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Appeals

Instructions concerning the Board of Appeals

Information

§ 1 The Board of Appeals (hereafter “the Board”) of Jönköping University (hereafter “the University”) is responsible for hearing appeals against decisions relating to:

1. the disciplinary measures of warning, exclusion from examinations and exclusion from teaching
2. withdrawal of resources for doctoral candidate studies
3. qualification for admittance to university studies (also applies to special teacher training)
4. students' requests for course or degree certificates (also applies to special teacher training and qualified professional training/professional university training)
5. deferment of studies
6. exemptions from prerequisites for authorisation relating to prior learning
7. course credits (also applies to special teacher training)
8. requests for exemptions from mandatory course elements
9. approved leave from studies

The Board is the University's highest body for review of the above decisions and of decisions against which allegations of discrimination are made in accordance with the provisions contained in Chapter 1, section 4 and Chapter 2, sections 5-8 of the Discrimination Act (2008:567).

- § 2 A decision may always be appealed before the Board if that decision entails discrimination in accordance the provisions contained in Chapter 1, section 4 and Chapter 2, sections 5-8 of the Discrimination Act (2008:567). This also includes decisions on admissions, requests to be allowed to change course/programme and requests to be allowed to change higher education institution.

Observations: The sections cited prescribe a prohibition against discrimination on grounds of sex, cross-gender identity or expression, ethnicity, disability, sexual orientation or age against a student studying at or applying to the University.

The prohibition against discrimination also applies in cases where the University, through reasonable measures concerning access to and usability of premises, is able to ensure that a disabled person who applies for or has been admitted for studies leading to an examination in accordance with the Act (1993:792) on permission to award certain degrees, is in a situation comparable to that of persons with no such disability.

If an applicant has been refused admission to a course of study or is not selected for a test or interview, if such an admission procedure applies, the applicant shall, on request, obtain information in writing from the University on the studies or other merits possessed by the person who was admitted for the course of study or selected for the test or interview.

The University may not take reprisals against a student or applicant because the person in question reported the University for discrimination or cooperated in an investigation on discrimination. The student or doctoral candidate shall ask for a reconsideration of the decision by the college for specialised studies, which shall investigate the case. If the decision is not then reconsidered or is reconsidered in a way which is opposed by the student, the student may appeal the decision before the Jönköping University Appeals Board.

- § 3 When making the decision, the Board must take into consideration the overall interest in the creation and maintenance of long-term uniform established practice relating to decisions within the University.

Observations: In accordance with this rule, the Board is obliged to take previous decisions into account and to create a system which enables the development of uniform established practice. If the Board chooses to deviate from established practice, it must give clear reasons for doing so. In order to

make the Board's decisions more easily accessible and thereby enable the various interest groups to gain insight into the Board's established practice, the Board's minutes, after they have been anonymised, may be made accessible online in an appropriate manner.

Composition of the Board

§ 4 The Board shall consist of the President as Chairperson, one member well versed in legal matters, a further two lawyers, a member with interests based in another university and a representative of Jönköping Student Union.

Observations: The composition to some extent reflects that of the state university appeals board in that the Board's independence from the University is emphasised. The President is on the Board because he is the most senior officer and because the need for a practical link to the University. A member well versed in legal matters must always take part in decisions with reference to legal rights. In order to ensure student participation on the Board, the member appointed by the student union must take part in decisions.

§ 5 The Board shall have a Secretary. The Secretary is the Board's coordinator.

Observations: The Secretary plays an extremely important role in the Board's work since the Secretary is responsible for such matters as minutes, recording decisions and ensuring that it is possible to develop and maintain uniform established practice in the University's decisions.

§ 6 With the exception of the president and the representative of Jönköping Student Union, the members of the Board are appointed for a term of three years by the University board of management.

§ 7 The Secretary shall be employed or commissioned by one of the schools at the University and shall be appointed by the Board.

Observations: This is considered to be partly due to cost and partly due to efficiency.

§ 8 When the President is unable to attend, the President's deputy or another specially appointed deputy shall act as Chairperson of the Board.

There shall be four personal deputies for the other members. The deputies shall be appointed in the same order and for the same term as the members.

Decisions

§ 9 The Board is quorate when at least four members are present, including the Chairperson, the member well versed in legal matters and the student union representative.

Decisions are adopted by a simple majority. In the event of a tie, the Chairperson has a casting vote.

The decision shall state the grounds on which the decision was made.

Members of the Board who were involved in the decision appealed against may not be involved in a discussion or decision relating to the case by the Board of Appeal on the grounds of a challenge.

Observations: The reason for the rule relating to a quorum is that the student's legal rights require a member well versed in legal matters. The representative of the University must be present due to its liability for the decision. The representative of the student union must be present in order to ensure student participation.

The rule stating that the reasons for the decision must be stated is aimed at avoiding arbitrary, or what may be perceived as arbitrary decisions and enabling uniform established practice in the Board's decisions to be created and maintained.

