

## **Guidelines for disciplinary cases and expulsion from studies.**

These guidelines have been established by the Vice-Chancellor on November 23, 2020.

### **1. General information on disciplinary measures (Chapter 10, § 1 of the Higher Education Ordinance)**

According to Chapter 10, § 1, disciplinary measures may be taken concerning students who:

- Attempt to cheat on examinations or other graded assessments using unauthorized aids or related methods of deceit,
- Disrupt or impede teaching, examinations, or other study efforts within the institution,
- Disrupt the activities related to the library or other special part of the institution, or
- Subject another student or employee to any harassment or sexual harassment referenced in Chapter 1, § 4 of the Discrimination Act (2008:567).

Disciplinary measures may not be taken later than two years after an offence has been committed.

According to Chapter 1, § 4 of the Higher Education Ordinance, a student is someone who is admitted to and carries out higher education studies. A contract education participant is not considered a 'student' in this sense, and is not included in the aforementioned conditions regarding disciplinary measures and expulsion from studies.

Disciplinary cases may concern the disruption of order or operations at the institution. This may, for instance, consist of a student violating the institution's regulations regarding the use of studios and workshops, or its computers, networks, or other equipment. Furthermore, an offence may involve attempts to cheat on examinations by means of plagiarism, unauthorized collaboration, or unauthorized aids. Harassment is considered to be conduct that violates someone else's dignity, and that is related to discrimination based on: sex; transgender identity or expression; ethnicity; religion or other belief; disability; sexual orientation and/or age. Sexual harassment is behaviour of a sexual nature that violates someone else's dignity.

### **2. To report suspicion of a disciplinary offence**

Reporting a suspected disciplinary offence must be done in accordance with 'Reporting a Suspected Disciplinary Offence,' which is an appendix to these guidelines. This also applies to cases where the report concerns a participant of contract education.

### **3. Disciplinary action**

Disciplinary action refers to an official warning, or suspension for a maximum of six months. A suspension may also take the form of restricted access to certain premises of the institution. A warning may be issued by both the Vice-Chancellor and the Disciplinary Committee. Decisions regarding warnings are recorded in the Vice-Chancellor's or the Disciplinary Committee's minutes.

Usually, a warning should be issued for minor offences. Repeated warnings may lead to suspension. Decisions regarding suspension may only be made by the Disciplinary Committee. The suspension shall be applied immediately unless otherwise stated in the decision. The Vice-Chancellor may make decisions on interim suspensions under certain conditions (see section 7, below). The Head of Administration is responsible for implementing the suspension decision. Suspension restricting access to certain premises of the institution, such as libraries or workshops, can be applied, for instance, in the event of disruptive behaviour on the premises in such a situation wherein a warning may be insufficient.

Suspension from learning activities has the following consequences:

- The student may not participate in any classes (including distance-learning), examinations, seminars, or related activities within the context of studies at the Royal Institute of Art.
- The student cannot be graded, examined, or have results registered in Ladok.
- The student's access card is blocked, and the student cannot use the institution's studios or workshops, as well as the technology store and library resources.
- The student is suspended from the Royal Institute of Art's email service.
- The student is not entitled to student aid, but may – however – register for examinations and courses that occur after the period of suspension.

#### 4. Handling of disciplinary cases

(Chapter 10, § 9 of the Higher Education Ordinance)

Well-founded suspicion of such an offence as specified in § 1 shall be reported to the Vice-Chancellor as an urgent matter. The Vice-Chancellor shall open an investigation into the matter, and give the student in question an opportunity to comment on the case. The Vice-Chancellor shall then deliberate (after consulting with a legal representative, if necessary) on whether the circumstances warrant the following:

1. Be left without further action,
2. warrant a warning from the Vice-Chancellor, or
3. be referred on to the Disciplinary Committee for review.

