

UNIVERSITY STUDENT PENALTY PROCEDURE AND LEGAL SYSTEM

(PA-001: Management of documents
and evidence)

SUMMARY OF REVISIONS

Edition	Date	Nature of the Revision/Modification
1st	17/02/2005	Drafting of Operating Standards published in RD 28/2005
2nd	28/10/2010	Modification of Operating Standards published in RD 78/2010
3rd	02/04/2014	Modification to adapt the standards and organisation to the guidelines of the new Government team
4th	02/11/2017	Modification to adapt it to the current Organisational chart

	Position	Date
Preparation	Legislative Commission	September 2017
Revision	General Secretary's Office	October 2017
Approval	Government Board	02 November 2017

Purpose

The disciplinary system for university students is currently and primarily regulated by the Decree of 8 September 1954, through which the Academic Discipline Regulation (RDA) of the official Higher Education and Technical Education Teaching Centres was approved.

The purpose of this Regulation is to adapt the disciplinary and penalising regulations to the current situation, regulating unlawful and illegal conducts that are incompatible with university coexistence. It contains the different aspects related to penalties and the protocol to follow in the case that this type of behaviour is detected.

Scope of application and the exercise of the disciplinary authority

The current regulation will be applicable to the students of the Camilo José Cela University.

Disciplinary Committee

In the event that any of the types of behaviour detailed below are detected, the procedure to be performed will be as follows:

- The initiation will be agreed by the General Secretary's Office, which will call for a commission comprised of the following figures: the instructor (University Ombudsman), the student, the General Secretary or the corresponding delegated person, the student's coordinator from their Centre, and the affected student.
- In order to ensure the correct formation of the commission, the following procedure has been determined:
 - o The University Ombudsman will take a statement from all the parties involved in the process, and the necessary assessments will be carried out to clarify the alleged facts. As a consequence of the proceedings, if applicable, the corresponding report will be drafted.

- The instructor will draft a report that includes at least : student data, statement of reasons and underlying aspects of the agents involved (student, teachers, company, etc.); and write a report to establish whether they consider it necessary to establish penalties or not. In the case that this is deemed necessary, they may propose a penalty in order for it to be assessed when presented to the Governing Board. The time established for this purpose may not exceed one month (including the forming of the Commission and resolution/ruling of the Governing Board) from the receipt of the notification, either by email or via paper, to the General Secretary's Office.
- After the Governing Board's ruling has been announced, the University Ombudsman/instructor will notify the interested party and all the participants of the Commission of the resolution.
- From the time of receipt of the Ruling by the student –which must always be sent with confirmed delivery by the interested party–, a period of one month is established for the corresponding appeal to be filed with the Rector. Once this period has passed, the administrative channel will be exhausted.

The imposition of penalties in administrative or criminal proceedings will not necessarily imply academic penalties in all cases. This will depend on the facts that gave rise to the resolutions.

Types of Offences

As established in the RDA, disciplinary offences will be considered as the actions or omissions included in these regulations or breaches of the obligations established in the regulations affecting the university.

The offences are grouped according to their severity. The RDA sets forth the following:

- **Serious**

1. The performance of acts that are intended to go against democratic values or that promote xenophobia.
2. Attacking the words or work, as well as showing a very serious lack of respect for any member of the university community (teacher or non-teacher), staff from subcontracted companies or those belonging to any other public or private institution or body in which the student develops their education.
3. The performance of hazing that supposes serious impairment of the honour, dignity or personality of the victim.
4. The distribution of narcotic and psychotropic substances in the university environment.
5. Plagiarism, in whole or in part, of intellectual works of any kind.
6. Taking pictures or recordings in classes, without having received express authorisation.
7. Impersonating another's personality in the acts of academic life or benefiting from this.
8. Making undue use of a mobile phone or any electronic device during the performance of the assessment tests.
9. Seizing through fraudulent means or by abusing trust, the content of a test, examination or knowledge checks, for their own benefit or that of others, before the taking place thereof; or once the assessment has been carried out, aiming to remove, alter or destruct forms, questionnaires, grades or marks, for their own benefit or that of others.
10. Intercepting private communications in the university field.
11. Intercepting electronic mail or the distribution thereof when this has been prohibited by the sender.
12. Being charged in criminal proceedings for an intentional crime that could cause damage to the university.
13. Being convicted through a final ruling in criminal proceedings.
14. Violent opposition to the celebration of academic acts or compliance with university regulations.

15. Accessing the University's computer systems in an unauthorised manner, disrupting its operation, modifying or fraudulently using electronic files.
16. Taking action to intend to or falsify or defraud the academic performance verification systems, whether they are a beneficiary of them or a necessary cooperator.
17. Falsifying their own registration or that of a fellow student on the university's technological tools by any means.
18. Falsifying, removing or destroying academic documents or using false documents with the University.
19. Any action that involves discrimination.
20. Any other act, conduct or behaviour described in the preceding paragraphs, which takes place in public or private institutions in which the student is receiving academic training.
21. Any other act, conduct or behaviour in which the student has been involved inside or outside the University, which due to its special seriousness directly damages or diminishes the good image and prestige of the University or of any of its members.
22. The commission of two less serious offences in the period of one academic year, or three in two academic years.
23. Repeatedly ignoring the no smoking ban, having previously been penalised for a less serious offence.

- **Less serious**

1. Resistance, in all its forms, to superior orders or agreements.
2. Failure to comply with regulations on safety or toxic or hazardous waste when participating in training activities, especially those involving the handling of dangerous substances.
3. Vandalising, deteriorating or removing works and assets belonging to the University.