In order to avoid conflict of interests, members representing the Jönköping University Student Union may not sit on both the *Disciplin- och avskiljandenämnden* (DAN) [Disciplinary and Expulsion Committee] and the *Högskolans Överklagandenämnd* (HÖN) [University Appeals Board].

Administration

§ 10 The Secretary of the Board is responsible for carrying out the secretarial work.

Observations: This includes such matters as sending out materials, booking premises and other coordination work.

§ 11 The Board shall ensure that any case referred to it is scrupulously investigated. The case shall be sent to the members of the Board and the student within one week from when the case was referred to the Board for assessment. The Board shall give the student to which the case relates an opportunity to submit a statement in writing at the investigatory stage of the case. The student shall be informed of his or her opportunity to submit a statement in the case to the Board.

The Board shall give the student an opportunity to make a verbal statement to the Board in the case, when such has been specially requested and if such is required in view of the nature of the case. The student also has a right to be present, when

he or she so requests, at any session where the Board is provided with verbal information by another person. Otherwise, the Board shall discuss the matter without the student being present.

Observations: Sending the case to the student means that the case is sent to the address provided by the student in the appeal. This remittance shall state that the student has an opportunity to submit a statement in writing at the investigatory stage and shall also state a time limit for submission of that statement. Furthermore, the student shall be informed in the remittance that he or she may ask to make a statement before the Board in the case, if the nature of the case so requires, and of the time limit for making such a request.

If it is proposed in the investigation that verbal information be obtained from another person in a session of the Board, the student shall be informed of his or her right to ask to be present in accordance with the same procedure as above.

- § 12 Cases referred to the Board shall be resolved by the Board within two months from when the case was received by the Board, unless there is any special reason why this should not be the case.

The Board shall be prepared to meet once every other month unless otherwise required due to the inflow of cases or for any special reason. The Board shall meet once a year in any case.

Meetings shall be called by the Chairperson of the Board. The Chairperson may delegate this task to the Secretary of the Board.

The Chairperson and the member well versed in legal matters may themselves decide whether appeals lodged before the Board fall within the Board's jurisdiction and are to be resolved by the Board.

The Chairperson and the member well versed in legal matters may themselves resolve cases regarding appeals against decisions that an applicant does not fulfil the requirements for authorisation for admittance for university studies and cases regarding appeals against decisions not to grant exemptions from conditions for authorisation. Nevertheless such delegation does not apply to cases involving important questions of principle or which are otherwise of the kind that should be heard by the Board.

The Chairperson and the member well versed in legal matters may themselves decide that a decision appealed against shall not be valid until further notice, if the decision would be immediately executed. In cases in which decisions on disciplinary measures have been cancelled and the Board, in its subsequent

discussion, dismisses the appeal, the Board entrusts the application of the disciplinary measure to the Disciplinary and Expulsion Committee (DAN).

Observations: The prescribed administration period of two months is considered to satisfy both the interest in rapid administration and the requirement for care and prudence. There may be reasons to expedite the procedure in certain cases.

If there are no cases, there is, in general, no reason to meet. The annual meeting is justified due to the need to evaluate the Board's activities.

In most cases it ought to be suitable in practice to delegate the task of calling meetings since the Secretary attends to the Board's other administrative work.

- § 13 Cases are resolved after reports have been presented. Reports are presented by the Secretary of the Board.

Observations: The reports presented shall reflect the case material fairly.

- § 14 Decisions on exclusion and exclusion from examination and cancellation of an appealed decision shall be executed immediately unless otherwise prescribed in the decision.

- § 15 When a decision has been made, the student shall be informed of the decision in writing through the Secretary of the Board and a copy of the decision shall at the same time be sent to the colleges for specialised studies and Högskoleservice i Jönköping AB.

Observations: The rule applies to all decisions made by the Board. Communication with anyone other than the student may take place by e-mail.

- § 16 When a decision on exclusion has been cancelled, notice of the decision shall be sent by the Secretary of the Board to the *Centrala Studiestödsnämnden* [Swedish National Board of Student Financial Aid] and to the bodies or institutions within the University that may be particularly affected by the decision in question.

Observations: This rule applies as a supplement to section 15 in the case of a decision on exclusion.

- § 17 Decisions made by the Board shall be sent by the Secretary of the Board within one week to the parties affected in accordance with sections 15 and 16 above and to the student union.

Other

§ 18 The Secretary is responsible for the minutes of the Board.

The minutes shall report which members and deputies sat on the Board and what cases were dealt with. The minutes shall report votes held in each case and the outcome of those votes, what decisions were made and the reasons for them and any special statements made.

Minutes shall be approved no later than five days after the session in the manner approved by the Board at the session; though any paragraph containing a decision which entails immediate execution of the decision shall be declared as confirmed immediately.

§ 19 The Secretary of the Board is responsible for ensuring that incoming cases and decisions by the Board are processed in such a way that a real possibility exists for the Board to develop lasting established practice.

§ 20 Remuneration is paid to the members of the Board, with the exception of the President and the President's deputy. Remunerations are established after discussions with the parties involved.