

# DISCIPLINARY REGULATIONS – STUDENTS

Last amended: November 2015

## CHAPTER 1: DEFINITIONS

### Interpretation

1. In these Regulations, the terms below will be defined as follows:

- “The University”** The Hebrew University of Jerusalem, including any body or institution under its control or supervision, or affiliated to it for the purpose of teaching or research.
- “Dean”** Dean of a Faculty, Dean of a School, Director of a School that is not part of a Faculty, including the Director of the Center for Pre-Academic Studies and the Dean of Students.
- “Teacher”** Any person fulfilling a teaching, tutoring or research position on behalf of the University.
- “Disciplinary Offenses”** Any of the offenses specified in section 14 of these Regulations, a violation of the disciplinary rules that are set from time to time by the Senate, or by the Standing Committee during the period of the summer recess, and published in the standard form adopted by the University, including attempt, solicitation or abetting the commission of offenses as aforesaid.
- The disciplinary rules set by the Standing Committee during the period of the summer recess will be valid as of the time of their enactment; however, they will be brought before the Senate, and the Senate is authorized to ratify them at its first meeting in the academic year following the summer recess in which they were set.
- “Worker”** An employee of the University or a person employed by the University or in its service and who is not a teacher.
- “Student”** All of the following:
1. A person who registered to study at the University and has been accepted as a student, including a research student or a student undertaking supplementary studies, from the time of registration and as long as he is registered as a student, including during academic vacations;
  2. A person who applied as a candidate for acceptance as a student and his application was rejected, from the time of registration until receipt of the notice of

rejection;

3. A person who has completed his studies at the University, as long as he has not received a certificate.
4. A person who was sent on behalf of the University to study in another institution.

A person who has been accepted by the University as a student in a particular academic year will be regarded as a student for the purpose of these Regulations until the end of that year, even if he terminated his studies prior to that date.

A person who is regarded as a student according to one of the above alternatives will continue to be regarded as a student subject to the jurisdiction of the disciplinary authorities by virtue of these Regulations even after he completed or terminated his studies or his candidacy was rejected, with respect to acts that were perpetrated at the time he was a student as aforesaid.

#### **“Application”**

The provisions of these Regulations will apply to disciplinary offenses committed by the student in the course of his studies at another institution, whether in Israel or abroad, to which he was sent on behalf of the University, provided that the student shall not be punished twice for the same offense.

## **CHAPTER 2: DISCIPLINARY AUTHORITIES**

### **Disciplinary Authorities**

2. The disciplinary authorities at the University are: the Dean; the Disciplinary Committee, which includes the Disciplinary Commissioner (hereinafter: the Commissioner) and his Deputies; the Disciplinary Appeals Committee .

### **Selection of the Commissioner and her/his deputies**

3.
  - a. The Standing Committee shall appoint the Disciplinary Commissioner from amongst the permanent teaching staff with legal training at the University, and his deputies from amongst the entire permanent teaching staff of the University, for a set period. The appointment of the deputies will be made in consultation with the Commissioner.
  - b. In the event of the absence of the Commissioner and his deputies from Israel, the Standing Committee will appoint an acting commissioner for the period of absence.

### **Single Judge and Panel**

4.
  - a. The Commissioner for Disciplinary Affairs is authorized to exercise all of his powers sitting as a single judge, or, if he has so decided, in a panel together with his deputies.

- b. Any power conferred upon the Commissioner for Disciplinary Affairs is conferred upon his deputies as well. Any decision or a judgment of a deputy has the same validity as that of a decision or a judgment of the Commissioner in all respects.
- c. No hearing will be held in front of a single judge who is a teacher in the unit (department, section) in which the defendant is a student. This rule will not apply when the student studies in the Faculty in which the Commissioner himself is a teacher.

#### **Allocation of Cases and Setting Dates**

- 5. The allocation of cases between the Commissioner and his Deputies and setting dates for hearings shall be done in accordance with the instructions of the Commissioner, in general or for a specific matter.

#### **Prosecutor and Secretary**

- 6.
  - a. The Academic Secretary, or whomsoever shall be appointed by her, shall serve as the prosecutor in disciplinary proceedings.
  - b. A University employee who is not employed in the Office of the Academic Secretary or the Office of the Legal Advisor shall serve as the secretary of the Disciplinary Committee and the secretary of the Appeals Committee.

#### **Composition of the Appeals Committee**

- 7. The number of members of the Appeals Committee shall be eight, of whom six shall be permanent teachers, who will be appointed by the Standing Committee of the Senate of the University, and two students who shall be appointed by the Rector, in consultation with the Chairperson of the Students' Union, provided that a person who is a member of the institutions of the Union, a person who has submitted his candidacy for these institutions – during the time of his candidacy – and a person who is employed and paid by the Union, will not serve in this position. In the event that the Rector is unable to appoint student representatives as stated in these Regulations, or that the representatives were appointed but did not appear, the Appeals Committee will be fully authorized to proceed with the case brought before it even in the absence of the student representatives.

#### **Chair of the Appeals Committee**

- 8. The Standing Committee shall appoint from amongst the members of the Appeals Committee a chair and a permanent acting chair. Insofar as possible, the Chair of the Appeals Committee should have a legal training.

#### **Panel of the Appeals Committee**

- 9.
  - a. Subject to section 7 above, the Appeals Committee will hear appeals on judgments and decisions of the Disciplinary Commissioner or his deputies in a panel of three, two of whom shall be teachers and one a student.
  - b. The panel of the Appeals Committee, which will hear all appeals, will be determined by the Chair of the Appeals Committee or the Acting Chair, and in their absence by the Rector, and will include, if possible, a teacher with legal training.

