) or 5.
- b) The hearing of the case shall begin within a month from the date that the complaint is sent to the defendant, unless it is not possible to convene a tribunal due to recess at the University or other circumstances that are not within the University's control.
- c) Notice of the place and time of the trial shall be sent to the members of the panel, to the interested parties, the President, the Rector, the Dean or the Head of the School to which the defendant belongs, at least two weeks prior to the set date.

24. Sessions of the Tribunal

- a) Sessions of the Tribunal will be held behind closed doors; however, the President, the Rector, the Dean or Head of the School to which the defendant belongs and the complainant may be present during the hearings.

The Chairman of the panel is authorized to order that the hearing be in open court or to allow certain other people to be present during the hearing, if there are special reasons for so doing, after hearing the position of the defendant and after allowing the complainant to state his position.

- b) The tribunal may remove from the room a party to the disciplinary proceedings or any other person present during a tribunal session, who is disrupting the hearing. If a party is removed from the hearing, the proceedings will be brought to his attention in the manner ordered by the tribunal.

25. Multiple complainants

If there is more than one complainant regarding the same deed, the Chairman of the panel is authorized to decide which of the complainants will be allowed to attend the sessions of the tribunal and take part in the hearing.

26. Assistance of a pleader

- a) In a disciplinary hearing before the tribunal, and before the appellate tribunal, the defendant may be assisted by a pleader who is an academic employee as specified in sec. 1(1)(a)-(e). The pleader is allowed to be present during the preliminary questioning and the hearing and participate in them in an active manner.
- b) The Dean of the Faculty of Law will assist the defendant, if asked to do so, in choosing a pleader.

27. Representation by a Lawyer

- a) - In cases specified in sec. 23(a3), the defendant is permitted to be represented before the tribunal by a lawyer.
 - a1) The Head of the tribunal is authorized, in exceptional cases and for special reasons, to allow the defendant to be represented by a lawyer even if the prosecutor declared that he intends to demand, at most, one of the sanctions listed in secs. 4(a), 4(f) or 5.
- b) If the defendant chooses to be represented by a lawyer, he will so notify the Head of the tribunal before the beginning of the hearing. In this case, , and if possible, at least two members of the panel will also have legal training.
- c) In the event that the defendant decides to be represented by a lawyer, the Director of Prosecutions will be authorized to appoint a lawyer to serve as prosecutor in the case.
- d) The defendant shall be entitled to be represented in the appeal process, whether or not he was represented in the tribunal of first instance.

28. Administrative assistance

The Academic Secretariat will provide the parties with administrative services as reasonably needed for the disciplinary hearing.

29. Hearing in absence of a party

- a) If the prosecutor does not appear for the hearing, the tribunal may cancel the complaint.
- b) If the defendant does not appear for the hearing, the tribunal may conduct the hearing in his absence.
- c) If the Tribunal takes a decision as stated in this section, the Chairman of the panel may convene the panel for a retrial, if he is asked to do so by the prosecutor or the defendant, for special reasons, within thirty days from the date of sending of the notice to the parties.

30. Continuity of the hearing

The sessions of the tribunal shall be held consecutively, day after day, insofar as possible. The chairman of the panel may postpone the hearing in special circumstances that shall be recorded, provided that sufficient notice is given to the parties.

31. Protocol

The Chairman of the panel will be responsible for writing a protocol that will reflect what was said and what transpired at the hearing. The parties may examine the protocol and copy it at reasonable times set by the Chairman of the panel.

32. Defendant's response

At the beginning of the hearing, the defendant shall be asked for his response to the complaint. The defendant may choose not to respond, and if he does respond, the tribunal may ask him questions regarding his version of events. If the defendant does not respond, the tribunal may draw conclusions from his silence.

33. Presenting evidence

If the defendant does not plead guilty, or admit to the facts specified in the complaint, or part thereof, the prosecutor will be given the opportunity to prove the charge, subject to the right of the defendant to bring evidence to refute the evidence that is brought against him.

34. Witnesses

- a) The prosecutor and the defendant may summon witnesses directly or through the tribunal, and cross-examine witnesses of the other side. These rights are also granted to the complainant, subject to the approval of the Chairman of the panel.
- b) The tribunal may summon witnesses on its own initiative if it deems this necessary.
- c) An employee of the University who is summoned by the tribunal must appear, testify and produce for the tribunal any evidence that is required by the tribunal.

35. Rules of procedure and evidence

- a) The tribunal may conduct the hearing and accept any evidence as it sees fit.
- b) Findings of fact in a conclusive final ruling in a criminal case against the defendant shall be deemed to be proven in a disciplinary procedure against him.
- c) The level of persuasion necessary for conviction shall be set in accordance with the seriousness of the offense; in no event, however, shall it fall below the level of proof required in civil law.

36. Change in the disciplinary body

If it becomes known to the Head of the tribunal or the Chairman of the appellate tribunal, as relevant, that the disciplinary body before which the hearing began will not complete the case within a reasonable time-frame, he may order a change in the composition of the tribunal or transfer the case to a different single judge, provided that the provisions of secs. 23(a1) – (a3) are observed.

