



## **DISCIPLINARY RULES AND PROCEDURES**

**CUNEF Universidad**

*Approved 8 June 2021*

**Article 1**      ***Purpose***

1. This document contains the disciplinary rules and procedures that apply to CUNEF University students. These rules and procedures will be interpreted under the constitutional rights relevant to criminal proceedings.
2. Disciplinary rules and procedures for Faculty and Administrative Staff are contained in the corresponding regulations, based on their relationship with the institution.

**Article 2**      ***Fundamental principles of disciplinary procedures***

1. CUNEF University's disciplinary procedures adhere to the principles of legality, typicity, proportionality and guilt.
2. Disciplinary procedures will always be handled by a series of preestablished bodies.

**Article 3**      ***Timeframes***

1. Timeframes for disciplinary procedures will always be expressed in working days according to CUNEF University's academic calendar and, therefore, holidays, weekends and bank-holidays will be excluded. Nevertheless, student allegations received electronically on a non-working day, but within the established period, will have full effect.
2. If the disciplinary sanction imposed is suspension, the period will be calculated in natural days. However, if the suspension period exceeds the academic term in which it was imposed, it will be interrupted and resumed on the first day of the following term.
3. If the disciplinary sanction imposed is suspension, and the sanction becomes final after the end of the academic term, the suspension period will start on the first day of the following term.

**Article 4**      ***Relevant bodies***

1. The bodies involved in disciplinary procedures are the following:
  - a. The Provost of CUNEF Universidad
  - b. CUNEF Universidad Academic Office
  - c. A designated case examiner, who may be assisted by a secretary
  - d. CUNEF University's Academic Conduct Evaluation Committee
2. The Academic Office is in charge of receiving student misconduct reports and complaints and informing the Provost to request the initiation of a disciplinary procedure and the designation of a case examiner. The reasons for requesting the procedure must be detailed in the request, as well as any prior information that could be relevant to the case and, in case of prior misconduct, the

sanctions that were imposed. The Academic Office will be the administrative office in charge of processing the file, issuing the notifications and summons required by the case examiner and keeping a record of any actions that are taken.

3. The case examiner must be a member of CUNEF Universidad Faculty and be a PhD holder, and may not be the student's professor during the calendar or academic year when the misconduct takes place or the sanction is imposed. The same conditions apply to the designated secretary.
4. The Academic Conduct Evaluation Committee is in charge of deciding what measures to adopt in disciplinary procedures. It is made up of CUNEF Universidad Deans, School Directors and Department Directors.
5. The Provost, or the Vice-Provost if she chooses to delegate, is the one-person body in charge of initiating the procedure following the request from the Academic Office and resolving appeals against the decisions of the Academic Conduct Evaluation Committee.

#### **Article 5**      ***Legitimacy***

1. CUNEF Universidad student misconduct can be legitimately reported by any of the following:
  - a. Students
  - b. Administrative and service staff
  - c. Faculty and research staff
  - d. Anyone who is aware of a case of student misconduct
2. The following are subject to CUNEF University's Disciplinary Rules and Procedures:
  - a. Undergraduate and Graduate students, regardless of the programme they are pursuing, including foreign students
  - b. Students taking part in any of CUNEF University's mobility programmes

#### **Article 6**      ***Professor Authority***

1. Professors have full authority to take any measures necessary to ensure the correct functioning of the class.
2. To exercise this authority, professors can:
  - a. Ban the use of computers, phones or other telematic devices inside the classroom.
  - b. Impose student seating order.

- c. Ask unruly or disobedient students to leave the classroom.
  - d. Make any other decisions that they consider necessary to maintain order, as long as they are suitable and proportionate to the situation.
- 3. The aforementioned measures are compatible with any sanctions imposed on students as a result of their behaviour.
- 4. Any students who are expelled from a class must visit the Academic Office to get the corresponding expulsion report, which they must show to the professor to be allowed to attend the following session.

#### **Article 7**      ***Reporting misconduct***

If a professor detects repeated cases of individual or collective misconduct involving one or more specific students, they must report this to the Academic Office so they can take the necessary measures.

#### **Article 8**      ***Legal classification of misconduct***

- 1. Cases of misconduct in violation of these rules and procedures are classified as minor, serious and very serious.
- 2. Cases of minor misconduct expire in three months, cases of serious misconduct expire in six months, and cases of very serious misconduct expire in twelve months.
- 3. The period of expiration starts upon commission of the offence and is discontinued once the disciplinary procedure is initiated.
- 4. A decision regarding possible disciplinary actions must be made in a maximum period of one month since the initiation of the disciplinary procedure, unless the procedure is suspended based on a substantiated decision by the case examiner.

