



## **Regulations governing the application of disciplinary sanctions to students at the University of Siena**

### **Art. 1 - Subject matter and scope**

1. These Regulations govern the sanctions which may be applied to students at the University of Siena who are found to have committed disciplinary offences.
2. For the purposes of these Regulations, students are all those enrolled in study programmes and other courses organized by the university.
3. For the purposes of these Regulations, those enrolled at other universities, even foreign ones, who have permission to attend the courses referred to in the preceding paragraph or to take part in other educational activities, including exams, are also considered students.

### **Art. 2 - Disciplinary offence**

1. A disciplinary offence is any intentional or negligent act that:
  - a) causes damage to property owned or held by the University of Siena;
  - b) damages the image of the University or is offensive to the dignity of students, teaching staff, technical-administrative personnel or to any other authorized persons on University premises;
  - c) is discriminatory with reference to ethnic group, religion, gender and sexual or political orientation;
  - d) aims to alter, modify or falsify acts (or produces this effect) pertaining to his/her or others' academic records, exams booklet, exam or traineeship reports, awarding of university credits or any other act concerning said academic records, including false statements for the purpose of receiving pecuniary or non-pecuniary benefits;
  - e) is detrimental to the orderly and civilized conduct of university life;
  - f) violates the University's Code of Ethics;
  - g) hinders in any way the investigation of disciplinary offences.
2. Any behaviour, even outside the university premises, which for its methods and purposes, damages the honour and decorum of the University, teaching staff, personnel or other students is also considered a disciplinary offence.
3. Taking part in collective manifestations or in any other form of protest is not considered a disciplinary offence, as long as it is done with respect for the rights of those who do not participate and without prejudice to persons and objects, in accordance with articles 17 and 18 of the Constitution.

### **Art. 3 - Disciplinary sanctions**

1. In the case of a disciplinary offence pursuant to art. 2, the following sanctions may apply:
  - a) verbal warning;
  - b) temporary barring from one or more course modules, including traineeship;
  - c) barring from one or more exams - for one or more dates/sessions - or barring from the final exam for one or more graduation sessions;
  - d) temporary suspension from the University, and therefore barring from exams, for a period not exceeding three years.
2. Identification of the applicable sanction must be made taking into account: the seriousness of the offence and of consequences, any previous disciplinary proceedings, the sanction's congruence with previous sanctions applied for similar offences committed at the University, the possible admission of guilt and the student's amendment after the fact.
3. The imposition of disciplinary sanctions does not preclude any penal or civil actions to protect the University's image.
4. Any pending criminal proceeding for the facts object of the disciplinary proceeding does not automatically result in the suspension of the latter proceeding.

### **Art. 4 - Notice of disciplinary offence**

1. Anyone who has knowledge of circumstances that may constitute a disciplinary offence, pursuant to art. 2 of these Regulations, shall promptly notify the Rector in writing and not anonymously. The University shall adopt all necessary measures to protect the privacy of the notifier.
2. The Rector, within thirty (30) days of receiving notice of the disciplinary offence mentioned in par. 1, through the appropriate University offices, shall start, in the shortest possible time and, in any case, not later than twenty (20) days from the notice, the disciplinary proceeding and transmit the documentation to the Disciplinary Committee.
3. Should the notice mentioned in par. 1 report criminal behaviour, the Rector shall immediately notify the appropriate judicial authorities.

### **Art. 5 - Disciplinary committee**

1. For the purpose of applying sanctions pursuant to art. 3, par. 1, the Rector nominates a Disciplinary Committee comprising three tenured professors (of whom one acts as Chairman), one official nominated by the Head of Student Services (who acts as Secretary and takes the minutes), and a student selected by the Student Council. The Committee has a three year mandate, and its members shall remain in office for one term only.
2. The Students' Council also appoints a student who, in case the student originally appointed loses the student's status, will act as a substitute and replace the originally appointed student as a member of the Commission, thus allowing for the continuity of work.
2. The Rector may assign other members to the Committee mentioned in the paragraph 1.

3. In performing its duties, the Committee may acquire documents, hear witnesses, seek the opinion of experts chosen by the same committee, and undertake any other activities it seems necessary; it can also undertake preliminary investigations requested by the teacher who issued the warning and the student who is a party in the procedure, if it seems them useful and pertinent to the case in question. To this end, it can also request advice from personnel in Student Services and the Law and Advocacy Division.

4. A specific memorandum must be made of each procedure, signed by all members of the Committee and by each participant.

5. The Committee which, during preliminary investigation, finds facts that may constitute criminal offence, shall inform the Rector, who will deliver the acts to the judicial authority.

6. The Committee must start its work in the shortest possible time after receiving the documents from the Rector and conclude it within (60) days. At the end of the preliminary investigation, the Committee shall deliver the acts to the Rector, along with a written report providing a reconstruction of events and an account of investigations carried out and findings, and the recommended dismissal of the case or disciplinary sanction pursuant to art. 3.

