



Regulations for

## **The Disciplinary and Expulsion Committee at Jönköping University (DAN)**

### **A. INTRODUCTORY REGULATIONS**

1. These regulations constitute Jönköping University's ('JU') rules for handling disciplinary and expulsion cases. The rules are arranged as follows:
  - A. INTRODUCTORY REGULATIONS
  - B. GENERAL REGULATIONS CONCERNING DAN
  - C. HEARING DISCIPLINARY CASES
  - D. OTHER PROVISIONS
2. The Disciplinary and Expulsion Committee at Jönköping University ('DAN') was established by the Jönköping University Foundation ('the Foundation') in accordance with Section 12 of its statutes. DAN is an independent body common to all entities within JU (the Foundation and its subsidiaries).
3. DAN is responsible for hearing and deciding on disciplinary and expulsion cases ('Disciplinary Cases') pertaining to persons admitted to and pursuing higher education at first, second or third cycle at JU ('Student'). Disciplinary Cases shall be dealt with and decided on in accordance with these regulations and based on the applicable substantive rules – Rules and Regulations for Disciplinary Measures at Jönköping University – and any regulations adopted pursuant thereto. This means, inter alia, that terms and expressions (indicated by a capital letter) that are not specifically defined in these regulations shall have the meaning that follows from the specified regulations.
4. Disciplinary Cases shall in the first instance always and only be heard by DAN. This means DAN has exclusive authority and no other department or body within JU has such authority.
5. DAN's decisions can in certain cases be appealed to the Board of Appeal at Jönköping University ('HJÖN'). The bases for appeal are set out in Section E below.
6. DAN's decisions shall be preceded by a thorough investigation of the relevant circumstances of each individual case. To meet the objective of a high degree of legal certainty and in the interest of establishing long-term and consistent practice regarding Disciplinary Cases, DAN shall take into account previous judgements by DAN and HJÖN within the framework of the applicable substantive rules.

7. Other departments and functions within JU (except HJÖN) are obliged to comply with and, where appropriate, enforce DAN's decisions.
8. Certain conduct, in addition to being subject to Disciplinary Measures, may be subject to criminal liability under the law.

## **B. GENERAL PROVISIONS CONCERNING DAN**

### Structure of DAN

#### *Committee members and how they are appointed*

9. DAN shall consist of the following ordinary members.
  - 9.1 When hearing and deciding on matters that may result in Disciplinary Measures (a Warning, or Suspension), DAN shall consist of:
    - (i) A member learned in the law ('Legally Qualified Member'),
    - (ii) Five members representing the teachers at JU ('Teacher Representatives'), of which one from Jönköping University Enterprise AB ('JUE') and one from the faculty of each school,
    - (iii) Two members representing Jönköping's Student Union ('Student Representatives').
  - 9.2 When hearing cases of Expulsion, DAN shall appoint one member with relevant medical or psychiatric expertise in addition to the members referred to in Clause 9.1 above ('Temporary Member').
- 10 The Legally Qualified Member is appointed by the Foundation (Foundation Governing Board) for a term of three (3) years. The Legally Qualified Member shall act as Chairperson of DAN. (The Legally Qualified Member is hereafter also referred to as the 'Chairperson').
- 11 The Teacher Representatives are appointed by the Foundation (President) for a term of two (2) years on the recommendation of each of the respective faculties of the schools and JUE. The terms of office should, if possible, be arranged so that no more than two teacher representatives are appointed in the same period to ensure the skills and experience acquired by the committee are maintained.
- 12 Student Representatives are appointed by the Foundation (President) for a term of one (1) year on the recommendation of Jönköping's Student Union.
- 13 A Temporary Member is appointed by DAN when necessary and for an individual case.

#### *Deputies*

- 14 The Legally Qualified Member and each Teacher Representative shall have a personal deputy who shall take the place of the member should they be temporarily prevented from participating in the work of DAN.

- 15 The Student Representatives shall have two shared deputies, with one of the deputies taking the place of a Student Representative should the member be temporarily prevented from participating in the work of DAN.
- 16 Deputies shall be appointed in the same manner and for the same period of time as the ordinary members.
- 17 If a member or deputy resigns or no longer meets the qualifications for the position, the Foundation (President) shall appoint a new member or deputy for the remainder of the term according to the process described above.
- 18 If necessary, DAN has the right, in consultation with the Foundation (President), to call upon experts to assist DAN in the hearing of an individual case. Experts appointed in such a way may participate in the hearing of a case in the manner and to the extent decided by DAN, but may not take part in voting on a decision.

#### Secretariat

- 19 DAN shall have a secretariat consisting of at least one (1) secretary. Administrative officers may also be included in the secretariat. The secretary shall be appointed by the Foundation (President).
- 20 Secretaries shall be employed by or work on behalf of JU.
- 21 The secretariat is responsible for registering and handling cases, mailings and summons as well as coordination tasks on behalf of the Chairperson. The secretariat is also responsible for ensuring that DAN's decisions (and, where appropriate, those of JHÖN) are handled in such a way as to provide a real opportunity for DAN to develop and implement a consistent practice.
- 22 DAN's secretary is responsible for ensuring that Disciplinary Cases are fairly and thoroughly investigated before a decision is made. One of DAN's secretaries shall be DAN's rapporteur and responsible for keeping minutes of proceedings.