- c. The Chair of the Appeals Committee or the Acting Chair will serve as the chair of the panel, and in their absence, the most senior of the teachers on the panel shall act as chair.

#### **Continued Tenure**

- 10. The members of the Disciplinary Committee and the Appeals Committee are authorized, even after completion of their tenure, to continue hearing any matter that they had begun prior to the completion of their tenure and any new matter that was submitted to the Disciplinary Committee or the Appeals Committee, as the case may be, until their replacements on the Committees are appointed.

#### **Disciplinary Hearings and Criminal Proceedings**

- 11.
  - a. The competence of the Disciplinary Commissioner to hear and decide cases of disciplinary offenses shall not be affected due to the possibility of criminal prosecution in court of the student against whom the complaint was made, or due to such prosecution taking place, or due to judgment being rendered or a decision handed down in such proceedings.
  - b. Where a suspicion arises that the student has committed a criminal offense of the type of offenses specified in section 268 of the Penal Law and relating, inter alia, to offenses against state security, bribery, offenses against a person's life or body or against morality, which carry a sentence of imprisonment for three or more years, or a criminal offense that causes damage to University property, then in the course of investigating the complaint against the student or in the course of the disciplinary hearing in front of the Disciplinary Commissioner, the Academic Secretary will notify the Attorney General thereof and will hand over to him the material relevant to the matter. The Commissioner will not hear the case before such notice is given.
  - c. In the event that the state authorities have opened an investigation into the said matter that is the subject of disciplinary proceedings at the University, or that an indictment has been filed in the court, the Commissioner is authorized to decide to stay the disciplinary proceedings until the investigation authorities or the court have completed their handling of the matter. In the event that the Commissioner has decided on a stay of disciplinary proceedings, the Academic Secretary will follow developments in relation to the investigation and the trial on the part of the state institutions, and upon their completion will notify the Commissioner of the outcome, and will decide on the resumption of disciplinary proceedings against the student.

#### **Preservation of Powers**

- 12.
  - a. The competence of the Commissioner to hear and issue rulings in disciplinary proceedings shall not detract from the authority of a teacher or an employee to issue instructions, or to take action for the purpose of preventing a disruption on the part of the student to the proper conduct of studies, examinations or other activity in the University, to the extent that such authority is included within the framework of the functions of that teacher or employee.
  - b. Nothing in these Regulations shall detract from the authority of a Dean, a teacher or a worker that derive from other provisions of University regulations,

or by virtue of customary practice, including the authority of a University teacher or worker to delay publishing a grade, to postpone an examination or a paper or to eject a student from the classroom in the case of a disruption.

- c. Nothing in these Regulations shall detract from the authority of a Dean, a teacher, a worker or a committee that stem from other provisions of University regulations or by virtue of customary practice, to conduct inquiries and to make decisions regarding the student's compliance with academic assignments, fulfilment of academic or other obligations borne by him, or his eligibility to continue his studies at the University. However, no disciplinary steps will be taken against a student, and no decision will be taken regarding a student, based on a suspicion that a disciplinary offense has been committed, including an offense involving professional ethics, except in accordance with the provisions of these Regulations or those of disciplinary regulations for particular purposes as provided in section 13.

### **Disciplinary Institutions for Particular Subjects**

- 13.
  - a. Without detracting from the powers of the Commissioner and the other disciplinary authorities mentioned in these Regulations, the Standing Committee shall be authorized to establish permanent bodies to handle violations of regulatory provisions, breach of duties under the law, or breach of contractual provisions in defined subjects. Notice of the establishment of such a body will be given to the Senate.
  - b. The aforesaid bodies may include students, except that a member of the institutions of the Student Union, a person who presented his candidacy for these institutions – during the time of his candidacy – and a person who is employed and paid by the Union, will not serve in these positions.
  - c. A student who has been summoned for inquiry before a body that was established to deal with a defined subject as aforesaid, is entitled to request that his case be heard in front of the Commissioner, and not in front of that body. In such a case, the matter will be handed over for the decision of the Commissioner. A provision regarding the right of the student to request that his matter be heard in front of the Commissioner shall be included in the regulations that regulate the activity of that body.

## **CHAPTER 3: OFFENSES AND PENALTIES**

### **Disciplinary Offenses**

- 14. A disciplinary offense is one of the following offenses, committed by a student:
  - 1)
    - a. Cheating in an examination, a doctoral dissertation, a master's thesis, a seminar paper, a homework assignment or other academic assignment, whether in the University or in another educational institution, including entrance examinations for an institution of higher learning, except that the student will not be punished twice for the same offense.

For the purpose of this section, "cheating" includes:

- The use, possession, introduction, receipt or transfer of prohibited information in the course of an examination;

- Writing a paper or part thereof, for the purpose of submission by another person, or transferring it to that other person for this purpose.

b. Where a disciplinary offense under subsection (a) above is committed in any of the circumstances specified below, the cheating will be regarded as aggravated cheating:

1. Where a student sends another person to be examined in his stead, or posing as another student in an examination.
2. In the course of an examination - possession , transfer, receipt or use of prohibited material that was prepared in advance, prior to the examination, for the purpose of making prohibited use thereof in the course of the examination.
3. Addition to, erasure from, or other change to an examination or written paper other than in the normal course of their writing.
4. Submission of a paper which was copied, in whole or in part, from another paper or source, or which was written by another, for payment or for other material consideration.
5. Submission of a paper which was entirely or in major part copied from another paper or another source, or was written by another, provided that its weighting in the course grade exceeds five per cent.
6. Submission of a paper that includes falsified factual data.
7. Writing a paper, or part thereof, or fulfilling another academic assignment for another person, for payment or other material consideration.

Specification of the cases in the above subsections shall not prevent the classification of additional cases of cheating as aggravated cheating, if the concrete circumstances of the case justify such classification.