#### **Article 9**      ***Offences regarded as misconduct***

- 1. The following offences are considered cases of minor misconduct:
  - a. Using mobile phones in class, unless the professor authorises their use for academic purposes.
  - b. Using computers, tablets, digital watches and similar devices in class, unless the professor authorises their use for academic purposes.
  - c. Talking to other students in class.
  - d. Interrupting professor or classmates without a justified reason.

- e.** Interfering with the class with any kind of impertinent behaviour or comment.
- f.** Showing a lack of consideration towards classmates, faculty or staff, whether orally, in writing or non-verbally.
- g.** Behaving or speaking rudely within CUNEF Universidad facilities.
- h.** Smoking outside the designated areas.
- i.** Consuming food or beverages (other than water) in class, unless it is justified by a duly accredited medical treatment or for health reasons.
- j.** A minor breach of any duty or obligation imposed on the student by the Academic Regulations or any alternative or equivalent regulations.

**2.** The following offences are considered cases of serious misconduct:

- a.** Repeating a minor offence within the same academic or calendar year. If no sanctions were applied after the first offence, and it has not expired, it will be accumulated to the second for a joint disciplinary procedure.
- b.** Knowingly disobeying the professor when ordered to stop disrupting the class.
- c.** Repeatedly interrupting one or several classes with inappropriate comments, gestures or behaviours.
- d.** Simply being in possession of midterm or final exams or any type of unauthorised materials with information regarding the course. If the student actually uses said materials, it will be considered an aggravating factor for sanctioning purposes.
- e.** Showing blatant disrespect towards classmates, faculty or staff, whether orally, in writing or non-verbally.
- f.** Occasionally harassing classmates, faculty or staff.
- g.** Behaving or speaking in a blatantly rude manner within CUNEF Universidad facilities.
- h.** Forging a student's signature on an attendance sheet or any other academic documents requested by professors.
- i.** Presenting formally or materially false documents to justify absences.
- j.** Behaving, outside University facilities, in a way that can seriously damage the reputation and public image of CUNEF Universidad.
- k.** Recording the voice or image of classmates, faculty or staff without their consent.

- I. A serious breach of any duty or obligation imposed on the student by the Academic Regulations or any alternative or equivalent regulations.

selection processes for mobility programmes or to carry out external internships, without such exclusion being considered a sanction.

- d. When an offence against classmates, faculty or staff takes place outside CUNEF University facilities but is related to academic, teaching or administrative activities involving CUNEF University.
5. In the cases described in the previous section, student misconduct will be sanctioned even if the affected party is not a member of CUNEF Universidad.

#### **Article 9**      ***Sanctions***

1. The sanctions prescribed for minor misconduct are:
  - a. A warning, provided that the minor nature of the offence and the specific circumstances of the case justify it.
  - b. Student suspension for a maximum period of fifteen days.
2. Serious misconduct will be sanctioned with suspension for a period ranging from sixteen days to six months. Depending on the circumstances of the case, the case examiner may propose barring the student from taking the exam for the course in question in the first sitting after a final decision regarding the disciplinary sanction has been reached.
3. Very serious misconduct will be sanctioned with suspension for a period ranging from six months and one day to twelve months or with permanent expulsion. Depending on the circumstances of the case, and if the duration of the sanction allows for it, the case examiner may propose barring the student from taking the exam for the course in question in the first sitting after a final decision regarding the disciplinary sanction has been reached.
4. Students who have been sanctioned for serious or very serious misconduct will not be eligible for representative roles or allowed to participate in collegiate bodies during the rest of their stay at CUNEF University. Once a final decision regarding the disciplinary sanction is reached, students will be required to resign from any representative roles they may hold or leave any collegiate bodies they may be a part of.

#### **Article 10**      ***Effects of expulsion***

1. During the suspension period, the student will not be allowed to access CUNEF Universidad Campus, or participate in any theoretical or practical academic activities organised by the faculty or the university.
2. Notwithstanding, students can request permission from the Academic Conduct Evaluation Committee to participate in certain of the above mentioned activities, justifying their request on the irreparable damage it would cause them to miss them.

3. As a rule, the sanctions applied will be in the less severe range for each type of misconduct, unless there are aggravating circumstances or the very serious nature of the offence requires stricter sanctions. This will be duly substantiated in the notification of the sanction. If there are extenuating circumstances, the relevant body may reduce the prescribed sanction at their discretion.
4. Any suspensions of five days or less for minor misconduct can be replaced for community service, provided that the student requests it and that CUNEF Universidad has agreements in place with NGOs that offer social services. Students will be allowed to choose the partner NGO they wish to work with. The community service rendered by the student must be proportional, in hours and content, to the sanction originally imposed.

