

December 13, 2018

The following is a translation of Student Disciplinary Code. Much effort was made to adhere to the original text and its spirit.

However, in case of an inadvertent discrepancy between the original (Hebrew) version and this translated version, the Hebrew version will be considered to be binding.

STUDENT DISCIPLINARY CODE (10.12.2013)

1 Definitions:

In this disciplinary code, the following terms shall have the following definitions:

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|----------|---------------------------------|---|
| A | The University | Bar-Ilan University, including an entity or institution under its control or under its auspices. |
| B | Teacher | A person who performs teaching, training or research on behalf of the university. |
| C | Employee | Any person employed by the University or in its service who is not a teacher. |
| D | Student | <p>Any person who has registered for studies at the University and has been accepted as a student, from the time of registration and as long as he/she is enrolled as a student, including during vacations from studies.</p> <p>A person who applied for admission as a student and whose application was rejected, from the moment of registration until receipt of the rejection notice.</p> <p>A person who has completed their studies but has not yet received a diploma.</p> <p>A person who was a student at the university or who applied to the university shall continue to be subject to the disciplinary authority of the University's Disciplinary Authorities even after they have completed or terminated their studies or after their candidacy has been rejected, in respect of acts they carried out while a student or candidate for admission to the university.</p> <p>A person who studies in preparatory courses for new immigrants and/or any other preparatory program conducted by the University and/or under its academic supervision.</p> <p>To remove doubt, it is clarified that a research student, including a post-doctoral student, is also a "Student" as defined by this section.</p> |
| E | Disciplinary Authorities | The Disciplinary Committee and the Appeals Committee. |

2 Definitions:

A **Disciplinary Committee and Appeals Committee**

- (1) **Disciplinary Committee:** A committee established by the University Senate. The number of members of the committee, not including members by virtue of their position, shall be six, and shall include at least one member having a legal education.
The Dean of Students is a member of the committee by virtue of his position. A representative of the Student Union, notice of whose election will be forwarded to the Academic Secretary by the Chair of the Student Union, shall participate as an observer in the Committee without voting rights.²
- (2) **Appeals Committee:** A committee established by the University Senate whose members are not members of the Disciplinary Committee. The number of members of the Appeals Committee, not including members by virtue of their position, shall be six, and shall include at least one member having a legal education. A representative of the Student Union, who is not a member of Disciplinary Committee, shall be a member of the committee by virtue of his position.²
- (3) The chairs of the aforesaid committees and their deputies are appointed by the Senate.

B **The authority of the Deputy Chair of the Disciplinary Committee and Deputy Chair of the Appeals Committee**

In the absence of the Chair, all the authorities vested in the Chair of the Disciplinary Committee and in the Chair of the Appeals Committee are vested in their deputies.

C **Legal quorum**

The Chair of the Disciplinary Committee is authorized to deal alone with a disciplinary offense under section 4 E (3) below, and to decide on the disqualification of an examination, provided that the Defendant does not deny having committed the offense and does not deny any guilt in relation to it. In all other cases, the legal quorum for meetings of the Disciplinary Committee and the meetings of the Appeals Committee is three members that have voting rights.²

D **Casting vote in case of a tie**

In the case of a tie in the number of votes for and against a decision, the Chair of the Disciplinary Committee and the Chair of the Appeals Committee shall have the casting vote.

E **Continuity of powers**

If the term of office of the members of the Disciplinary Committee or the members of the Appeals Committee has expired, they are authorized to continue and complete the hearing on any matter pending before them and to commence discussion of new matters until other members have been appointed to replace them.

3 **Disciplinary rules**

Students are required to observe the behavior and discipline worthy of students of a religious university and follow the instructions specified in the University's various codes, procedures and publications.

4 Disciplinary offenses

Violation of disciplinary rules shall be considered a disciplinary offense if committed inside or outside the University, as specified below:

- A Conduct that harms the dignity of the institution or offends public morality.
- B Failure to comply with the instructions of the university authorities, teachers or employees, issued by them in the context of their duties.
- C Providing false information to the University, its teachers or employees, committing a fraudulent act or knowingly concealing information in order to obtain rights in the University or in the context of University studies.
- D Giving false testimony to the disciplinary authorities or failing to appear before the disciplinary authorities.
- E
 - (1) Cheating on an examination, homework, seminar paper, final paper, doctorate or any other assignment given to the student in the context of their studies by means of copying, consulting with a fellow student during an examination, falsification or in any other way. Cheating on exams and/or papers is equivalent to deception, lying and even stealing money.²
 - (2) Breach of provisions relating to the aforementioned tasks, including violation of provisions regarding conduct during examination, including possession of prohibited material.
 - (3) Possession of various electronic devices (e.g. mobile phone, beeper, MP3, iPad, etc.) by the examinee during an examination.²
- F Violation of this Code, provisions or agreements relating to the use of university facilities, including libraries, computers, computer communications, classrooms, auditoriums, laboratories, dormitories, clubs, offices, open spaces, sports facilities and parking lots.
- G Failure to comply with instructions and procedures for driving and parking on the campus as published by the University Security Department, and noncompliance with the instructions of the security officer or inspectors.
- H Interference with teaching, research or any other university work, as well as interference with any other activity authorized by the university institutions.
- I Deliberate or negligent damage to University property or other property used for its purposes, including the removal or tearing out of pages from books belonging to the various University libraries and/or located in the various University departments. Reckless behavior or violation of safety rules in a laboratory or other facilities.
- J Conduct that violates the dignity, body or property of the University's teachers, employees or students, whether due to or in the context of their status as teachers, employees or students, or on the premises of the University.
- K Behavior unbecoming a university student that does not fall within the aforementioned offenses.
- L Sexual harassment or abuse, as defined in the Prevention of Sexual Harassment Law and in the Prevention of Sexual Harassment Regulations, are serious disciplinary offenses and will be subject to the provisions of the Prevention of Sexual Harassment Regulations.

5 Disciplinary and criminal proceedings

- A The authority to hold disciplinary proceedings under this code shall not be prejudiced by the possibility of holding criminal proceedings in court against the Student Defendant, or by the holdings of such proceedings, or by any judgment handed down in such proceedings.
- B Should the Chair of the Disciplinary Committee be of the view that a complaint raises a concern that a criminal offense as defined by Section 268 of the Penal Code, 5737-1977 may have been committed, s/he shall instruct the Academic Secretary to notify the Attorney General or the Attorney General's representative. The Disciplinary Authorities shall not initiate proceedings against the Student Defendant until such notice is sent.

6 Retention of powers

The authority of the Disciplinary Authorities to hear and adjudicate disciplinary offenses does not prejudice the authority of a teacher or employee to issue instructions or take measures that lie within the scope of their authority to prevent interference by a student with the proper course of study, examinations or any other activity at the university.

7 Penalties

A student found guilty of a disciplinary offense shall be subject to one or more of the penalties listed below:

- A A warning, reprimand or severe reprimand, which shall be recorded in the student's personal file at the University.
- B Revocation of a tuition discount, study award or scholarship, or revocation of the right to receive them for a period to be determined by the Committee.
- C Denial of access to or use of University facilities, including laboratories, libraries, computers, computer communications, student dormitories, sports facilities and parking lots for a predetermined period.
- D Disqualification of an examination that the student took, as well as disqualification of a homework assignment, seminar paper, doctoral thesis, final paper or any other assignment given to the student in the context of their studies. The disqualification of an examination or paper as noted here is equivalent to a failing grade with a score of 0 (zero).
- E A prohibition on taking examinations at a certain date or at certain dates.
- F Non-recognition of participation in a course or courses.
- G Delay in the granting of a certificate or of authorization attesting to the student's studies or completion of studies for a period to be determined.
- H A monetary fine to be paid to the university in an amount that does not exceed half of full tuition for a full-time student in that academic year.
- I Addition of courses beyond the number required to earn a particular degree or certificate.
- J Retroactive disqualification of recognition of the studies of a semester, year or more and the retroactive disqualification of a certificate or authorization already granted.
- K Expulsion from the university for a predetermined period or permanently.

- L Disqualification of rights or achievements related to studies, including the right to receive a certificate or authorization attesting to these studies.
- M The Disciplinary Committee may instruct, in addition to any other penalty or penalties imposed upon the student, that the conviction and penalty be recorded in the grade transcript that the University issues to the Student Defendant. If the Disciplinary Committee does not decide to do so, the conviction or punishment shall not be recorded in the student's grade transcript.
- N The penalty for the offense of removing or tearing out pages from a book belonging to the University is expulsion from the University, unless the committee decides on one or more of the other penalties specified in this section.
- O The penalty for a disciplinary offense under section 4 E (3) is disqualification of the course,⁴ unless the committee decides on one or more of the other penalties specified in this section.²
- P The Disciplinary Committee may rule to suspend all or part of the aforesaid penalties.
- Q The Committee may determine a penalty not included in the above list based on the circumstances.