- 2) a. Violation of the provisions relating to examinations, doctoral dissertations, master's theses, seminar papers, homework assignments, or other educational assignments, including violation of the provisions with regard to conduct in the course of a written or oral examination.  
b. Violation of the rules set in Regulations regarding the prohibition against conflict of interests in research, and the Regulations dealing with proper conduct in research on the part of graduate and doctoral students who are involved in research.
- 3) Passing on false information to the University, its authorities, its teachers, or its workers, or committing an act of deceit, or concealing information, for the purpose of obtaining rights at the University or in connection with studies at the University.
- 4) Giving false testimony in a hearing in front of the disciplinary authorities.
- 5) Causing damage to or making unauthorized use of University property, including

computer and information systems, or other property that is used for its purposes, or the property of its teachers, its workers or its students. For this purpose, intellectual property rights are also considered property.

- 6) Sale, distribution, or reproduction for the purpose of distribution or sale, of material from lectures or tutorials that is based on lectures and tutorials that were given at the University, either in complete, partial or other form, without the advance permission of the teacher – provided that the teacher announced that he does not agree to such activity, or that a prohibition against this activity was set by the academic unit in which the teacher teaches.
- 8) Violation of regulations, provisions or agreements to which the student is party, that relate to the use of the facilities of the University, including libraries, halls, laboratories, dormitories, club-rooms, offices, open spaces, sports facilities and parking lots.
- 9) Causing disruption to teaching, research or work at the University, and disrupting any other activity that has been approved by University authorities.
- 10) Non-compliance with the instructions of University authorities, teachers or workers that were issued in the course of fulfilment of their tasks.
- 11) Inappropriate conduct towards sick people or other people to whom the student is obliged to render service, or disclosure of a medical or professional secret, or conduct that is contrary to professional ethics.
- 12) Conduct that causes injury to the person or the dignity of University teachers, workers or students, if it occurred in consequence of or in connection to their position as teachers, workers or students, or if it occurred within the bounds of University premises.
- 13) Sexual harassment or persecution, as defined in the Prevention of Sexual Harassment Law 5758-1998, if it occurred within the bounds of University premises, or in a place in which University activity is taking place or in any other place in the course of studies or involving abuse of a relationship of authority in the academic framework. Without detracting from the generality of the aforesaid and from the provisions of the Regulations for the Prevention of Sexual Harassment, the following acts will be regarded as acts of sexual harassment or persecution:
  - a. Coercing a person to perform an act of a sexual nature.
  - b. An indecent act.
  - c. Repeated propositions of a sexual nature, despite the fact that the person to whom the propositions are addressed has indicated that he is not interested in them.
  - d. Repeated references to a person's sexuality, even though the person to whom the references are addressed has indicated that he is not interested.
  - e. Humiliating or disparaging reference to a person's gender or sexual tendencies, whether or not the person to whom the reference is addressed has indicated his discomfort with this.
- 14) Failure to appear to testify before the disciplinary authorities.

- 15) Directly or indirectly frustrating the enforcement of a decision or judgment of the disciplinary authorities.
- 16) Conduct that is inappropriate for a student at the University, in connection with his studies at the University.
- 17) Conduct in respect of which the student was convicted in criminal proceedings, or an offense under the Disciplinary Regulations of Academic and Administrative Workers of the University, in a final judgment, or an offense involving moral turpitude, and which pertains to the status of the student as a student at the University.

#### **Mental Element**

15.
  - a. A student commits an offense only if he is aware of the nature of his conduct, of the circumstances in the definition of the offense and of the possibility of his conduct causing the outcomes, if such outcomes are included in the definition of the offense. A student who suspected the existence of a particular circumstance or the nature of his conduct will be regarded as a person who is aware of it.
  - b. Notwithstanding the aforesaid in subsection (a), a student commits an offense under sections (5), (6), (7) and (11) of section 14, even if he was not aware of the nature of his conduct, the circumstances in the definition of the offense or the possibility of his conduct causing the outcomes, provided that as a reasonable student he ought to have been aware of the particular detail.
  - c. Notwithstanding the aforesaid in subsection (a), a student commits an offense under sections (2)(8) and (10) of section 14, unless he was not aware of the details specified in subsection (a) nor ought he to have been aware of them as a reasonable student. A student who claims that he was not aware of the said details and was not bound to be aware of them – bears the burden of proof.

#### **Limitations**

16.
  - a. A student will not be subject to disciplinary proceedings for an offense, conviction of which is liable to negate his eligibility for an academic degree, if seven years have elapsed since the time of its commission. Notwithstanding the aforesaid, the period of limitations shall not begin as long as the person who is authorized to submit a complaint under section 22 is unaware of the existence of a reasonable suspicion that such an offense has been committed.
  - b. A student will not be subject to disciplinary proceedings for an offense, conviction of which is not liable to negate his eligibility for an academic degree, if three years have elapsed since the time of its commission.

