

DISCIPLINARY REGULATIONS – STUDENTS

Last amended: July 2020

Clarification – These Regulations are formulated in the masculine gender for the sake of convenience only, but they apply to all genders.

CHAPTER 1: DEFINITIONS

Interpretation

1. In these Regulations, the terms below will be defined as follows:

“The University”	The Hebrew University of Jerusalem, including a body or institution under its control or supervision, or affiliated to it for the purpose of teaching or research.
“Dean”	Dean of the Faculty or Dean of Students.
“Dean of the Faculty”	Dean of the Faculty, Dean of a School, Director of a School that is not part of a Faculty, or Deputy Dean or Director of an academic unit who has been authorized by the Dean of the Faculty or the Dean of the School to deal with disciplinary matters; this applies to the Faculty, School or pre-academic center to which the complainees belongs.
“Teacher”	Any person fulfilling a teaching, tutoring or research position on behalf of the University.
“Complainees”	A student against whom a complaint has been submitted.
“Disciplinary Offense”	Any of the offenses specified in these Regulations, including attempt, solicitation or abetting the commission of offenses as aforesaid.
“Worker”	A person employed by the University or in its service and who is not a teacher.
“Student”	Each of the following: <ol style="list-style-type: none">1. A person who registered to study at the University and has been accepted as a student, including a research student or a student undertaking supplementary studies, from the time of registration and as long as he is registered as a student, including during academic vacations;2. A person who applied as a candidate for acceptance as a student and his application was rejected, from the time of registration until receipt of the notice of rejection;3. A person who has completed his studies at the University, as long as he has not received a certificate.

4. A person who was sent on behalf of the University to study in another institution.

A person who has been accepted by the University as a student in a particular academic year will be regarded as a student for the purpose of these Regulations until the end of that year, even if he terminated his studies prior to that date.

A person who is regarded as a student according to one of the above alternatives will continue to be regarded as a student and subject to the jurisdiction of the disciplinary authorities by virtue of these Regulations even after he completed or terminated his studies or his candidacy was rejected, with respect to acts that were perpetrated at the time he was a student as aforesaid.

CHAPTER 2: DISCIPLINARY AUTHORITIES

Disciplinary Authorities

2. The disciplinary authorities at the University are: the Dean; the Disciplinary Committee, which includes the Disciplinary Commissioner and his deputies; the Disciplinary Appeals Committee .

Selection of the Commissioner and her/his deputies

3.
 - a. The Standing Committee shall appoint the Disciplinary Commissioner from amongst the permanent teaching staff with legal training at the University, and his deputies from amongst the entire permanent teaching staff of the University, for a set period. The appointment of the deputies will be made in consultation with the Commissioner. For the purposes of this section, "teaching staff" includes teachers who have retired.
 - b. In the event of the absence of the Commissioner and his deputies from Israel, the Standing Committee will appoint an acting commissioner for the period of absence.

Single Judge and Panel

4.
 - a. The Commissioner for Disciplinary Affairs is authorized to exercise all of his powers sitting as a single judge, or, if he has so decided, in a panel together with his deputies.
 - b. Any power conferred upon the Commissioner for Disciplinary Affairs is conferred upon his deputies as well. Any decision or a judgment of a deputy has the same validity as that of a decision or a judgment of the Commissioner in all respects.
 - c. No hearing will be held in front of a single judge who is a teacher in the unit (department, section) in which the complainee is a student. This rule will not

apply when the student studies in the Faculty in which the Commissioner himself is a teacher.

Allocation of Cases and Setting Dates

5. The allocation of cases amongst the Commissioner and his deputies and setting dates for hearings shall be done in accordance with the instructions of the Commissioner, in general or for a specific matter.

Prosecutor and Secretary

6.
 - a. The Academic Secretary, or whomsoever shall be appointed by him, shall serve as the prosecutor in disciplinary proceedings.
 - b. A University employee shall serve as the secretary of the Disciplinary Committee and the secretary of the Appeals Committee.

