

Guidelines for disciplinary cases and expulsion from studies

Level 2: General university governing document and rules of procedure for units and bodies

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Guidelines for disciplinary cases and expulsion from studies

1. Validity and amendments

These guidelines have been determined by the Vice-Chancellor by decision 30/11/2016 and apply from 05/12/2016. The guidelines replace *Rules of procedure for disciplinary matters and expulsion from studies* (designation 629/2011).

1.1 Management of the document

Management is done according to current principles of *Management's rules of procedure, 1.1.2 Management and amendments*.

The document owner of these rules of procedure is the Vice-Chancellor. The information owner of these rules of procedure is a higher education lawyer.

For questions regarding the content of the rules of procedure, contact the information owner or manager of the management rules of procedure.

2. Handling disciplinary cases and expulsion from studies

Chapter 4 section 7 of the Regulations (2007:1164) for the Swedish Defence University states that disciplinary action against students admitted to and taking higher education at the Swedish Defence University may be taken according to chapter 10 of the Higher Education Ordinance (1993:100).

Provisions for expulsion from studies can be found in chapter 4 sections 6-7 of the Swedish Higher Education Act (1992:1434) and in Regulations (2007:989) on the expulsion of students from higher education.

Students on the Officer programme are covered by the disciplinary rules of both the Higher Education Ordinance and the Act (1994:1811) on disciplinary responsibility in total defence etc. (LDT). LDT applies in cases where the student is guilty of such a misdemeanour as is not covered by the Higher Education Ordinance (section 1 second paragraph LDT). LDT is not dealt with in this document.

Below is a summary of the provisions on disciplinary action against students and expulsion from studies, supplemented by the Rules of the Swedish Defence University.

The handling of cases in which participants in contract education are suspected of inappropriate behaviour, such as attempted deception, can be found in section 4.¹

¹ According to chapter 1 section 4 of the Higher Education Ordinance, student refers to one who has been admitted to and is taking higher education. Those who participate in contract education are not "students" in that sense and are not subject to these provisions for disciplinary action and expulsion from studies.

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2.1 Disciplinary measures in general (chapter 10 section 1 of the Higher Education Ordinance)

Disciplinary measures may be taken against students who

1. *use prohibited aids or other methods to attempt to deceive during examinations or other forms of assessment of study performance,*
2. *disrupt or obstruct teaching, tests or other activities within the framework of courses and study programmes at the higher education institution,*
3. *disrupt the activities of the university library or other special establishment in the university, or*
4. *expose another student or an employee at the university to such harassment or sexual harassment as is referred to in chapter 1 section 4 of the Discrimination Act. (2008:567).*

Disciplinary action may not be taken more than two years after the offence has been committed.

The most common disciplinary cases relate to attempted deception in examinations. These may be plagiarism, unauthorised collaboration or unauthorised aids. Disruption of order or activities may for example consist of the student violating the university's rules of procedure in written examination or in the use of the university's computers, networks or other equipment. Harassment refers to conduct that violates a person's dignity and that is associated with any of the grounds for discrimination based on gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. Sexual harassment refers to conduct of a sexual nature that violates someone's dignity.

2.2 Disciplinary measures

Disciplinary measures are a warning or suspension for a maximum of six months. A suspension may also be limited to access to certain premises within the university.

A warning may be issued by both the Vice-Chancellor and the disciplinary board. The decision of a warning is noted in the Vice-Chancellor's decision or disciplinary board's minutes. Normally, a warning shall be issued for minor misdemeanours. Repeated warnings can lead to suspension.

A decision on *suspension* may only be made by the disciplinary board. The suspension shall be applied immediately if nothing else is specified in the decision. The Vice-Chancellor may decide on interim suspension under certain conditions (see section 2.7 below). The head of department/unit is responsible for putting a decision on suspension into effect. This also applies if the student is on a placement (VFU).

Suspension from access to certain premises in the university, such as libraries, laboratory facilities and exercise areas, can be applied to, for example, disruptive behaviour in premises where a warning cannot be considered sufficient.

Suspension of teaching activities has the following consequences:

- The student is not allowed to participate in teaching (also applies to remote teaching), tests, seminars, VFU or the like in the course of education at the Swedish Defence University.
- The student cannot be graded or examined or have results recorded in LADOK.

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- The student's entry card is blocked. The student is also suspended from the Swedish Defence University's e-mail account, LMS and the library's resources for students.
- The student is not eligible for financial aid for studies or, if applicable, for benefits under the Officer Regulation.

However, the student may register for examinations and courses that occur after the suspension.

