Regulations for disciplinary proceedings against students

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Article 1 Subject matter and scope

1. These Regulations, in implementation of the provisions of article 41, paragraph 2, of the University Teaching Regulations in force, govern the disciplinary procedure and the sanctions applicable to students of the University of Parma, hereinafter the University, in accordance with article 16 of Royal Decree 1071 of 20 June 1935, taking into account the competencies attributed to the departments by Law 240 of 31 December 2010 and the current University Statute.

2. For the purposes of these Regulations, students are understood to be all those enrolled in degree courses or other courses of study and training at the University.

3. Students are also considered to be those enrolled in other Universities, even if foreign, who are in any case admitted to attend courses of study or to benefit from other didactic activities, including profit exams, even if they attend the University for a limited period of time.

Art. 2 Offence and disciplinary action

1. University students, by enrolling, become part of the academic community, acquiring a status that gives them specific rights and obligations of conduct, defined by the University regulations as a whole.

2. Any behaviour committed in violation of the national and university regulations in force, of the Didactic Regulations, of the Code of Ethics and of the Code of Conduct for the protection of the dignity of workers, students and students of the University and of the regulations of the University or of the Departments, as well as of any behavioural rule dictated by the University provided that it is communicated in written, institutional, clear and immediately identifiable form by the students, constitutes a disciplinary offence.

3. Disciplinary jurisdiction over students is exercised for acts and/or behaviour pertaining to the quality of university student/student carried out even outside university premises, premises and spaces, including digital communication platforms, when such acts violate the regulations referred to in the previous paragraph, without prejudice to any further sanctions provided for by law.

In particular, by way of example, unlawful conduct is configured and punishable when it causes:

- serious offence to the image of the University or to the dignity of students, lecturers, technical-administrative staff or any other person, also through discriminatory attitudes referring to ethnicity, religion, gender, disability, sexual or political orientation;
- damage to movable or immovable property of which the University is the owner, possessor or holder for any reason;
- prejudice to university activities, to the orderly and civil coexistence and, more generally, to the regular course of university life;
- tampering with documentation, including electronic or digital documentation, regarding one's own or others' university career;
- use of unauthorised instruments and/or reproduction of other people's work during profit tests, whether the test (intermediate or final) is carried out electronically or in person. The interruption of profit tests due to the malfunctioning of electronic equipment during the tests does not constitute a disciplinary offence;
- interference in the allocation or recognition of pecuniary or non-pecuniary advantages by means of false declarations;
- Unauthorized occupation of university buildings, spaces and premises.

4. The imposition of a disciplinary sanction does not preclude the University from taking civil or criminal action.

5. If criminal proceedings are pending for the facts that are the subject of the disciplinary proceedings, these proceedings shall not be automatically suspended.

6. Collective demonstrations and any other form of student protest do not constitute a disciplinary offence, as long as they take place in compliance with the rules of public order, with the rights of those who do not take part and without harming persons or property, in accordance with articles 17 and 18 of the Constitution.

Art. 3 Persons exercising disciplinary action

1. The Rector, the Department Director, the Academic Senate and the Department Council, respectively, exercise disciplinary power over students and enforce disciplinary measures in accordance with current law and in accordance with these regulations.

2. The Director of the Department to which the course of study attended by the student is attached will proceed with a minor disciplinary offence, which may lead to a warning.

3. If the minor disciplinary offence, which may lead to a reprimand, has been committed by more than one student attending Courses of Study belonging to different Departments, the Rector will proceed.
4. In the case of an offense that requires the imposition of the sanction referred to in art. 4, paragraph 1, letter b) and c), after a report of the Director of the Department to which the course attended by the student is related, the Council of the Department itself will proceed.

5. In the case of an offence involving the imposition of the sanction referred to in Article 4, paragraph 1, letter c), but with suspension for more than one examination session, and in Article 4, paragraph 1, letter d), the Academic Senate shall proceed, following a report by the Rector, or his delegate.

6. It is also the responsibility of the Academic Senate to apply the sanction of temporary disqualification from one or more teaching courses, laboratories, internships, etc. and suspension from one or more profit examinations for one of the sessions when they have taken part in the facts:
   - several students attending courses of study belonging to different departments;
   - a student who has already received a disciplinary sanction for similar behaviour.