#### **Penalties**

17.
  - a. A student who is found guilty of a disciplinary offense shall be liable to one or more of the penalties specified below:
    1. Caution, reprimand or grave reprimand;
    2. Cancellation of reduction in tuition fees, academic prize or scholarship, or revocation of the right to receive these for a period to be determined;



3. Prevention of use of University facilities, including laboratories, libraries, student dormitories, sports facilities, and parking lots for a period to be determined.
  4. Disqualification of an examination taken by the student, and disqualification of a doctoral dissertation, master's thesis, seminar paper, or any other work undertaken by the student in fulfillment of another academic assignment in connection with his studies. Disqualification of an examination or a paper shall be equivalent to failure with a grade of 0.
  5. Prohibition on sitting examinations at a particular session or particular sessions.
  6.
    - a. Cancellation of participation in a course or courses.
    - b. Cancellation of a course or courses.
  7. Postponement of granting a certificate or certification attesting to the student's studies or completion of his studies for a period to be determined.
  8. Monetary fine in an amount that shall not exceed half of the full tuition fee for a regular student.
  9. Retroactive withdrawal of recognition of one semester of studies, if the semester is one unit of study.
  10. Retroactive withdrawal of recognition of one year of studies or more.
  11. Suspension from the University for a defined period or permanent expulsion.
  12. Suspension from studying in a particular faculty, department or academic unit for a defined period or permanent expulsion therefrom.
  13. Revocation of rights or achievements in studies, including revocation of the right to receive a certificate or certification attesting to these studies.
  14. Obligating the student to perform a public service for a set period as determined by the Commissioner. In the event that the student does not perform the service imposed on him for the period set, the case will be brought before the Commissioner in order that the Commissioner, after hearing the arguments of the parties, may determine another penalty for the original offense.
- b. The Commissioner is authorized to order that, in addition to another penalty imposed upon the student, the conviction and the penalty will be recorded in the defendant's record of studies. In the event that he does not so order, the fact of the conviction or the punishment will not be recorded in the record of studies.
  - c. The Commissioner is authorized to obligate the student to apologize to a person to whose dignity, body or property he caused harm, and he may determine the

form of the apology and its content.

### **Conditional Penalty**

18. a. The Commissioner may order that a penalty under subsections (2) - (14) of section 17(a) will be conditional, in whole or in part. Such an order will specify the offenses, conviction of which will entail the activation of the penalty, and it will define the period in which commission of those offenses will entail its activation.
- b. A conditional penalty will not be enforced against the student upon whom it has been imposed he commits one of the offenses specified unless during the period of the condition, and is convicted of it within the period of the condition or thereafter.
- c. A conditional penalty will not be enforced against the student upon whom it has been imposed unless he commits the additional offense deliberately, even if a conviction for that offense does not require awareness as stated in section 15(a).
- d. In the event that a student is convicted for an offense that entails the activation of the conditional penalty, the Commissioner will order that it be activated; however, the Commissioner is authorized to refrain from activating the penalty, and instead he may extend or renew the period of condition once for an additional period, for special reasons that will be recorded.

### **Minimum Penalty for the Offense of Cheating**

19. a. A student who has committed the offense of aggravated cheating under section 14(1)(b) shall be liable to the penalty of active suspension from the University for the period of at least one academic year, in addition to any other penalty that may be imposed upon him.
- b. Notwithstanding the aforesaid in subsection (a), the Commissioner is authorized, in extremely exceptional cases and for special reasons that will be recorded, to impose a different penalty on a defendant who was convicted of only one offense of cheating, due to one of the acts specified in subsection (a). The Commissioner will not invoke this power more than once with respect to any particular student. In the event that another penalty was imposed on the student as aforesaid, and he subsequently commits any offense under section 14(1) or 14(3), he will be suspended from the University for a period of three years at least, and the fact of his suspension and the circumstances will be recorded in his record of studies.

### **Compensation**

20. In the event that a student is found guilty of a disciplinary offense, and as a result of the commission of the offense property damage is caused to the University, a worker, a teacher or another student at the University (hereinafter – the victim), the Commissioner is authorized to obligate him, in addition to or instead of any penalty that will be imposed upon him, to pay the victim monetary compensation in an amount that will not exceed the damage that was caused as a result of the offense.

## **Enforcement**

21. In the event that the defendant was obligated to pay a fine or compensation and did not do so, it will be regarded as a debt owed by the defendant to the University.
- 21(a) Studies during a period of suspension:  
Any studies undertaken by a student during a period of suspension from the University will not be recognized as entitling him to credits.

## **CHAPTER 4: PROCEDURE**

### **The Complainant**

22. A complaint about a disciplinary offense will be submitted directly to the Academic Secretary by a teacher at the rank of “lecturer” or “teacher” in the parallel track and above, and a copy thereof will be sent to the Dean of the Faculty in which the student against whom the complaint has been made is studying. The Dean of Students, the Director of the National and University Library, and the Commissioner within the meaning of the University Regulations for the Prevention of Sexual Harassment, will also submit their complaints directly to the Academic Secretary and will send a copy to the Dean of the Faculty in which the student is studying. The complaint of another teacher or worker will be submitted through the Dean of the Faculty in which the student is studying, and a complaint made by a student will be submitted through the Dean of Students. The Dean of the Faculty or the Dean of Students are authorized to decide not to submit the complaint to the Academic Secretary, after they have given the person submitting the complaint the opportunity to be heard on the matter. A complaint about a disciplinary offense will be submitted within reasonable time.

### **Examining the Complaint**

23.
  - a. The Academic Secretary will examine the complaint immediately upon receipt. If she deems it necessary, she will seek explanations from the complainant, the defendant, or from other elements. The Academic Secretary will act to obtain the evidence connected with the complaint, such as the examination, written paper, or other documents, and will retain the evidence until the disciplinary proceedings take place. The Academic Secretary is also entitled to return the complaint to the complainant, and to request that the preparation of the evidence be completed. In such a case, the complainant will return the file to the Academic Secretary together with the necessary additions within 14 days of the date on which the complaint was returned to him for completion. Upon receiving the complaint together with the additions, the Academic Secretary will decide whether to commence disciplinary action against the defendant.
  - b. The decision on commencing disciplinary action will be made no later than six weeks after the Academic Secretary received the complaint. If the beginning or the end of these six weeks fall within the summer vacation, the period shall be extended to ten weeks.
  - c. In special cases the Academic Secretary is authorized to ask the Commissioner to extend the aforesaid period in subsection (b).