4. Performing humiliating behaviour at the university institution or its members which does not qualify as a very serious offences.
5. Being in a state of intoxication or under the effects of drugs in the University campus.
6. Distributing via the University's electronic networks or by any means, material or statements that are offensive to the image of a member of the university community or the University itself.
7. Collaboration in, concealment or favouring of conducts or acts considered conduct or acts deemed as less serious offences.
8. Repeatedly ignoring the no smoking ban, having previously been penalised for a minor offence.
9. The commission of two minor offences in the period of one academic year, or three in two academic years.

- **Minor**

1. The performance of activities that slightly disturb the normal operation of the University or any of its services.
2. The performance of acts that cause non-serious deterioration of the university's assets.
3. Smoking tobacco on the university campus (outdoor areas or indoors) or in any of the centres or public and private institutions in which the student is receiving training (outdoor areas or indoors).
4. Any other non-serious act, conduct or behaviour described in the preceding paragraphs, which takes place in public or private institutions in which the student is receiving academic training.
5. Any other act, conduct or behaviour in which the student has been involved inside or outside the University, which is not serious and is capable of damaging or diminishing, even indirectly or partially, the good image and prestige of the University or of any of its members.

Types of Penalties

The following penalties will be imposed:

- **For serious offences**

1. Inclusion of the offence committed and the penalty imposed in the student's academic transcript.
2. Suspension of student status for a period of one to three months.
3. The loss of the right to be examined for all or part of the subjects in which they are enrolled, in all the exam calls in the academic year, with the consequent loss of the rights of enrolment.
4. Expulsion from the University.

In the cases in which damages have been caused to the university's assets, in addition, their value or that of the repair shall be reimbursed.

- **For less serious offences**

1. Inclusion of the offence committed and the penalty imposed in the student's academic transcript.
2. Loss of the right to be assessed through the first exam period for one or more subjects.
3. Partial or total loss, whether definitive or temporary, of scholarships or other school protection benefits. This penalty may also be interposed along with those established in this section and the previous one.
4. Suspension of student status for a period of one week to one month. In the cases in which damages have been caused to the university's assets, in addition, their value or that of the repair shall be reimbursed.

The penalties corresponding to less serious offences may be substituted by the application of measures of an educational or recovery nature, with the exception of the stipulations established in the previous paragraph.

- **For minor offences**

1. Unenrolment from one or more subjects.

2. Suspension of student status for a period of less than one week.

3. Private reprimand

Inclusion in the student's academic transcript of the penalty. In the cases in which damages have been caused to the university's assets, in addition, their value or that of the repair shall be reimbursed.

The penalties corresponding to minor offences may be substituted by the application of measures of an educational or recovery nature, with the exception of the stipulations established in the previous paragraph.

Educational or recuperation measures will in all cases involve the cessation of the liability of the student. These measures may consist of: volunteering, sports, cultural activities, assistance to students with disabilities, activities that contribute to sustainable development or other similar activities for the benefit of students and the university community in general.

COMMON PROVISIONS

Art. 1 - Those who induce the commission of an offence will have to face the penalisation indicated for the offence, even if it has not been successfully executed. The same will apply for those who tolerate or conceal the serious or less serious offences of others.

Art. 2.- Aggravating circumstances, other than those already mentioned, will be considered as the prior warning and the failure of the accused to appear before the academic authority or university ombudsman, when required by them, for the purposes of these Regulations. The concurrence of aggravating circumstances will determine the imposition of tougher penalties for the corresponding group or of the lower one of the immediate following group.

Art. 3.- The collective nature of the offences of the students will be declared attending to their circumstances and the number of students enrolled in the teaching course in question or who usually attend its classes.

Art. 4.- With the exception of private reprimands, all penalisations will be recorded in the academic transcripts for all appropriate purposes.

Art. 5.- The deletion of the annotations in the academic transcripts of the students can be requested by the interested parties, once they have completed the credits necessary to obtain their degrees. In the event that the seriousness of the penalty and the circumstances of the committed offence require the annotation to be maintained in the transcripts, the request for deletion may be rejected; and no action will be able to be taken against this agreement.

Art. 6.- Penalties involving expulsion for serious offences will lead to the student being unenrolled and removed from course. Their academic transcript will not be able to be transferred within the academic year in which the penalised offence was committed. The loss of the right to be examined for the less serious offences also involves the prohibition of transferring the student's academic transcript within the same academic year.

Art. 7.- Both breaches that have not been penalised and penalties that have not been executed, shall prescribe:

- Serious offences: after two years
- Less serious offences: after one year
- Minor offences: after six months

OF THE PROCEDURE

Art. 8.- The penalisations for serious and less serious offences will be imposed by virtue of proceedings involving a hearing with the interested party.

Art. 9.- The proceedings may be initiated by any member of the University Community.

Art. 10.- The investigation of the proceedings referred to in these Regulations and the imposition of the penalisations prescribed therein, are independent from those that, due to the same occurrences, may be carried out by the other competent jurisdictions. If the investigation of the proceedings proves that the acts pursued are criminal offences, the University Ombudsman will report to the Courts and the authority that has appointed them, sending the former certification of the documents or proceedings deemed necessary for the opening of the lawsuit.

Art. 11.- In the cases set forth in the previous article, the competent authority for imposing the penalizations established in this Regulation may suspend or delay the investigation of the administrative proceedings until the Courts issue their rulings.

Art. 12.- The authority which decides the investigation of the disciplinary proceedings, from any time following the initiation of the processing thereof, may order, ex officio or proposed by the University Ombudsman, the suspension of the rights attached to the status of student.