8 Compensation

If a student is found guilty of a disciplinary offense, and if the act of the offense caused material damage to the university, the Disciplinary Committee may require the student, in addition to any penalty imposed on the student or in lieu of such penalty, to reimburse the university with monetary compensation in an amount that does not exceed the cost of the damage caused by the offense.

9 Enforcement

Should a fine or compensation that has been imposed on the Defendant not be paid, it shall be deemed a debt on the part of the Defendant to the University for all intents and purposes and all the rules and regulations enforced in the University in respect of the payment of tuition fees shall be applied.

10 Representation⁵

- A A student is entitled to be represented by an attorney in the disciplinary proceeding in cases in which:
 - (1) The student is significantly limited in their ability to represent him- herself.
 - (2) The student faces the possibility of severe consequences of the disciplinary process.
 - (3) The University is represented in the disciplinary proceedings by an attorney.
 - (4) The relevant Disciplinary Authority believes – either as a result of a request by the student or on its own initiative – that in the circumstances of the case, it is appropriate to allow the student to be represented.
- B A decision by the Disciplinary Committee on the subject of representation by an attorney may be appealed only in exceptional circumstances and subject to permission to appeal given by the Disciplinary Committee. A request for permission to appeal as noted shall be submitted and decided promptly.

- C If a student has been allowed to be represented by an attorney, the relevant Disciplinary Authority may prescribe various procedural provisions for the manner in which the proceedings will be conducted, including the imposition of restrictions on the duration, number and length of the meetings, as well as a deadline for completion of the proceeding in order to prevent the proceeding from being unnecessarily protracted. It is clarified that this provision does not derogate from the natural authority of the Disciplinary Authority to provide procedural instructions in regard to any proceeding.

11 Indictment and hearing procedures

- A A complaint regarding a disciplinary offense shall be submitted in writing to the Academic Secretariat.
- B
 - (1) The Chair of the Disciplinary Committee shall examine the complaint and may accordingly decide to make inquiries and supplement evidence, transfer the complaint to a disciplinary hearing or shelve it. Should the Chairman of the Disciplinary Committee decide to shelve the complaint, the Academic Secretariat shall notify the relevant parties.²
 - (2) If the Chair of the Disciplinary Committee believes that what is involved is a disciplinary offense under Section 4 E (3) and that the appropriate punishment for this offense is only the disqualification of the course⁴, the Chair may rule on the complaint alone without convening the Committee, but only after sending the Defendant a detailed indictment, and after the Student Defendant has been given the opportunity to respond to the complaint in writing, within two weeks, and only if the Defendant has not denied committing the offense pursuant to section 4 E (3) and has not denied guilt in relation to it. However, if the Defendant denies having committed the offense pursuant to section 4 E (3) or pleads not guilty in the response form sent together with the indictment, the hearing will be referred to the Disciplinary Committee.²
- C If it is decided to hear the complaint, the Academic Secretariat will send the Defendant a written summons to the disciplinary hearing along with the detailed indictment.²
- D The Defendant will be given the opportunity to respond to the indictment up to a reasonable time before the date of the hearing. This response shall be deemed evidence before the Committee, and in it, the Defendant shall indicate whether s/he wishes to appear before the Committee. In his/her response, the Defendant may request to present evidence and/or testimony before the committee. The response form will be attached to the indictment.²
- E
 - (1) If the Defendant attends the hearing, the presentation of the evidence and taking of testimonies shall be done in their presence.²
 - (2) If the Defendant does not attend the hearing at the appointed time, the Chair of the committee may hold the hearing in their absence, provided reasonable action was taken to enable the Defendant to receive notice of the date of the hearing, whether in writing or otherwise.
 - (3) The Chair of the Disciplinary Committee may order the removal of the Defendant from the proceedings, after having been cautioned, if s/he interferes with the hearing, and hold the hearing in his/her absence.
- F If the hearing is not held in the Defendant's presence, in accordance with subsection E above, the Student Defendant may submit a request to the Chair of the committee to cancel the decision within seven (7) days from the date they received notice of the decision, and the Chair of the committee may hold a new discussion on the decision.