37. Termination of the disciplinary procedure

- a) The tribunal is authorized to terminate the disciplinary procedure if in the circumstances it considers that there is no further interest in its continuation.
- b) The prosecutor, defendant, and complainant may appeal the decision to terminate the disciplinary proceedings before the appellate tribunal within 14 days from the day that notice of the decision was sent to them.

38. Summations

At the end of the presentation of evidence the parties and their representatives shall have the right to summarize their claims. The defendant or his pleader will be entitled to speak last.

39. Verdict

- a) The tribunal may acquit the defendant or may find him guilty of the offenses of which he is accused, and the tribunal may also find the defendant guilty of offenses that were not included in the complaint, if they transpire from evidence that was brought before it, provided that the defendant was given the opportunity to defend himself in relation to the said offenses.
- b) The tribunal will reach its verdict by virtue of the decisions of the majority of the panel, as early as possible and not later than 30 days from the last day of the hearings. The verdict will also include the minority opinion without indicating which of the judges held the majority opinion and which held the minority opinion.
- c) The verdict will be read at a session of the tribunal to which the parties have been invited.
- d) If the tribunal is convinced of the defendant's innocence, it may, if the defendant was represented by a lawyer, rule that a sum of money covering the lawyer's fee, in whole or in part, be paid to the defendant, as it sees fit. This sum will be paid by the University.

40. Sentence

- a) If the defendant is found guilty of the disciplinary offense, the tribunal will hear evidence and arguments for sentence. The defendant or his pleader will have right to speak last.
- b) In determining the sentence, the position adopted by the prosecutor will not limit the authority of the tribunal, provided however that the tribunal may not impose a sanction that is not one of the sanctions specified in secs. 4(a) and 4(f) or 5, unless the prosecutor stated in writing in the complaint that it was his intention to demand such a sanction.
- c) The Tribunal will decide on the sentence according to the majority. If a majority ruling was not achieved regarding the type of sanction or its degree, the severest sanction proposed will be combined with the closest lenient measure. If opinions

were divided regarding the severity of the type of sanction or its degree, the opinion of the Head of the tribunal will be determinant.

- d) A copy of the judgment will be delivered in writing to the parties, the President, the Rector and the Dean or the Head of the School to which the defendant belongs within ten days of it being handed down.

41. Execution of Judgment

- a) Decisions of the disciplinary bodies will be executed by the University authorities at the end of the period for filing an appeal, unless the disciplinary body decides differently. If an appeal is filed, the implementation of the decision will be deferred until the decision of the appellate tribunal has been given, unless the disciplinary body decides otherwise.
- b) The Academic Secretary will be responsible for monitoring implementation of the decisions.

Part C: Appeals

42. Appeal by right and by leave

- a) The defendant has the right to appeal both the conviction and the severity of the sentence.
- b) The prosecutor has the right to appeal both the acquittal and the lenience of sentence.
- c) The complainant has the right to appeal the acquittal or the lenience of the sentence, with the permission of the tribunal. A written request for leave to appeal will be submitted within 21 days from the day the decision is delivered to the complainant.
- d) An appeal of an interim decision by the tribunal during the course of the process requires the permission of the tribunal.

43. Notice of Appeal

- a) Notice of appeal will be submitted in writing to the Academic Secretary within 21 days from the day the decision was delivered to the person submitting the appeal, and in appeal by leave, within 14 days from the day notice was given of leave to appeal.
- b) Notice of appeal will detail the reasons for the appeal. The person filing the appeal will not be permitted to refer to reasons that are not specified in the notice of appeal unless he has the permission of the appellate tribunal.

44. Appointment of the appellate tribunal

- a) The Academic Secretary will deliver a copy of the notice of appeal, copy of the complaint, the protocol of the hearings and a copy of the verdict to the Chairman of the appellate tribunal.
- b) The Chairman of the Appellate Tribunal will appoint a panel to hear the appeal in accordance with subsec. (c) below.
- c) If the Chairman of the panel in the trial instance was a professional jurist, the appellate panel shall be composed of two members of the academic staff and a professional jurist who will serve as Head of the panel. In all other cases, the appellate panel will comprise two academic staff members, one of whom will serve as the Head of the panel, and one public representative.

45. Hearing of the Appeal

- a) The panel of the appellate tribunal will hear the claims of the parties within 30 days of the date the appeal was filed, unless this is not possible due to a University recess or disruption of the activities of the University. The panel of the appellate tribunal will discuss the appeal in reliance on the protocol of the hearings and the evidence presented before the tribunal. The panel of the appellate tribunal will admit new evidence only under special circumstances.
- b) The sessions of the panel of the appellate tribunal will be consecutive, day after day, to the extent possible. The appellate tribunal panel may postpone hearing the appeal under special circumstances, if sufficient notice is given to the parties.