Well-founded suspicion means that a belief is made on objective grounds, i.e. it requires more than just subjective intuition. In the case of uncertainty as to whether or not it is an offence that ought to be reported to the Vice-Chancellor, the Head of Education and Research who handles matters of this type may be contacted for guidance, and in some cases directed by the Vice-Chancellor to further investigate the matter. According to the Higher Education Ordinance, the obligation to report is not limited to any particular category of employee, but applies to anyone and everyone. In order to facilitate the preparation of the report, the teacher or person who suspects an offence should carefully record and document the course of events. If possible, documentation and other materials that support the suspicion – such as photographic evidence – should be gathered. However, the confiscation of unauthorized aids or similar material requires the student's consent. Otherwise, there is a risk of committing an arbitrary offence as defined in Chapter 8, § 8 of the Swedish Penal Code.

The case is investigated and presented by the representative appointed by the Vice-Chancellor, normally the Head of Education and Research. The student in question must be informed of the report and confirm receipt of this information. The student must always be given the opportunity to comment on the report, which may be done in writing within two weeks of receiving notice of the case. The case must be investigated thoroughly. At times, a supplementary statement may be requested from the teacher(s) concerned, or from others who can offer important information regarding the incident under investigation. The student who is reported as a suspect must be made aware of the resources available to them in accordance with the Royal Institute of Art's obligation towards student health and student representation ("*studentombud*").

When the matter has been investigated, the Vice-Chancellor shall decide (after consulting with a legal representative of the Disciplinary Committee, if necessary) on one the following:

- Leave the case without further action,

- issue a warning, or
- submit the case to the Disciplinary Committee for review.

The student in question has the right to appeal through the Disciplinary Committee the Vice-Chancellor's decision to issue a warning. This must be clearly stated in the decision. In the event that the Vice-Chancellor decides to bring the matter to the Disciplinary Committee, the Committee shall give the student in question the opportunity to comment on the matter before the Committee. The student also has the right to attend when others testify before the board, unless there are special reasons for disallowing this. The Disciplinary Committee may call additional persons 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 of time (for a maximum of six months).

## **5. Notification of decision**

Decisions whereupon the matter is deliberated must always be communicated to the student in question, as well as the person who has initiated the report. If the decision has been made by the Disciplinary Committee, the minutes from this meeting must also be sent to the members of the Committee. The decision is announced by the rapporteur of the case, or – if the decision has been made by the Disciplinary Committee – by the Secretary of the Committee. In addition to the above, the following people must be notified, depending on the case's outcome (as listed below):

- If there is a decision to leave the case without further action: Any additional persons/functions that may be affected by the case must be notified.
- If there is a decision to give a warning: Affected supervising professor/teacher responsible for the course and relevant manager, as well as any additional persons/functions that may be affected by the case must be notified.
- If there is a decision to suspend, restricting access to premises, etc.: Affected supervising professor/teacher responsible for the course, relevant manager, facilities and IT manager, CSN, as well as any additional persons/functions that may be affected by the case must be notified.
- If there is a decision to suspend, limiting participation in learning activities: Affected supervising professor/teacher responsible for the course, relevant manager, education administrator, Ladok manager, librarian, facilities and IT manager, CSN, as well as any additional persons/functions that may be affected by the case must be notified.

## **6. The Disciplinary Committee**

A Disciplinary Committee must exist at every Swedish higher education institution. The Disciplinary Committee must consist of the Vice-Chancellor as chairperson, a legal-representative who is or has

been a permanent judge, and a teacher-representative for the institution. Students at the institution have the right to be represented on the board by two members. There shall be a substitute available for the Vice-Chancellor as well as the other members of the Disciplinary Committee. The substitute for the Vice-Chancellor is the Pro-Vice-Chancellor. Substitutes for the other members are appointed in the same order and for the same period as ordinary members. The Vice-Chancellor appoints the legal and teacher representatives for a period of three years. The student union appoints its representatives for one year.

## **7. Interim suspension**

If the case has been submitted to the Disciplinary Committee for review, the Vice-Chancellor may, after consulting with the legal representative, temporarily suspend the student in question with immediate effect from all institutional activities. A decision of interim suspension shall apply until the matter has been reviewed by the Disciplinary Committee, and for a maximum of one month only.