- G The Committee may convict the Defendant of an offense other than the one s/he was charged with, if additional guilt on the part of the Defendant comes to light as a result of the proven facts, and if the Defendant had a reasonable opportunity to defend him-herself against it.
- H (1) The judgment shall be sent by the Academic Secretariat to the Defendant, and all the concerned parties shall be informed of the verdict.²
(2) The Committee may decide to publish the verdict handed down by it with or without mentioning the Defendant's name, following approval from the Rector.³
- I At the request of the Defendant, the Chair of the Disciplinary Committee may delay execution of the sentence. If the Chair decides not to delay execution of the sentence, the student may appeal that decision to the Chair of the Appeals Committee and request a stay of the sentence for a period that will be determined.²

12 Appeal

A The right of appeal

Any judgment of the Disciplinary Committee may be appealed before the Appeals Committee.²

B Date to file an appeal

An appeal of the judgment of the Disciplinary Committee shall be filed no later than two weeks from the date of written notice of the judgment.²

C Reasoned notice

The Appellant shall submit their appeal to the Academic Secretariat in writing in a reasoned notice.

D The proceedings

- (1) The provisions relating to the proceedings before a Disciplinary Committee, including provisions regarding the judgment, shall apply, mutatis mutandis, to the hearing of the Appeals Committee.
- (2) The Appeals Committee is also authorized to increase the Defendant's sentence.

13 A repeat hearing

The Chair of the Appeals Committee may order a repeat hearing before a Disciplinary Committee should new evidence come to light.

14 Interim decision²

- A After a complaint has been filed and after the Student Defendant has been given an opportunity, in accordance with the circumstances of the case, to present their arguments, the Chair of the Disciplinary Committee may make informed interim decisions, such as postponing the checking of a test, prohibiting the taking a test, suspension of studies, prohibiting use of university facilities, etc. The decision shall be sent to the Student Defendant and to all the relevant parties.
- B Should the Student Defendant ask to postpone the date set for the hearing regarding the complaint against them and the Chair of the Disciplinary Committee accedes to the request for postponement, the Chair of the disciplinary committee may extend the period of the interim decision until a ruling has been handed down on the complaint.²

- C Should an interim decision be handed down without the Student Defendant's arguments having been heard, the Student Defendant will be entitled to submit a reasoned request in writing to the Chair of the Disciplinary Committee for a reconsideration of the decision. This request shall be submitted in writing and the hearing on this subject shall be held no later than within one week from the date of the request.²
- D Interim decisions may be appealed to the Chair of the Appeals Committee.²

15 General provisions

A Duty to appear to testify

All teachers, employees and students must accept the invitation to appear as a witness in hearings before the University's Disciplinary Authorities and provide truthful testimony. Failure to comply with this provision is a disciplinary offense.

B Execution of judgments

- (1) All university authorities, teachers and employees must carry out the judgments and decisions of the Disciplinary Committee and Appeals Committee in letter and spirit and assist in the complete execution of their judgments and decisions.
- (2) The Academic Secretariat is responsible for the execution of judgments and decisions and for ensuring their full enforcement.
- (3) Deliberately, directly or indirectly causing the failure to enforce a disciplinary decision on the part of a student, teacher or employee is a disciplinary offense.

C Auxiliary procedures

The Disciplinary Committee and Appeals Committee will determine auxiliary procedures for the proper management of the disciplinary process.²

16 Rules of procedure in the colleges

The same procedures as in the University shall apply to all of the entities under the academic auspices of the University, with the exception of the following differences:

- A The Senate shall appoint local Disciplinary Committees. The number of committee members will be 3-4.
- B The Chair and one of the members of the Committee shall represent a quorum for the purpose of a legal hearing.
- C The committee is authorized to adjudicate disciplinary offenses on the part of students in the academic field.
- D A complaint regarding a disciplinary offense shall be submitted to the Academic Head of the College, who shall serve as Chair of the Disciplinary Committee for Students.¹
- E Appeals of judgments by local Disciplinary Committees will be heard before local Appeals Committees, whose Chair will be the President of the College.¹
- F The College is required to report on all cases discussed by the Disciplinary Committee and the Appeals Committee at the end of each academic year.¹

1 Approved by the Senate at a meeting held on 23 June 2009. The amendment goes into force from 1 October 2009 and will apply to the following colleges: Ashkelon, Kinneret, Safed and Western Galilee (not to the Haredi colleges).

2 Approved by the Senate at a meeting held on 12 January 2010.
This meeting also revoked the following previous section:
12 (A) (2)
Furthermore, Article 7 is now Article 13.

3 Approved by the Senate, at a meeting held on 8 June 2010.

4 Approved by the Senate at a meeting held on 31 January 2012.

5 A new Section 10 was approved at the meeting held on 10 December 2013.