### **Cancellation of a Complaint**

24. In the event that the Academic Secretary does not see grounds for opening disciplinary proceedings against the student, whether the complaint was submitted by a teacher directly or whether it was submitted by a Dean or through a Dean, she may, in consultation with the Dean, decide on the cancellation of the complaint. If it was decided to cancel the complaint, the complainant is entitled to appeal this decision to the Rector, whose decision shall be final.

### **Commencement of Proceedings**

25. In the event that the complaint is not cancelled, and the Academic Secretary decided that there are grounds for commencing disciplinary proceedings on the basis of the complaint, she will pass on the complaint immediately to the Disciplinary Commissioner. Upon passing on the complaint to the Disciplinary Commissioner, notice will be sent to the defendant about the commencement of disciplinary action against him. The notice will mention the section in the Regulations for the violation of which the student is facing action, and the written complaint and a copy of the Disciplinary Regulations will be attached. The notice will also mention the right of the defendant to be assisted in his defense by a student-friend, and – if the prosecution is considering requesting, in the event of conviction, one of the penalties specified in section 29(b) below – the right of the defendant to be assisted in his defense by a lawyer.

### **Date of Hearing**

26. a. The secretary of the Disciplinary Committee will send, at the earliest opportunity after a decision has been made to commence disciplinary proceedings, written notice of the date of the hearing to the defendant, the prosecutor and the complainant.
- b. The date will be set as early as possible, but no less than two weeks after notice of the date of hearing has been sent.
- c. The prosecutor or the defendant may, for special reasons, request a postponement of the hearing, and the Commissioner is authorized to grant the request, provided that the parties received notice of the date of the hearing, and the defendant received a detailed notice of the complaint as aforesaid in section 25.

### **Hearing in the Absence of the Defendant**

27. a. In the event that the defendant does not appear for the hearing on the set date, the Commissioner is entitled to hold the hearing in his absence, provided that all reasonable action was taken to ensure that the defendant received notice of the date of the hearing, whether in writing or by other means.
- b. The Commissioner is authorized to order that the defendant be ejected, and to hold the hearing in his absence if he disrupts the hearing and after he was warned.

### **Recall of a Decision in the Absence of the Defendant**

28. In the event that the Commissioner handed down a decision in the absence of the

defendant pursuant to section 27(a), the defendant may ask the Commissioner, within seven days of receipt of notice of the decision, for a recall of the decision, and the Commissioner is authorized to recall the decision or to change it, for special reasons that will be recorded, and to hold a new hearing on the decision.

#### **Representation of the Defendant**

29. a. The defendant will be present at the time of the hearing, and he is entitled to be assisted for the purpose of presenting his defense before the disciplinary authorities by a student-friend.
- b. Notwithstanding the aforesaid in subsection (a), the defendant is entitled to be assisted in his defense before the disciplinary authorities by a lawyer who is not a student at the University, if conviction of the offense for which he is being prosecuted is liable to entail a penalty of actual permanent expulsion from the University or suspension for a period exceeding two years, retroactive cancellation of recognition of two years or more of studies, or revocation of the right to an academic degree.
- c. In addition to the aforesaid, the Commissioner shall be authorized to permit the defendant to be assisted in his defense by a lawyer who is not a student at the University if the Commissioner believes that there is a real concern that in the absence of such representation, there will be a miscarriage of justice. A reasoned request to allow representation by a lawyer due to such a concern shall be submitted at least one week prior to the date of the hearing of which the defendant was informed pursuant to section 26(a).

#### **Presence of the Complainant**

30. The complainant is permitted to be present at the time of the hearing in order to clarify his complaint.

#### **Disclosure of Evidence**

31. The defendant is entitled to receive from the prosecutor, prior to the date of the hearing, the material in evidence against him.

#### **Procedure**

32. a. The Commissioner will open the hearing with a reading of the complaint to the defendant, and at the request of the defendant, the Commissioner will explain to him the nature of the complaint that has been made against him.
- b. After reading the complaint, the Commissioner will ask the defendant if he admits or does not admit to the facts and the accusations contained in the complaint.
- c. If the defendant admits to the complaint, the Commissioner is authorized to find him guilty on his own admission, without it being necessary to hear other testimony, but the Commissioner shall be authorized, despite the admission of the defendant, to require the prosecutor to bring evidence to prove the complaint or parts thereof.
- d. In the event that the defendant does not admit to the complaint, the prosecutor shall submit his evidence, and the witnesses shall testify, and the defendant or

his representative shall be entitled to cross-examine the prosecution witnesses. Subsequently the defendant will be entitled to bring his evidence and for his witnesses to be heard, and the prosecutor will be entitled to cross-examine the defendant's witnesses.

- e. The Commissioner will protect the witnesses from harm and harassment during the course of the hearing and will prevent irrelevant or repeat questions that constitute an abuse of the hearing.
- f. The Commissioner will conduct the hearing and accept evidence in the manner that he deems to be just and efficient.
- g. A protocol of the discussion will be recorded by the Commissioner or the secretary, signed by the Commissioner, and handed over to the prosecutor and the defendant if they so request.
- h. In the course of the hearing, the Commissioner is authorized to order that the complaint be returned for completion of the evidentiary material or for the prosecutor to provide details of the complaint, before continuing the hearing of the complaint.
- i. The Commissioner is entitled to convict the defendant of an offense different from that of which he was accused, if his guilt transpires from the facts that were proven, and the defendant had a reasonable opportunity to defend himself regarding that offense.