7. The members of the Committee, and anyone who learns of the facts and acts relating to the disciplinary proceeding, must maintain the strictest confidentiality. Except in cases in which the participation of all members is necessary, communications of the Commission with the offices and official University bodies, with its teachers and any other subject external to the procedure are reserved to the President or, for technical and administrative matters, to the Secretary.

#### **Art. 6 - Rights of students undergoing a disciplinary proceeding**

1. The Rector shall send the student by registered mail with return receipt or Certified e-mail, a notice of initiation of the proceeding, which shall clearly and precisely indicate the allegation.

2. The notice shall indicate the date on which the student must present for a hearing before the Disciplinary Committee, and informs him/her of his/her right to:

a) appear before the Rector to be further heard with regard to the allegations, requesting an audience after the audience at the Commission and before the Academic Senate makes a decision;

b) view the activities completed up until that time;

c) be assisted by a trusted person;

d) submit, at any stage of the proceeding, statements of defence and any exculpatory documents and indicate any evidence to be collected;

e) view and copy the acts in his/her file.

3. At least ten (10) days must pass between the student's receipt of the notice and the hearing.

#### **Art. 7 – Dispensation of disciplinary sanctions**

1. The following may dispense disciplinary sanctions:

- the Rector, for sanctions pursuant to art. 3, par. 1, letter a) of these Regulations;
- the Academic Senate, for sanctions pursuant to art. 3, par. 1, letters b), c) and d) of these Regulations.

2. The Rector, with reference to the sanctions set out in art. 3, par. 1, and while awaiting the dispensation of the definitive sanction, applies to the student precautionary measures of the academic career block, in order to avoid and prevent the repetition of similar events.
3. Should the Disciplinary Committee, set out in art. 5 of these Regulations, suggest that the case be dismissed, the student under cautionary measures may, as far as possible, make up the exam sessions or the final exam session he/she was rightfully scheduled to sit.
4. Should the Committee suggest that the case be dismissed, the Rector shall provide for this within (10) days. Should the Committee suggest that a verbal warning be issued, the Rector shall adopt the provision within ten (10) days. In the case of a different sanction, the Rector shall deliver the acts, along with the report drawn up by the Committee, to the Academic Senate, the body responsible for deciding on the dispensation of sanctions. The Academic Senate shall decide on the application of the proposed sanction by majority vote of its members. The Academic Senate must complete the proceeding within thirty (30) days of receiving the proposal from the Disciplinary Committee.
5. The Rector shall issue a decree to impose the disciplinary sanctions. The student will be notified of these provisions, which shall always indicate the reasons for the disciplinary sanctions, through registered mail with return receipt or Certified e-mail, to other offices as well as structures which are internal and external to the University interested in the student's career. In the same way, notice is given of the block of the career referred to in paragraph 2. In any case, every procedure will be immediately communicated to the Department in which the student is enrolled, to its Director, so that s/he may inform the relevant teachers.
6. Should the Committee's preliminary investigation indicate that a verbal warning pursuant to art. 3, par. 1, letter a) of these Regulations is required, the Rector shall deliver it verbally. The minutes of the verbal warning shall be drafted.
7. Should the disciplinary sanction be dispensed by the Academic Senate, the minutes are drafted. To protect the privacy of the interested party, except for communications referred to in paragraph 5, only the heading and provisions will be published, omitting the student's name.
8. Having ascertained a disciplinary offence pursuant to article 2, par. 1, letter c) of these Regulations, the Rector shall issue a decree annulling, as a protective measure, the altered, modified or counterfeited administrative acts or provisions, and those depending on the same.
9. All Italian universities are notified of a temporary suspension from the University for longer than twelve months.
10. Pursuant to art. 16, par. 8 of Royal Legislative Decree no. 1071/1935, all disciplinary sanctions are reported in the student's academic record.
11. The sanctions dispensed to students temporarily hosted at the University of Siena shall be communicated to their University of origin.

#### **Art. 8 – Grievances and transitional and final provisions**

1. Complaints against the dispensation of disciplinary sanctions may be lodged with the Rector within sixty (60) days of notification. The Rector shall forward the complaint to the Academic Senate, which makes a decision within thirty (30) days, in accordance with the procedures set out in these Regulations. This without prejudice to the possibility of taking legal action in a court against the disciplinary proceeding under the present Regulations.

2. The effective date of the established terms in the present Regulations is suspended in the period between August 1<sup>st</sup> and August 31<sup>st</sup> and in the period between December 15<sup>th</sup> and January 10<sup>th</sup> every year.
3. For all matters not expressly provided for in these Regulations, reference is made to the applicable provisions in force.
4. The present Regulations enter into force fifteen days after publication of the Rectoral decree on the University of Siena online noticeboard.