Composition of the Appeals Committee

7.
 - a. The number of members of the Appeals Committee shall be eight, of whom six shall be permanent teachers, who shall be appointed by the Standing Committee of the Senate of the University, and two students who shall be appointed by the Rector, in consultation with the Chairperson of the Students' Union, provided that a person who is a member of the institutions of the Union, a person who has submitted his candidacy for these institutions—during the time of his candidacy – and a person who is employed and paid by the Union, will not serve in this position.
 - b. In the event that the Rector is unable to appoint student representatives as stated in these Regulations, or that the representatives were appointed but did not appear, the Appeals Committee will be fully authorized to proceed with the case brought before it even in the absence of the student representatives.

Chair of the Appeals Committee

8. The Standing Committee shall appoint from amongst the members of the Appeals Committee a chair and a permanent acting chair. Insofar as possible, the chair of the Appeals Committee should have legal training.

Panel of the Appeals Committee

9.
 - a. Subject to section 7 above, the Appeals Committee will hear appeals on judgments and decisions of the Disciplinary Commissioner or his deputies in a panel of three, two of whom shall be teachers and one a student.
 - b. The panel of the Appeals Committee, which will hear all appeals, will be determined by the Chair of the Appeals Committee or the Acting Chair, and in their absence by the Rector, and will include, if possible, a teacher with legal training.
 - c. The Chair of the Appeals Committee or the Acting Chair will serve as the chair of the panel, and in their absence, the most senior of the teachers on the panel shall act as chair.

Continued Tenure

10. The members of the Disciplinary Committee and the Appeals Committee are authorized, even after completion of their tenure, to continue hearing any matter that they had begun hearing prior to the completion of their tenure and any new matter that was submitted to the Disciplinary Committee or the Appeals Committee, as the case may be, until their replacements on the Committees are appointed.

Disciplinary Hearings and Criminal Proceedings

11.
 - a. The competence of the Disciplinary Commissioner to hear and decide cases of disciplinary offenses shall not be removed due to the possibility of criminal prosecution in court of the student against whom the complaint was made, or due to such prosecution taking place, or due to judgment being rendered or a decision handed down in such proceedings.
 - b. Where a suspicion arises that the student has committed a criminal offense of the type of offenses specified in section 268 of the Penal Law and relating, inter alia, to offenses against state security, bribery, offenses against a person's life or body or against morality, which carry a sentence of imprisonment for three or more years, or a criminal offense that causes damage to University property, then in the course of investigating the complaint against the student or in the course of the disciplinary hearing in front of the Disciplinary Commissioner, the Academic Secretary will notify the Attorney General thereof and will hand over to him the material relevant to the matter. The Commissioner will not hear the case before such notice is given.
 - c. In the event that the state authorities have opened an investigation into the said matter that is the subject of disciplinary proceedings at the University, or that an indictment has been filed in the court, the Commissioner is authorized to decide to stay the disciplinary proceedings until the investigation authorities or the court have completed their handling of the matter, and he must do so if so instructed by an authorized governmental body. In the event that the Commissioner has decided on a stay of disciplinary proceedings, the Academic Secretary, in coordination with the Office of the Legal Advisor, will follow developments in relation to the investigation and the trial on the part of the state institutions, and upon their completion will notify the Commissioner of the outcome, and will decide on the resumption of disciplinary proceedings against the student.

Preservation of Powers

12.
 - a. The competence of the Commissioner to hear and issue rulings in disciplinary proceedings shall not detract from the authority of a teacher or an employee to issue instructions, or to take action for the purpose of preventing a disruption on the part of the student to the proper conduct of studies, examinations or other activity in the University, insofar as such authority is included within the framework of the functions of that teacher or employee.
 - b. Nothing in these Regulations shall detract from the authority of a Dean, a teacher or a worker that stem from other provisions of University regulations, or by virtue of customary practice, including the authority of a University

teacher or worker to delay publishing a grade, to postpone an examination or a paper or to eject a student from the classroom in the case of a disruption.

- c. Nothing in these Regulations shall detract from the authority of a Dean, a teacher, a worker or a committee that stem from other provisions of University regulations or pursuant to customary practice, to conduct inquiries and make decisions regarding the student's completion of academic assignments, fulfilment of academic or other obligations borne by him, or his eligibility to continue his studies at the University. However, no disciplinary steps will be taken against a student, and no decision will be taken regarding a student, based on a suspicion that a disciplinary offense has been committed, including an offense involving professional ethics, except in accordance with the provisions of these Regulations or those of disciplinary regulations for particular purposes as provided in section 13.