2.3 Handling disciplinary matters (chapter 10 section 9 of the Higher Education Ordinance)

A reasonable suspicion of such an offence as is stated in section 1 shall be reported promptly to the Vice-Chancellor. The Vice-Chancellor shall have the case investigated and give the student the opportunity to comment on the report. The Vice-Chancellor shall then, where appropriate, after consultation with a member who is well versed in the law, decide whether the circumstances are such that the case shall

- 1. be left without further action,*
- 2. lead to a warning from the Vice-Chancellor, or*
- 3. be referred to the disciplinary board for review.*

Reasonable suspicion means that the suspicion is based on objective grounds, i.e. it takes more than just subjective intuition. However, the suspicion does not have to be especially strong.²

The obligation to report under the Higher Education Ordinance is not limited to any particular category of employees, but applies to everyone. In case of uncertainty as to whether this may be a misdemeanour that shall be reported to the Vice-Chancellor, the university lawyer or another who prepares cases of this type can be contacted for guidance.

In order to facilitate the preparation of the case, the invigilator, teacher or other who suspects a misdemeanour shall carefully record and document the course of events. If possible, documentation and other things that support the suspicion, such as cheating notes, should be taken in hand. The relevant exam paper, started and/or completed, should also be taken in hand. However, taking hold of unauthorised aids etc. requires the student's consent. Otherwise, there is a risk of being guilty of arbitrary proceedings according to chapter 8 section 8 of the Criminal Code.

The case is investigated and presented by a person nominated by the Vice-Chancellor, normally the university's lawyer. The matter shall be thoroughly investigated.

The student concerned shall always be given the opportunity to comment on the report. Sometimes additional opinions may need to be collected from the teachers, invigilator or others who may provide information relevant to the investigation.

A student who has been reported for a suspected misdemeanour shall be informed of the assistance that the student can receive within the Swedish Defence University's undertaking for student health.

² See Hans-Heinrick Vogel, *Proceedings in disciplinary cases under the Higher Education Ordinance – Some administrative law issues.*

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2.4 Decisions in disciplinary matters

Once the case has been investigated, the Vice-Chancellor shall, where appropriate after consultation with a member of the disciplinary board who is well versed in the law, decide on one of the following:

- Leave the case without further action,
- issue a warning or
- refer the case to the disciplinary board for review.

The student has the right to have the Vice-Chancellor's decision on a warning examined by the disciplinary board. This shall be noted in the decision.

Where the Vice-Chancellor decides to have the case examined by the disciplinary board, the board shall give the student concerned the opportunity to make a statement in the case. The student also has the right to attend when others speak before the board, unless special reasons indicate otherwise.

The disciplinary board may call additional people to the board's meeting.

After individual deliberations, the board shall decide on one of the following:

- Leave the case without further action,
- issue a warning or
- suspend the student for a fixed period, however no more than six months.

2.5 Notification of decision

Where the case is decided the student concerned and the person who has made the complaint shall *always* be notified. If the decision has been taken by the disciplinary board, the minutes shall also be sent to the members of the board. The decision is communicated by the rapporteur in the case or, if the decision has been taken by the disciplinary board, by the secretary of the board. In addition to the above, the following shall be informed:

Decision to *leave the case without further action*: Any additional persons/functions that may be affected by the case.

Decision *warning*: The head of department in question and any additional persons/functions that may be affected by the case.

Decision on *suspension relating to access to premises, etc.*: The head of department in question, security, CSN and any additional persons/functions that may be affected by the case.

Decision on *suspension relating to teaching activities*: The head of department in question, study administrator/equivalent, Ladok administrator, IT Manager, library manager, security, CSN and any additional persons/functions that may be affected by the case e.g. study administrator.

If the decision applies to a student on the Officer programme, the decision shall also be notified to the Swedish Armed Forces.

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2.6 The disciplinary board

There shall be a disciplinary board at every university. The disciplinary board shall consist of the Vice-Chancellor as chair, a member who is well versed in the law who shall hold or have held tenure as a judge, and a representative of the teaching staff at the higher education institution. The students at the higher education institution shall be entitled to representation on the board by two members.

For the Vice-Chancellor and for the other members of the disciplinary board, there shall be deputies. The deputy for the Vice-Chancellor is a pro-vice-chancellor. Deputies for the other members are appointed in the same order and for the same time as ordinary members.

The Vice-Chancellor appoints the members who are well versed in the law and the teacher representatives for a period of three years. The teacher representatives, i.e. ordinary and deputies, are appointed after a joint proposal from the departments. The student union appoints its representatives for a year.

2.7 Interim suspension

If the case has been referred to the disciplinary board for review, the Vice-Chancellor may, after consultation with the member well versed in the law, temporarily suspend the student from university activities with immediate effect. A decision on an interim suspension shall apply until the case is heard by the disciplinary board, although for a month at the longest.

2.8 Appeal of decision

The disciplinary board's decision on warning and suspension can be appealed to the general administrative court. The student shall be informed of how the decision can be appealed. The student shall also be informed of any dissenting view.