46. Decision of the appellate tribunal

- a) The panel of the appellate tribunal is authorized to dismiss or accept the appeal, in whole or in part, and to render any judgment it deems appropriate, subject to sec. 16 above, except that it shall not increase the punishment if an appeal was not filed by the prosecution.
- b) Sections 39(b) and 40(c) will also apply to judgments of the appellate tribunal.

Chap. 4: Miscellaneous

47. Publicity

- c) Subject to the provisions of this section, the final judgment of a disciplinary body shall be made public in full, including the identity of the defendant, five days after the date on which it was handed down. The tribunal may determine that the decision be published in such manner as it decides.
- d) b) (1) Notwithstanding the provisions of sec. 47(a), in the following cases the disciplinary body may decide that the judgment, or parts thereof, will be confidential:
 - a) In extraordinary circumstances, when the interest of privacy of the defendant who was convicted or of another person significantly outweighs the interest of publicity.
 - b) When the interest of privacy of the defendant who was acquitted or that of another person, outweighs the interest of publicity.
- (2) The disciplinary body shall not make a decision on confidentiality until after the President, Rector, the parties and the person who may be affected by the publicity have had the opportunity to make their positions known on this matter.
- (3) The President, the Rector, the parties and any person that may be affected by the publicity may ask the disciplinary body to decide on confidentiality.
- c) If the disciplinary body decides on confidentiality of the judgment or parts thereof, the President or the Rector may request, at any time, of the disciplinary body that handed down the judgment, or if this body cannot convene, of the Head of the tribunal or the Chairman of the appellate tribunal, as relevant, to cancel the decision due to a change in circumstances, for example, publication of the incident or disclosure of the name of the defendant. A decision according to this section shall not be cancelled unless an opportunity has been given to the defendant or another person whose interests may be harmed by the publicity, to have his claims heard.

- d) The President or the Rector may announce that a disciplinary procedure is in progress, including the fact that a complaint has been filed, as well as the decision to suspend or the adoption of urgent measures.
- e) In accordance with sec. 47(d), until the final decision in a disciplinary process is handed down, the proceedings and decisions will remain confidential; however the President and the Rector may, if they feel it is necessary for the good of the University, release details of the proceedings.
- f) In an announcement by virtue of secs. 47(d) and (e), the defendant's name shall not be made public except in special circumstances, at the request of the President or the Rector and with permission of the Head of the tribunal, after the defendant has been given the opportunity to be heard on the matter.
- g) When deciding whether to issue an announcement under secs. 47(d) and (e) and in determining the content of the announcement, the interests of other persons who may be affected by the publicity shall be taken into account.
- h) Notwithstanding any other provision, all proceedings of the disciplinary bodies shall be public if the defendant so requests, unless the disciplinary body decides that another person's interest in confidentiality outweighs the interest in publicity.
- i) If the name of the defendant is publicized during the course of a disciplinary procedure and if the procedure terminates with his acquittal, the University shall take all necessary steps, at the request of the defendant, to ensure publication of the acquittal.
- (j) University employees must observe the rules of confidentiality in this section.

48. Reporting

- a) The prosecutor will prepare an annual report of the decisions of the disciplinary bodies, including the names of the defendants, unless a disciplinary body barred publicity. The report will be made available to the members of the Senate and the Executive Committee of the University.
- b) The prosecutor will provide a body determined by the Board of Governors with a report on the handling of every complaint, including the reasons for not filing a complaint, details regarding plea bargaining, and its proposals for punishment.
- c) The Academic Secretary will provide the body determined by the Board of Governors with a copy of every judgment that was handed down, within ten days of it being handed down.

49. Sanctions to be imposed by the disciplinary bodies alone

- a) University authorities shall not take punitive action against an academic employee for a disciplinary violation other than by virtue of the decision or judgment of a disciplinary body.
- b) This section does not negate the authority of officials to caution an academic employee either orally or in writing or to take administrative steps with respect to the infringement of rules regarding the use of University books, computers or other property, etc. as specified in those rules.
- c) Nothing in these Regulations shall derogate from the rights of the University by virtue of agreements with employees or with a specific employee.

50. Dates for Action

- a) The Head of the tribunal and Chairman of the appellate tribunal, as relevant, are authorized, under special circumstances that will be recorded, to extend the dates fixed in these Regulations.
- b) An action by virtue of these Regulations, for which no time frame has been set shall be executed at the earliest possible opportunity.

51. Compliance

An academic employee must comply with the instructions, decisions and judgments of the disciplinary bodies.

52. Recording the Verdict

If the defendant is found guilty, the offense of which he was convicted and the sanction imposed on him will be recorded in his personal confidential file.

53. Safeguarding the files

The Academic Secretary is responsible for keeping the files of the disciplinary bodies, mindful of the obligation of confidentiality.

54. Procedural rules in a hearing before a single judge

The sections in Chapter 3, Parts B and C will apply to hearings before a single judge, with the necessary changes, except for secs. 23, 26-27.