## **8. Examination**

The Disciplinary Committee only reviews the question of whether a student has broken the institution's regulations. The Disciplinary Committee does not take a position on how the student's academic performance should be assessed. The question of whether or not an examination, thesis, or other assessment should be approved or not is decided by the examiner. An examination paper should not be corrected during an ongoing investigation. If a student has been suspended, the examiner decides after the suspension whether or not the student can submit the assignment with an extension, or whether the student should follow the regular schedule of assessment.

## **9. Registration and documentation of the case**

Documents relating to the case are registered in the public domain, and are generally open documents that are held and released upon request. The rapporteur or the Secretary of the Disciplinary Committee is responsible for ensuring that the documents are registered in accordance with applicable regulations and that the case is closed. A warning or suspension does not appear on the course-certificate or diploma.

## **10. Expulsion from studies**

The provisions on expulsion are found in Chapter 1, §§ 6-7 of the Swedish Higher Education Act and in the Ordinance on the expulsion of students from higher education. A student may be expelled from an educational institution if the student:

1. Suffers from a mental disorder, or
2. abuses alcohol or drugs, or
3. has been found guilty of a serious crime.

Further conditions for expulsion may include if, as a result of any of the aforementioned circumstances, there is a clear risk that the student will harm another person or cause substantial damage to property during the course of their studies. Questions about expulsion are examined by a special authority, the Higher Education Expulsions Board (HAN). The board addresses such issues only after written notice from the Vice-Chancellor of the institution concerned, or another person appointed by the Vice-Chancellor. A decision to expel always means that that student shall not

continue their current studies until further notice. As a rule, an expulsion also means that the student shall not be admitted to or continue with other studies of a similar kind at another institution until further notice. A decision to expel may also mean that the student shall not be admitted to or continue with any other higher education until further notice. HAN's decision shall apply with immediate effect, unless HAN decides otherwise. HAN's decision can be appealed by the institution or the student concerned, through a general administrative court. After two years from when the decision of expulsion is communicated, HAN may, at the written request of the student in question, reconsider the decision.

## **11. Participants in contract education**

Participants in contract education are normally the contractor's staff, and the training is carried out under the terms of an agreement between the contractor and the Royal Institute of Art. Participants in contract education are not covered by the Higher Education Ordinance's rules for disciplinary action, and the Royal Institute of Art has no authority to take disciplinary action regarding a participant in contract education.

The Royal Institute of Art may, however, agree with the contractor that the institute can investigate the matter where a participant in contract education is suspected of inappropriate action, such as attempted cheating. In cases where the contractor entrusts the Royal Institute of Art with investigating the matter, it is to be done according to the same procedure as above.

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

- Leave the case without further action, or
- Hand the case over to the contractor.

The Vice-Chancellor appoints the person who notifies the participant in question of the decision. In the event that the matter is handed over to the contractor, the Vice-Chancellor also appoints the person who notifies the contractor of the decision and the circumstances surrounding it. The contractor is then responsible for further handling the case. Documents relating to the case are registered in the public domain, and are generally open documents that are held and released upon request. The rapporteur in the case is responsible for ensuring that the documents are registered in accordance with the applicable regulations, and that the case is closed.

*For further guidance on disciplinary matters, see: Hans-Heinrick Vogel, Förfarandet i disciplinärenden enligt högskoleförordningen – Några förvaltningsrättsliga frågor. 5 (8) Datum 2016-11-30 2.4 Beslut i disciplinärenden (Swedish only).*

[https://www.medarbetarwebben.lu.se/sites/medarbetarwebben.lu.se/files/forfarandet\\_i\\_disciplinarenden\\_enligt\\_hogskoleforordningen.pdf](https://www.medarbetarwebben.lu.se/sites/medarbetarwebben.lu.se/files/forfarandet_i_disciplinarenden_enligt_hogskoleforordningen.pdf)