2.9 Examination

The disciplinary board only examines the question of whether a student has been guilty of any wrongdoing. The disciplinary board does not take a position on how the study performance shall be assessed. The question of whether an exam, thesis or other study performance shall be passed or not is decided by the examiner.

An examination task should not be corrected during the ongoing investigation. If a student has been suspended, the examiner decides after the suspension whether the student can submit the assignment afterwards or whether the student shall be referred to the normal examination session.

2.10 Diarising and documentation of the case

Documents in the case are public documents and generally public documents that are kept and disclosed on request. The rapporteur or secretary of the disciplinary board is responsible for ensuring that the documents are diarised according to the rules in force in this area and that the case is closed.

Warnings or suspensions are not mentioned on course or examination diplomas.

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2.11 Preventive measures

In order to prevent cheating, it is important that all educational units at the Swedish Defence University regularly inform students of the rules that apply and that they ensure that students have had the opportunity to read them. It is particularly important to state unambiguously the rules applicable to the exam, such as which aids may be used, as this can vary from one examination to another.

3. Expulsion from studies

The provisions on expulsion may be found in chapter 4 sections 6 -7 of the Swedish Higher Education Act and the regulation on the expulsion of students from higher education.

A student may be expelled from higher education if the student

1. suffers from a mental disorder,
2. abuses alcohol or narcotics, or
3. has committed a serious crime.

As a further condition for expulsion, it is considered that, as a result of the circumstances referred to above, there is a real risk that the student may harm another person or valuable property during the educational programme.

Questions of expulsion are examined by a special authority, the Higher Education Expulsions Board (HAN). The board addresses such matters only after written notification from the vice-Chancellor of the university concerned or a person appointed by the Vice-Chancellor.

A decision on expulsion always means that the student may not continue ongoing education until further notice. An expulsion also means that the student must not be admitted to or continue other education of the same kind until further notice. An expulsion decision may also mean that the student may not be admitted to or continue any other higher education until further notice.

HAN's decision shall apply immediately unless HAN decides otherwise. HAN's decision can be appealed by the university affected and by the student to the general administrative court.

After two years from the announcement of an expulsion decision, HAN shall reconsider the decision if the student so requests in writing.

4. Participants in contract education

According to chapter 5, section 1, first paragraph of the Regulations for the Swedish Defence University, the Swedish Defence University is allowed to organise contract education according to the Ordinance on contract education at universities (SFS 2002:760). Participants in contract education are normally the employer's staff and the education is carried out with the support of agreements between the employer and the Swedish Defence University. Participants in contract education are not covered by the rules of the Higher Education Ordinance on disciplinary matters and the Swedish Defence University has no opportunity to take disciplinary action with regard to a participant in contract education.

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However, the Swedish Defence University may agree with the employer that the Swedish Defence University investigates a case where a participant in contract education is suspected of inappropriate behaviour, such as attempted deception.

In cases where the employer instructs the Swedish Defence University to investigate the case, the following processing is recommended.

4.1 Processing

Reasonable suspicion of such conduct as is stated in chapter 10 section 1 first paragraph of the Higher Education Ordinance, i.e. deception in student performance, disruption of order or activities and harassment of employees or students at the Swedish Defence University or other participants in contract education, shall be urgently notified to the Vice-Chancellor.

In order to facilitate the preparation of the case, the invigilator, teacher or other who suspects inappropriate conduct shall carefully record and document the course of events. If possible, documentation and other things that support the suspicion, such as cheating notes, should be taken in hand. The relevant exam paper, started and/or completed, should also be taken in hand. However, taking hold of unauthorised aids etc. requires the student's consent. Otherwise, there is a risk of being guilty of arbitrary proceedings according to chapter 8 section 8 of the Criminal Code.

The case is investigated and presented by a person nominated by the Vice-Chancellor, normally the university's lawyer. The matter shall be thoroughly investigated.

The participant concerned shall be given the opportunity to comment on the report. Sometimes additional opinions may need to be collected from the teachers, invigilator or others who may provide information relevant to the investigation.

Once the case has been investigated, the Vice-Chancellor shall decide on one of the following:

- Leave the case without further action, or
- submit the matter to the employer.

The Vice-Chancellor appoints the person who informs the participant of the decision. Where the matter is submitted to the employer, the Vice-Chancellor also appoints the person who informs the employer of the decision and the circumstances surrounding it. It is then the employer who is responsible for further action in the case.

Documents in the case are public documents and generally public documents that are kept and divulged on request. The rapporteur in the case is responsible for ensuring that the documents are diarised according to the rules in force in this area and that the case is closed.

5. Reporting suspicion of a disciplinary offence

A report of a suspected disciplinary offence shall be made according to *Reporting suspicion of suspected disciplinary offences* which is an appendix to these guidelines. This also applies to cases where the report applies to a participant in contract education.