Art. 4 Disciplinary sanctions

1. Without prejudice to the consequences in both civil and criminal law, pursuant to the aforementioned Article 16 of Royal Decree Law no. 1071 of 20 June 1935, the University may impose the following sanctions:
   a) admonition, which consists of a verbal reprimand, of which a written record must remain;
   b) temporary ban from attending one or more teaching courses or from training or internship activities carried out in laboratories or other University facilities, which consists of not allowing (banning) attendance of a teaching course, training activity, internship or laboratory;
   c) suspension from one or more proficiency exams for one or more of the exam sessions, which consists in the impossibility for the student/s to register/take an exam for one or more of the same session, including suspension from the final exam, or for more than one session;
   d) temporary exclusion from the University, with consequent loss of exam sessions, for a period not exceeding three academic years, which consists in the inability to carry out any activity that is inherent to the quality of student/student, namely: the loss, not only of the possibility of attending a teaching course and training activities, internships, laboratories, but also of the possibility of taking exams for more than one session.

2. The sanctions referred to in the previous paragraph are cumulative and run from the date of adoption of the measure, unless the measure itself postpones their application.
3. The application of disciplinary measures must meet criteria of proportionality, reasonableness and fairness, taking into account the nature of the violation and the factual circumstances, as well as any previous disciplinary record of the person concerned. The sanction must be aimed at preventing any repetition of facts of the same nature.

Art. 5 Reporting offences

1. Any faculty member who becomes aware of any conduct that may be subject to disciplinary proceedings must report it to the Rector. The Rector, after assessing the seriousness of the conduct and in compliance with the criteria set forth in these regulations, will promptly, and no later than 10 working days after the report, identify the competent body to proceed.

2. Knowledge of the facts may also be acquired directly by the body responsible for disciplinary action, which will act autonomously, informing the Rector at the same time.

3. The University is required to take all measures to protect the personal data of the complainant and all those involved, in accordance with the Regulations on the processing, communication and dissemination by the University itself of personal data, including sensitive and judicial data, pursuant to EU Regulation 679/2016.

4. Reports of conduct liable to lead to disciplinary proceedings may be made by anyone, provided they are made in writing; reports made anonymously will only be taken into consideration if they are reliable, detailed and accompanied by evidence of the truthfulness of the facts reported.

5. If the facts that are the subject of the disciplinary procedure may constitute an offence, a report shall be made to the competent judicial authority, in accordance with the provisions of Article 361 of the Criminal Code.

Art. 6 Disciplinary Committee

1. The Disciplinary Commission is an internal body of the Academic Senate or of the Department that operates in the name and on behalf of the Body. It is nominated by the Academic Senate or by the Department Council, on the proposal, respectively, of the Rector or the Director of the Department; the mandate of the members of the Commission coincides with the mandate of the designating body. The Commission performs investigative functions and, in respect of the contradictory, proposes to the competent Body the sanction applicable to the student.
student. A written report must be drawn up of every preliminary activity carried out by the Commission.

2. The Disciplinary Committee of the Department is composed of the Director of the Department, or his delegate, to which the course attended by the student is related, two professors of the Department, one of whom acts as Secretary and two student representatives of the Department Council. The Director, if he deems it necessary, can identify a teacher or a technical-administrative staff member belonging to the Department to support the Commission.

3. The Disciplinary Committee appointed by the Academic Senate is composed of the Rector, or his delegate, a Department Director and a member of the student representation in the Academic Senate. The Rector, if he deems it necessary, may identify an additional lecturer or a unit of technical-administrative personnel to support the Commission.

4. The appointment of the Commission shall also include the identification of two alternate members, who shall replace the full members in case of impediment.

5. If the student subjected to disciplinary proceedings is bound by a relationship of marriage, cohabitation, kinship or affinity up to the fourth degree with a member of the Commission, or there are other serious reasons of convenience, the member of the Commission must declare his incompatibility and be replaced. The fact that the student representative belongs to the same course of study to which the student under examination belongs cannot constitute a reason for incompatibility.