#### Decisions

##### *Quorum*

- 23 Except as provided in Clause 24 below, a quorum shall consist of:
- (i) When deciding on a case that may result in a Disciplinary Measure (a Warning or Suspension), at least three (3) members are required to participate in the decision, one of which is the Chair, one Student Representative and the Teacher Representative of the faculty of the school/JUE in which the Student to whom the Disciplinary Case relates is enrolled.
  - (ii) In addition to what is stated in Clause 23 (i), the participation of a Temporary Member is required when deciding on a case that may lead to Expulsion.

- 24 Where these rules allow a decision to be taken by the Chairperson alone or by the Chairperson and one other member, this shall count as a quorum in such a matter.

#### *Decisions*

- 25 Decisions are taken after a vote and by a simple majority. In the event of a tie, the Chairperson has the casting vote.
- 26 The reasoning on which a decision is based shall be stated.
- 27 A decision must be accompanied by a follow-up appeal instruction stating whether the decision can be appealed and, if so, how and within what time frame the appeal must be lodged.
- 28 Where appropriate, references shall be made to previous decisions by DAN or HJÖN on the same or similar issues to achieve the objective of Clause 6 above.
- 29 Members have the right to express a dissenting opinion and to have a dissenting opinion recorded in the minutes.

### **C. HEARING OF DISCIPLINARY CASES**

#### Normal hearing

##### *Case preparation, preliminary investigation and referral to DAN*

- 30 Well-founded suspicion of a disciplinary misdemeanour shall be promptly reported to DAN ('Disciplinary Report'). Anyone who has a well-founded suspicion of misdemeanour or wrongdoing at JU is obliged to report such a suspicion.
- 31 When a Disciplinary Report is received, it shall be registered immediately, whereby a Disciplinary Case shall be opened, a case number assigned and a brief description of the allegation to which the case refers. This process is the responsibility of DAN's secretary, but the enactment may be delegated to the Registrar at JU.
- 32 One of DAN's secretaries shall immediately initiate a preliminary investigation into the case, whereby the Student to whom the Disciplinary Case relates shall be given access to the Disciplinary Report and have the opportunity to comment on it orally or in writing. If necessary, additional information may be requested from the person who submitted the Disciplinary Report or from the relevant unit/function within JU. The preliminary investigation shall be carried out without delay and completed within ten working days, unless special circumstances justify a longer period. The secretary in charge of the preliminary investigation is also responsible for documenting in writing all information obtained during the preliminary investigation.

- 33 Cases of harassment or sexual harassment shall be investigated by a discrimination officer. The secretariat shall obtain the discrimination officer's report and decision on the case from the dean of the activity concerned. If the case has not been investigated by a discrimination officer, the case shall be adjourned and referred to a discrimination officer. The Secretariat shall await a decision on the discrimination investigation from the dean of the activity concerned before further hearing of the case.
- 34 When the preliminary investigation is completed, one of the secretaries shall present the case to the Chairperson. On the basis of the report, the Chairperson shall examine DAN's competence and decide whether the circumstances are such that the Disciplinary Case should:
- (i) be dismissed without further action, or
  - (ii) be referred to DAN to be tried.

A decision at this stage may not be appealed.

- 35 Following a decision to refer a Disciplinary Case to DAN in accordance with Clause 34 (ii) above, all documents relating to the case shall be forwarded by the secretary to DAN's members and, where applicable, their deputies.
- 36 In connection with the decision to refer a Disciplinary Case to DAN, the Chairperson shall also make a preliminary assessment of whether the case may warrant Expulsion. A special review of this matter may then take place at any time during DAN's proceedings and shall, where appropriate, lead to the appointment of a Temporary Member.

#### *Further investigation*

- 37 Cases referred to DAN must be investigated thoroughly and fairly. The purpose of a further investigation is to give both parties – the person who submitted the Disciplinary Report or the relevant unit/function within JU as well as the Student to whom the Disciplinary Case relates – the opportunity to respond to the case and give evidence. Investigations shall be conducted under the direction of one of the secretaries, in consultation with the Chairperson if necessary. The secretary has no investigative role of their own but guides the process by asking questions and requesting additional information and ensures that the investigative process is fair and sufficient for a decision. The following are the stages of a further investigation.
- 37.1 The Student to whom the Disciplinary Case relates shall be given the opportunity to make a written or oral statement.
- 37.2 If necessary, additional information shall be obtained from third parties with information relevant to the Disciplinary Case. The Chairperson may decide that such information may be provided orally during the course of further investigation or at a meeting of DAN. In this instance, the Student to whom the Disciplinary Case relates shall be given the opportunity to attend. Such a decision may not be appealed.
- 37.3 The Student to whom the Disciplinary Case relates shall be informed of their right to attend and to make an oral statement at the meeting of DAN.