#### **Closed Hearing and Open Hearing**

- 33.
  - a. The hearing in front of the Commissioner and in front of the Appeals Committee will be held behind closed doors, unless the defendant requested that it be held in open court. The Commissioner and the Appeals Committee are authorized to order otherwise at the request of either of the parties, if special circumstances justify doing so.
  - b. If it has been decided to hold an open hearing, the Commissioner or the Appeals Committee are authorized to place restrictions on allowing the public into the hall in which the hearing is taking place, in view of the physical conditions of the space, and they are authorized to exclude from the hall any who disrupt, and to order that the hearing be held behind closed doors in the case of disruptions to the hearing.

#### **Judgment**

- 34.
  - a. As soon as possible after completion of the hearing, and no later than four weeks after that date, the Commissioner will issue a reasoned, written judgment, and will send copies thereof to the defendant, the Academic Secretary, the relevant Dean, the complainant, and at the request of the student – to the secretariat of the Student Union. The copy sent to the Dean shall be filed in the defendant's personal file.
  - b. The judgment will enter into force as of the date of issue, unless the Disciplinary Commissioner decides on a later date.
  - c. The Commissioner is authorized to decide on publication of the judgment and to

order whether or not the name of the defendant will appear. In the event that the Commissioner decides to publish the judgment, the Academic Secretary will attend to the publication of the judgment on the notice-board of the University.

- d. In the event that another institute of higher education approaches the University with a question concerning the conviction of a student for a disciplinary offense, the University is permitted to comply, provided that the conviction was for an offense of aggravated cheating under section 14(1)(b).

#### **Stay of Execution of the Judgment**

- 35. At the request of the defendant, the Commissioner is authorized to stay the execution of the judgment. In the event that the Commission decides not to stay the execution, the student is entitled to request from the Chairman of the Appeals Committee that the execution be stayed for a period to be determined.

#### **Execution of the Judgment**

- 36.
  - a. The Academic Secretary is responsible for the execution of the judgment and the decisions of the Commissioner and of the Appeals Committee, and to ensure their enforcement in full.
  - b. All authorities, teachers and workers of the University are obliged to execute the judgments and the decisions of the Commissioner and the Appeals Committee in letter and in spirit, and to assist in their full realization.

#### **Collection of Judgments**

- 37. A collection of the judgments of the Commissioner and the Appeals Committee will be held in the secretariat of the Disciplinary Committee.

### **CHAPTER 5: INTERIM DECISIONS**

#### **Interim Measures**

- 38.
  - a. After a complaint has been submitted, the Dean will be authorized to take any urgent measures, including restricting the access of the defendant to certain places on University premises or use of University equipment in order to prevent damage or harm; or postponement of publishing a grade, a record of studies or certification of studies – in order to prevent frustration of the disciplinary proceedings. Such a decision will only be given after the defendant has been given the opportunity to express his arguments.
  - b. Copies of the decision of the Dean pursuant to subsection (a) will be sent immediately to the defendant, the Academic Secretary and the Commissioner.
  - c. The decision of the Dean pursuant to subsection (a) may be appealed to the Commissioner at any time up to the handing down of a final judgment on the complaint filed against the defendant. The appeal will be heard in the presence of the prosecutor and the defendant, and the procedure for the hearing will be decided by the Commissioner.
  - d. In the event that a defendant is subject to disciplinary proceedings for an offense under section 14(1) or 14(2), the examination or paper in respect of

which the offense was committed, according to the complaint, will be retained by the secretariat of the Faculty in which the defendant is a student, and the defendant will not receive a grade for it; similarly, the secretariat will not issue any certification requested by the defendant in connection with his studies at the University.

- e. In the event that a defendant is subject to disciplinary proceedings for an offense under section 14(5), and the act attributed to him is damage to or unauthorized use of any material from the University libraries, including an attempt to cause damage or to make unauthorized use as aforesaid – his right to borrow books from the University libraries will be revoked immediately.
- f. The restrictions described in subsections (d) and (e) will remain in force until the completion of the disciplinary proceedings against the defendant, unless the Commissioner, at the request of the defendant, ordered otherwise. The Commissioner shall be authorized to cancel or change these limitations at any time, after hearing the defendant and the prosecutor.

#### **Powers of the Commissioner**

- 39.
  - a. “Interim Decision” means any decision handed down by the Commissioner regarding the disciplinary hearing prior to the handing down of final judgment.
  - b. The Commissioner is authorized, after receiving the complaint and after the defendant has been given the opportunity to express his arguments, to issue an interim decision and to order the cessation of the defendant’s studies, to bar the student from taking an examination, to delay the checking of an examination or a paper of the defendant, to forbid him to use University facilities (with the exception of excluding a student from the dormitories), and any other decision that is necessary, at the discretion of the Commissioner, in order to achieve the objectives of the disciplinary proceedings.
  - c. In the event that an interim decision is issued by the Commissioner in the absence of the defendant, the defendant is entitled to request a rehearing of the interim decision in his presence.
  - d. The interim decision of the Commissioner will remain in force until the final judgment on the complaint is issued, or until an earlier date, as will be determined.
  - e. Copies of the interim decision will be sent to the defendant, the Academic Secretary and the relevant Dean.
  - f. The Commissioner is authorized at any time to recall or to change any interim decision that he issued.

#### **Recall of Decisions**

- 40.
  - a. The defendant is entitled to appeal an interim decision of the Dean in front of the Commissioner.
  - b. At the request of the defendant, the Commissioner is authorized to recall the interim decision made by the Dean, after hearing the Dean or a person on his behalf and hearing the defendant.



- c. Filing an appeal does not defer the commencement of validity of the Dean's decision, unless it is otherwise decided in an express decision of the Commissioner.

## **CHAPTER 6: APPEALS**

### **The Right to Appeal**

41. Every judgment of the Commissioner, and every decision made by the Commissioner under sections 38-39 are subject to appeal before the Appeals Committee by the defendant or the prosecutor. Other interim decisions of the Commissioner may not be appealed separately.