6. The competent Body will notify the student/student of the charge. The Commission carries out the preliminary investigations, guaranteeing the right to be heard.

7. At the end of the work, the Commission proposes, with a motivated act, the archiving or the sanction to the competent Body, the proposal will be examined in the first useful session.

Art. 7 Contestation and time limits for cross-examination

1. Disciplinary action is exercised according to the principles of due process, i.e. after written notification of the charge, respecting the principle of timeliness of the notification and the rights of defence of the student.

2. The notification is the act with which the disciplinary procedure is initiated. It is sent to the interested party by the competent Body, identified according to the previous art. 3, within the ordinary term of 30 days from the knowledge of the fact by the Body itself.
3. The objection must be sent by registered letter with acknowledgement of receipt to the address of the student, declared at the time of registration, or to the PEC address, if known.

4. The challenge must contain:
   - the most precise and circumstantial description possible of the facts charged to the student/student, with an indication of the clues for which the Body believes to act;
   - information that the student may submit written statements or, if he/she so requests, may be heard in person, with the proviso that, in the case of an adversarial hearing, the student may be assisted by a lawyer mandated by the student;
   - Please note that if, due to the student's inability to attend for serious reasons, the date of the hearing has to be postponed by more than ten days, the deadline for the closure of the proceedings will also be postponed by the same number of days;
   - an indication that, in the course of the proceedings, the student may have full access to all documents concerning him/her;

5. In setting the time limit for the submission of written statements or for an adversarial hearing, account shall be taken of a period of notice of at least 10 days from the receipt of the request.

Art. 8 Conclusion of the procedure and imposition of the sanction

1. At the end of the preliminary investigation phase, after evaluating the student's defence, the competent body will issue a reasoned decision to dismiss the case or determine the applicable sanction.
2. The procedure must be concluded within the peremptory term of 120 days from the knowledge of the fact by the Body itself.
3. The deadline for completion may be suspended in the event of:
   - postponement of more than ten days of the deadline for the defence, due to serious impediment of the student, and in this case, the deadline for the conclusion of the procedure is extended accordingly;
   - compulsory closure of university facilities, in conjunction with particular holidays, or exceptional events, and in such cases, the suspension of the deadline for concluding the procedure may be ordered for the duration of the closure period;
- proven need to acquire additional elements to ensure an effective and efficient preliminary investigation, for a maximum of 30 additional days.

4. The dismissal or sanction is enforced, respectively, by Decree of the Rector or the Director of the Department. The Decree imposing the sanction is transmitted to the competent offices for registration in the student's career.

5. The archiving or sanctioning measure is communicated to the student/student by registered letter with return receipt to the student/student's address, declared at the time of enrolment, or to the PEC address, if known. The communication will inform the student/student of the deadline to appeal the sanction to the Academic Senate.

6. All disciplinary sanctions are recorded in the student's university career record and are consequently transcribed on the dismissal form. The application of the sanction of temporary exclusion from the University is also communicated to all accredited university institutions in the Italian university system.

7. In accordance with paragraph 9, art. 16 of RDL n. 1071/1935, the disciplinary sanctions imposed by the University are fully applied in the university institution to which the student moves or asks to be enrolled.

Art. 9 Appeals against disciplinary measures.

1. The student may submit a complaint to the Academic Senate against the disciplinary measure imposed by the Rector, the Department Director or the Department Council, respectively, within 30 days of receiving notice of the measure. The Complaint to the Academic Senate must be proposed with a request to the Rector, President of the Body.

2. The Academic Senate will evaluate the grievance within the peremptory deadline of 60 days of submission.

3. By means of a complaint, the student may assert any ground of fact or law that has already been dealt with or which has been neglected or even omitted to be dealt with by the Disciplinary Committee.

4. The sanction imposed by the Academic Senate and any failure to uphold the complaint may be challenged before the Regional Administrative Court within the terms provided by law (60 days pursuant to C.P.A. legislative decree no. 104 of 2 July 2010).
Article 10 Final provisions

These regulations, in accordance with the provisions of art. 39, paragraph 7, of the University Statute, are deliberated by the Board of Directors, after consultation with the Academic Senate and the Student Council, are issued by the Rector and enter into force the day after their publication on the University's website.