#### **Article 11**      *Aggravating and extenuating circumstances*

1. For the purposes of section 3, article 10, the following circumstances are considered aggravating:
  - a. Students persist in their behaviour or show an aggressive attitude once they have been warned to cease their misconduct.
  - b. The offence takes place in public, provided that being public is not inherent to the description of the misconduct.
  - c. The offence is discriminating, provided that discrimination on the grounds of race, ethnicity, religion, gender, ideology or any other personal characteristic is not inherent to the description of the misconduct.
2. For the purposes of section 3, article 10, the following circumstances are considered extenuating:
  - a. Students confess their misconduct before the initiation of the disciplinary procedure.
  - b. Students show genuine remorse, acknowledge their guilt and apologise to the affected parties.
  - c. Students have duly accredited pathologies or disorders that can explain their behaviour.
3. When extenuating circumstances are especially strong, the relevant body in charge of the disciplinary procedure may choose to exonerate the student. In these cases, affected parties must be duly informed that the case has been filed.

#### **Article 12**      *Disciplinary procedure*

1. CUNEF Universidad Academic Office, upon reception of a student misconduct report or complaint, may request that the person reporting the offence provide further information or evidence. If the offence is possession or use of unauthorised materials in an exam, the professor who reports it must provide the confiscated materials. If it is not possible to confiscate the materials in question, the professor must take a photograph, provided that the privacy or dignity of the student are not violated. Otherwise, they must supply a written record stating that it was impossible to take the photograph and describing the exact content of the unauthorized material and its relationship to

the content of the exam. If one or more other professors witnessed the event, all of them must be identified in the complaint.

2. Once the Academic Office considers that all the necessary information has been collected, they will inform the Provost of CUNEF Universidad to request the initiation of a disciplinary procedure and the designation of a case examiner.
3. Upon reception of this request, the Provost will sign the initiation agreement for the disciplinary procedure.
4. The initiation agreement must include a description of the acts involved in the misconduct in question, provided by the Academic Office, provisional legal classification of said acts and a detailed description of the applicable sanctions.
5. The case examiner will be designated in the initiation agreement, and the students accused of misconduct will be notified. They will have five working days to submit their allegations and any evidence they deem relevant.
6. During that same period, the case examiner may request any form of evidence that he or she deems appropriate and designate a secretary for the case.
7. The person reporting the misconduct will also be notified of the initiation agreement and given the same period to present any additional allegations they consider necessary.
8. If the students accused of misconduct do not submit allegations within the established period, it will be taken as tacit acceptance of the accusations and of the provisional legal classification.
9. The case examiner will accept any form of evidence submitted by the student accused of misconduct, provided that it is useful and relevant, does not breach basic rights and is legal. The case examiner's decision regarding the admission of evidence will be considered substantiated and will not be subject to appeal, without affecting the student's right to submit this evidence again should they appeal to the Provost of CUNEF Universidad.
10. The case examiner will decide the time and day for witness testimonies accepted as evidence. The students accused of misconduct will be allowed to participate in these proceedings, asking any questions that the case examiner allows. Students can be assisted by a lawyer.
11. If students accused of misconduct are required to declare, the case examiner will previously inform them of the accusations against them and their right to remain silent, to refuse to testify against themselves and to answer only the questions they wish to.
12. All testimonies must be signed by the case examiner, the secretary (if any) and the declarant. If the declarant refuses to sign, the secretary or, in their absence, the case examiner, will record this refusal on file for later evaluation.