### **Date of Filing an Appeal**

42. An appeal of a decision of the Commissioner will be filed no later than twenty days from the date of delivery of a copy of the printed judgment to the parties.

### **Reasoned Notice**

43. An appellant will file his appeal with the secretary in a written, reasoned notice, and will explain the reasons for the appeal. The notice will be sent in four copies.

### **Reply of the Respondent**

44. The notice of appeal will be delivered to the respondent, and the respondent will submit his response to the reasons for the appeal (in four copies) within 14 days of the date on which the notice of appeal was delivered to him.

### **Written Pleadings**

45.
  - a. The chairman of the Appeals Committee will set a date for hearing the appeal, but if the appellant or the respondent have not requested oral arguments, the Appeals Committee is authorized to order that the appeal be heard by means of written pleadings submitted by the parties.
  - b. In the event that the appellant does not submit his written pleadings within the set time, the appeal will be stricken out. In the event that the respondent does not submit his written pleadings within the set time, the appeal will be heard on the basis of the appellant's pleadings.

### **Procedure**

46. The provisions relating to the procedure before the Commissioner, including the provisions relating to the judgment, will apply, with the necessary changes, to the Appeals Committee.

### **Scope of the Appeal**

47. The appeal will be confined to an examination of the findings and the conclusions of the Commissioner, and the appellant or the respondent will not be permitted to present evidence, unless new evidence has been discovered which at the time of the hearing before the Commissioner was not known to the party who wishes to present it, or the Appeals Committee deems that special circumstances pertain which require that its presentation be allowed, for the sake of justice.

## **Judgment**

48. As soon as possible after hearing the pleadings of the parties or receiving the written pleadings, the Appeals Committee will issue its reasoned judgment on the appeal, which will be sent to the parties.

## **REHEARING AND PARDON**

### **Rehearing**

49. The Rector is entitled to order a rehearing before the Commissioner in the event that new evidence has been discovered.

### **Pardon**

50. a. The Rector is authorized to pardon a student who was found guilty of a disciplinary offense and for which he was sentenced to suspension from the University for a period of one year or more.
- b. The defendant may not submit a request for pardon until a year has elapsed from the date of the commencement of the execution of the penalty, and after completion of the appeal process.
- c. The Rector will decide on the request for pardon after reviewing all the material in the file and after consulting with the Academic Secretary.
- d. In the event that the Rector decided to exercise his power of pardon in accordance with the aforesaid, he is authorized to reduce the penalty, to replace it with another penalty, and to order that the record of the conviction be erased.

## **CHAPTER 8: PROCEDURE FOR OFFENSES RELATING TO PROFESSIONAL ETHICS**

### **Definition**

51. In this Chapter, "Offense relating to professional ethics" – an offense under section 14(11) and any other offense which the Commissioner has determined is related prima facie to professional ethics, in one of the following units: Medicine, Dentistry, Nursing, Law, School of Social Work, School of Education and Clinical Psychology studies.

### **Composition of the Disciplinary Committee and the Appeals Committee for Offenses Relating to Professional Ethics**

52. a. For the purpose of a hearing regarding offenses relating to professional ethics, the Standing Committee will appoint to the Disciplinary Committee, for a set period, to be proposed by the relevant Deans or Heads of Schools, two teachers from each of the following groups of units:
1. Medicine, Dentistry and Nursing
  2. Education, Psychology and Social Work
- b. For the purpose of hearings in appeals on decisions and judgments of the Disciplinary Committee for offenses relating to professional ethics, the Standing

Committee will appoint to the Appeals Committee, for a set period, on the recommendation of the relevant Deans or heads of schools, at least one member from each of the two groups of units as aforesaid in subsection (a).

- c. The Appeals Committee will hear appeals under this section in a panel of three: the Chairman or Acting Chairman of the Appeals Committee as president of the panel, a teacher from one of the two groups specified in section 52(a), as relevant, and a student.

#### **Residual Authority**

54. The Disciplinary Committee that convened pursuant to this section will also be competent to adjudicate disciplinary offenses that are not connected to professional ethics, if they are included in the same complaint. The competence of the Committee to adjudicate such offenses will not be affected even if in the course of the hearing, the accusation relating to an offense relating to professional ethics is withdrawn, or the defendant is acquitted of that offense.

#### **Application of the General Provisions**

55. Subject to the provisions of this Chapter, the regular provisions of these Regulations will apply to a disciplinary hearing for an offense relating to professional ethics.

### **CHAPTER 9: HEARING IN FRONT OF THE DEAN**

#### **Authority of the Dean**

56.
  - a. Without detracting from the powers of the Commissioner, the Dean shall be competent to conduct hearings for disciplinary offenses under section 14, subsections (2), (3), (5)-(12) and (16). However, with respect to an offense under section 14(2), the Dean shall not be authorized to conduct proceedings if offense was committed in connection with an examination, a doctoral dissertation or a master's thesis.
  - b. A Dean who has found a student guilty of a disciplinary offense shall be authorized to impose on him one or more of the penalties specified in subsections (1)-(6), (8) and (14) of section 17(a), and to obligate him to apologize in accordance with section 17(c). However, insofar as a penalty under section 17(a)(4) is concerned, the Dean shall not be authorized to order the disqualification of an examination, a doctoral dissertation, or a master's thesis. A Dean is not authorized to order that the conviction or penalty be recorded in the student's record of studies, as stated in section 17(b).