- 38 All decisions during the investigation shall be taken in writing. All documents and information provided to the case during the course of the investigation shall be provided to DAN's members and, where applicable, their deputies. The Student to whom the Disciplinary Case relates has the right to study any decisions made and any new information supplied to the case.

#### *Decision stage*

- 39 Once an investigation is completed, the case must be decided. Cases referred to DAN are normally decided at a meeting attended in person by its members and, where applicable, their deputies. The Student to whom the Disciplinary Case relates shall be summoned to attend. If applicable, DAN may summon third parties deemed to have information relevant to the case to attend. One of the secretaries shall serve as rapporteur at DAN's meetings.
- 40 DAN may decide on a Disciplinary Case even if the Student to whom the case relates or another person summoned in accordance with Clause 39 above is not present.

#### General about the hearing

- 41 DAN shall normally hold a meeting in person once a month, unless the inflow of cases or special circumstances require otherwise. The Chairperson shall convene the meeting, but may delegate this task to one of DAN's secretaries.
- 42 Cases referred to DAN shall be dealt with promptly and, unless special circumstances require otherwise, must be decided within two months of the case being referred to DAN.
- 43 If necessary, the secretariat shall arrange for documents relating to the case to be translated into English. If deemed appropriate, the Chairperson may decide that a meeting or part thereof shall be held in English or that an interpreter shall be used during the investigation or at a meeting of DAN.

#### Provisional Suspension

- 44 If a case is referred to DAN, the Chairperson may, after consulting with a further member, suspend the Student to whom the Disciplinary Case relates from JU activities on a provisional basis with immediate effect ('Provisional Suspension').
- 45 A decision regarding Provisional Suspension shall remain effective until the case has had a final hearing by DAN, however not for a period in excess of one month. A decision on Provisional Suspension may not be appealed separately.

#### Minutes

- 46 The Chairperson is responsible for keeping minutes of DAN's meetings. One of the secretaries shall serve as rapporteur.
- 47 The minutes shall, for each case, provide a record of the names of the members and, where applicable, deputies in attendance, the decisions taken and reasons for them, the votes taken and their outcomes and, where applicable, dissenting opinions and certain comments to them.

- 48 In the event of a decision to invoke Disciplinary Measures, the minutes must set out the extent of the measure taken, including the reasoning, and, where applicable, whether the measure relates to Suspension from specific premises within JU.
- 49 The minutes shall be confirmed by the Chairperson. Decisions that are to be put into immediate effect shall be considered to have been immediately confirmed.

#### Notification of decisions

- 50 All DAN's decisions must be documented in writing. Original documents shall be registered and archived in accordance with the applicable rules. DAN's secretary is responsible for the prompt notification of decisions and submitting copies of the decision according to the following.
- 50.1 All decisions in the case must be communicated to the Student to whom the Disciplinary Case relates.
- 50.2 A decision to dismiss a Disciplinary Case without further action, as per Clause 34 (i) above, shall be communicated to the person who submitted the Disciplinary Report.
- 50.3 A decision to give a Warning shall be communicated to the faculty of each of JU's schools, JUE, University Services and Jönköping's Student Union.
- 50.4 A decision on Suspension shall be communicated to the faculty of each of JU's schools, JUE, University Services, Jönköping's Student Union, the Swedish Board of Student Finance and any units and functions within JU specifically affected by the decision.
- 50.5 A decision on Expulsion shall be sent to the faculty of each of JU's schools, JUE, University Services, Jönköping Student Union, the Swedish Board of Student Finance, any units and functions within JU specifically affected by the decision and the Higher Education Expulsions Board (HAN).

#### Enforcement

- 51 A decision to give a Warning shall become enforceable once the period for appeal has expired.
- 52 A decision on Suspension shall be immediately enforceable, unless otherwise stated in the decision.
- 53 A decision on Expulsion shall be immediately enforceable, unless otherwise stated in the decision.

**E. OTHER**Appeals

54 Decisions by DAN to invoke Disciplinary Measures (Warnings and Suspensions) against a Student and Decisions on Expulsion may be appealed by the Student who is the subject of the Disciplinary Measure or has been dismissed. Appeals must be made to HJÖN. DAN's decisions cannot be appealed otherwise.

55 Appeals must be made in writing within three weeks of the date of the decision. Appeals shall be addressed to HJÖN but shall be submitted to DAN through the Registrar at JU. The appeal, together with all documents in DAN's case, shall be submitted to HJÖN.

Disqualification

56 JU's rules on disqualification – *Rules on Disqualification at Jönköping University* – shall apply to DAN's members and their deputies, DAN's secretaries and co-opted experts.

Remuneration

57 Legally Qualified Member, deputy for a Legally Qualified Member, Temporary Member and, where applicable, co-opted expertise shall be entitled to remuneration. The President is responsible for deciding on the terms for and amounts of such remuneration.

58 Any translation or interpreting costs must be approved by the Chief Financial Officer of the Foundation.

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