13. Once the evidence stage is over, the case examiner will issue a proposal for a final decision describing the circumstances of the case, the facts that can be considered proven, their legal classification and the specific sanction determined for the misconduct, considering extenuating and aggravating factors.
14. The case examiner will notify the student of this proposal. The student accused of misconduct will have five working days to submit allegations; however, if the student failed to submit allegations against the initiation agreement in the period established in section 5 of this same article, any allegations against the proposal for a final decision will only affect the duration of the sanction.
15. Once the period for allegations is over, and regardless of whether the student submits allegations or not, the case examiner will submit their proposal to the Academic Conduct Evaluation Committee so they can make a final decision and close the disciplinary procedure.
16. If the student explicitly agrees to the terms of the case examiner's proposal, the decision will be considered final, regardless of the fact that the Academic Conduct Evaluation Committee will be in charge of issuing the agreement including the decision. The sanction shall become effective on the same day that the Academic Office is informed of the student's agreement to the proposal for a final decision.
17. The Academic Conduct Evaluation Committee may decide to apply a classification or sanction that is equivalent to or less serious than the one proposed by the case examiner, without having to hold a hearing with the student or remand the proceedings to the case examiner, provided that their decision is based on the facts that the case examiner considers proven.
18. The Academic Conduct Evaluation Committee cannot decide to apply a classification or sanction that is more serious than the one proposed by the case examiner.
19. Final decisions and sanctions for cases of serious and very serious misconduct may be appealed. Appeals should be sent to the Provost of CUNEF Universidad within five working days, after which the disciplinary procedure will be considered closed, putting an end to the administrative route.
20. Final decisions and sanctions for cases of minor misconduct may not be appealed and automatically put an end to the administrative route.

**Article 13**      ***Period and suspension of disciplinary procedures***

1. Disciplinary procedures must be processed within a month after the student accused of misconduct is notified of the initiation agreement.
2. Regardless of the above, the case examiner can request suspension of the procedure in the following cases:
  - a. To collect witness testimonies accepted as evidence.

- b. At the request of the student accused of misconduct, provided that the reason is their right of defence.
  - c. In case of force majeure.
  - d. If the offence falls under the jurisdiction of criminal law.
  - e. For any reason that, in the eyes of the case examiner, obstructs the proceedings, such as exceptionally complex circumstances or multiple accused or affected parties.
- 3. The decision to suspend de the disciplinary procedure must be substantiated, and the start and end dates for the suspension period must be specified. The suspension period cannot exceed thirty working days.

**Article 14**      ***Precautionary measures***

- 1. Precautionary measures may be applied to the student accused of misconduct when the offence is considered serious or very serious.
- 2. The case examiner will have the authority to impose precautionary measures.
- 3. Precautionary measures can be imposed by the case examiner on their own initiative or at the request of CUNEF Universidad Academic Office.
- 4. Precautionary measures will only be imposed when there is objective evidence that the student accused of misconduct is guilty of the offence in question.
- 5. Precautionary measures must adhere to the principles of proportionality, necessity, suitability and least burden.
- 6. The following precautionary measures can be imposed on the student:
  - a. Banning from CUNEF Universidad facilities, unless authorised by the professor to sit for exams or participate in case studies or other academic activities.
  - b. Banning from a specific course.
  - c. Suspension from participation in any kind of external activity related to CUNEF Universidad.
  - d. Any other measure that the case examiner considers suitable given the nature, seriousness and circumstances of the offence.
- 7. Precautionary measures will remain in place until the disciplinary procedure is closed unless the case examiner, on his or her own initiative or at the request of the student accused of misconduct, decides that the circumstances that led to said measures have changed.

8. Precautionary measures can be imposed at any time during the disciplinary procedure, but preferably when the initiation agreement is notified .
9. The case examiner may impose precautionary measures without the need for a hearing with the student accused of misconduct if the seriousness of the offence and the purpose of the precautionary measures justify it. Upon notification of the precautionary measures, students will have three days to object to them in writing, submitting any evidence they deem relevant. The case examiner will make a final decision according to section 9, article 12 of these regulations.
10. If the case examiner imposes precautionary measures following a hearing with the student accused of misconduct, he or she will make a substantiated decision, notifying students so they can submit the allegations or evidence they deem relevant in a maximum period of three days. After that period, the case examiner's decision will be final.
11. Appeals against precautionary measures can only be made before the case examiner and for a maximum period of three days.
12. The number of days students spend banned from CUNEF Universidad facilities will count as served in terms of the final sanction. When students are banned from a specific course, every two days of banning or suspension will count as one day served in terms of the final sanction.

**Article 15**      ***Term of sanctions***

The term of each sanction is the same as the term of the corresponding misconduct, based on how serious it is, and it starts counting once the sanction is final.

**Article 16**      ***Access to the proceedings***

Access to disciplinary proceedings will be restricted to the relevant bodies and the parties involved, with the sole exception of parties acting under legitimate interest. Regardless of this, the sanction imposed will be made as public as required to be fully effective. All personal data included in the file will be protected according to the corresponding regulations.

**Article 17**      ***Communication to the Public Prosecutor's Office***

If the misconduct leading to the disciplinary procedure could constitute a criminal offence, the Provost of CUNEF Universidad, of her own initiative or at the request of the case examiner, will inform the Public Prosecutor's Office.