#### **Conditions for Conducting a Hearing in Front of a Dean**

57.
  - a. A Dean will not hear a disciplinary offense unless the defendant is a student of the academic unit of which the Dean is head, in the scope of no less than half of his study program at the University, or the offense is connected with the defendant's studies in that academic unit. This restriction will not apply to the Dean of Students.
  - b. A Dean will not deal with disciplinary offenses unless the following conditions are fulfilled:

1. No complaint was filed with the Academic Secretary regarding the facts as described pursuant to section 22, or the Academic Secretary, in consultation with the complainant, has ordered that the complaint that was filed with her will be heard in front of the Dean.
2. The student received for his scrutiny, a reasonable period time in advance, the written complaint drawn up in accordance with the form in the Appendix to these Regulations, and insofar as necessary received an oral explanation of the contents of the complaint, of his right to request that the hearing be held in front of the Disciplinary Commissioner, of the absence of the right to be represented in a hearing in front of the Dean, and of the fact that the hearing in front of the Dean is conditional upon him admitting to the facts describe in the complaint.
3. The student admitted to committing the offense after he read and understood what was written in the written complaint that was handed to him for his scrutiny as aforesaid.
4. The facts described in the written complaint do not give rise to any suspicion that a criminal offense has been committed by the student.

#### **Procedure**

58.
  - a. The hearing in front of the Dean will be held behind closed doors, in the presence of the complainant and the student. At the commencement of the hearing, the Dean will ascertain that the preliminary conditions for holding a hearing in front of him have been fulfilled and that the student has chosen of his own free will to admit to the facts described in the written complaint and to hold the hearing in front of him. The Dean will give the student adequate opportunity to express his version of the circumstances in which the offense was perpetrated, and insofar as necessary, the student will receive clarifications concerning the complaint.
  - b. In the event that the Dean convicts the student on his admission, he will decide on the penalty as soon as possible and no later than seven days from that time. Copies of the written complaint and of the judgment shall be sent to the Academic Secretary of the University, who is responsible for the execution of the judgment.

#### **Appeal**

59. The defendant is entitled to appeal the judgment of the Dean in front of the Appeals Committee, and the provisions of Chapter 6 will apply to the appeal.

#### **Delegation of Powers**

60. The Dean is authorized to delegate his powers under this Chapter to the Vice-Dean or to the Chairman of the Teaching Committee of that academic unit, whether in general or for a special case.

### **CHAPTER 10: FINE-ONLY OFFENSES**

#### **Interpretation**

61. In this Chapter, the terms below will bear the following meanings:

“Fine-only offenses” – each of the following offenses and any offense that will be added as determined by the Standing Committee:

1. Smoking in violation of the Prevention of Smoking in Public Places Law, 5743-1983, or in violation of University directives;
2. Use of a mobile phone within the area of the library, in the classroom or in any other place in which the use of mobile phones has been prohibited according to University directives;
3. Affixing notices in forbidden places;
4. Leaving bags or other objects unattended in violation of University directives;
5. Eating and/or drinking on library premises or in any other place in which eating and/or drinking have been forbidden under University directives.

“The Responsible Person” – the Dean of Students, or the Vice-Dean, as well as any of the following:

1. With respect to smoking in violation of directives – the Campus Security Officer and Smoking Attendants;
2. With respect to leaving bags and other objects unattended – the Campus Security Officer;
3. With respect to fine-only offenses committed in the library – the Director of the Library or the Deputy Director.

#### **Determining Fine-only Offenses**

62. The Standing Committee shall determine from time to time those disciplinary offenses that shall be considered fine-only offenses, and shall determine the amount of the fine for each such offense. These determinations shall be published.

#### **Delivery of Notice**

63. In the event that the responsible person has reasonable grounds to assume that the student committed a fine-only offense, he is authorized to hand the student a notice of payment of a fine. The notice will be on the set form, and it will specify the offense, the amount of the fine that was set for it, and the right of the student to give notice of his wish to be brought for a hearing in front of the Commissioner.

#### **Payment of the Fine**

64.
  - a. The student to whom notice of payment of a fine has been handed shall pay the fine specified therein within thirty days from the date of being handed the notice of the fine, unless he notified the Academic Secretary within twenty-one days of the date that he wishes to be heard in front of the Commissioner.
  - b. In the event that the student gave notice that he wishes to be heard in front of the Commissioner as aforesaid, the disciplinary hearing will be held in accordance with Chapter 4, and the notice of payment of a fine will be regarded as a written complaint.

- c. If the student does not notify the Academic Secretary within the set time that he wishes to be heard in front of the Commissioner, he will be deemed to have admitted to the commission of the fine offense in front of the Commissioner and convicted thereof. A student who has paid the fine is considered to have admitted to the fine offense in front of the Commissioner, been convicted and paid the penalty.
- d. If the student has not notified the Academic Secretary within the set time that he wishes to be heard in front of the Academic Secretary and has not paid the fine, the fine will be regarded as a penalty that was imposed by the Commissioner and as a debt owed by the student to the University.

**Repeat Offenses**

- 65. In the event that within one academic year the student is convicted twice of a fine offense, whether following a hearing in front of the Commissioner or whether under section 64(c) or (d), and receives a notice of payment of a fine under section 63 for a third time, the Academic Secretary shall be authorized to commence disciplinary proceedings against him under Chapter 4, notwithstanding the payment of the fine specified in the third notice, and the Commissioner shall be authorized to impose another penalty on him, in addition to the fine that he paid or in place thereof.

**CHAPTER 11: GENERAL PROVISIONS**

**Extension of Time Periods**

- 66. The Chairman of the Appeals Committee shall be authorized, for special reasons that will be recorded, to extend any time period set in these Regulations.

**Reports**

- 67. Within two months of the date of completion of their tenure, the Disciplinary Commissioner and the Chairman of the Appeals Committee will submit a report to the Rector.

**Duty to Appear to Testify**

- 68. Every teacher, worker and student must respond to a summons to appear as a witness in hearings in front of the disciplinary authorities of the University, and must testify truthfully.