Disciplinary Institutions for Particular Subjects

13.
 - a. Without detracting from the powers of the Commissioner and the other disciplinary authorities mentioned in these Regulations, the Standing Committee shall be authorized to establish permanent bodies to handle violations of regulatory provisions, breach of duties under the law, or breach of contractual provisions in defined subjects. Notice of the establishment of such a body will be given to the Senate.
 - b. The aforesaid bodies may include students, except that a member of the institutions of the Student Union, a person who presented his candidacy for these institutions – during the time of his candidacy – and a person who is employed and paid by the Union, may not serve in these positions.

CHAPTER 3: OFFENSES AND PENALTIES

Disciplinary Offenses

14. A disciplinary offense is one of the following offenses, committed by a student:
 1.
 - a. Cheating in an examination, a doctoral dissertation, a master's thesis, a seminar paper, a homework assignment or other academic assignment (hereinafter: "**academic assignment**"), whether in the University or in another educational institution, including entrance examinations for an institution of higher education, except that the student will not be punished twice for the same offense.

For the purpose of this section, "cheating" includes:

 - Misrepresentation as to the manner in which the academic assignment was executed;
 - The use, possession, introduction, receipt or transfer of prohibited information in the course of an examination;
 - Writing a paper or part thereof, for the purpose of submission by another person, or transferring it to that other person for this purpose.

b. Where a disciplinary offense under subsection (a) above is committed in any of the circumstances specified below, the cheating will be regarded as aggravated cheating:

1. A student sending another person to be examined in his stead, or posing as another student in an examination.
2. In the course of an examination - possession , transfer, receipt or use of prohibited material that was prepared in advance, prior to the examination, for the purpose of making prohibited use thereof in the course of the examination.
3. Addition to, erasure from, or other change to an examination or written paper other than in the normal course of their writing.
4. Submission of a paper which was copied, in whole or in part, from another paper or source, or which was written by another, for payment or for other material consideration.
5. Submission of a paper which was entirely or in substantial part copied from another paper or another source, or was written by another, provided that its weighting in the course grade exceeds five per cent, or that submission of the paper is a precondition for receiving a grade in the course.
6. Submission of a paper that includes falsified factual data.
7. Writing a paper, or part thereof, or fulfilling another academic assignment for another person, for payment or other material consideration.

Specification of the cases in the above subsections shall not prevent the classification of additional cases of cheating as aggravated cheating, if the circumstances of the case justify such classification.

2.
 - a. Violation of the provisions relating to examinations, doctoral dissertations, master's theses, seminar papers, homework assignments, or other academic assignments, including violation of the provisions with regard to conduct in the course of a written or oral examination.
 - b. Violation of the rules set in Regulations regarding the prohibition against conflict of interests in research, and the Regulations dealing with proper conduct in research on the part of graduate and doctoral students who are involved in research.
3. Passing on false information to the University, its authorities, its teachers, or its workers, or committing an act of deceit, or concealing information, for the purpose of obtaining rights at the University or in connection with studies at the University.
4. Giving false testimony in a hearing in front of the disciplinary authorities.
5. Causing damage to, taking without permission or making unauthorized use of University property, including computer and information systems, or other property that is used for its purposes, or the property of its teachers, its

workers or its students. For this purpose, intellectual property rights are also considered property.

6. Sale, distribution, or reproduction for the purpose of distribution or sale, of material from lectures or tutorials that is based on lectures and tutorials that were given at the University, either in complete, partial or other form, without the advance permission of the teacher – provided that the teacher announced that he does not agree to such activity, or that a prohibition against this activity was set by the academic unit in which the teacher teaches.
7. Careless conduct or breach of safety regulations in the laboratory or other fixtures.
8. Violation of regulations, provisions or agreements to which the student is party, that relate to the use of the facilities of the University, including libraries, halls, laboratories, dormitories, club-rooms, offices, open spaces, sports facilities and parking lots.
9. Causing disruption to teaching, research or work at the University, and disrupting any other activity that has been approved by University authorities.
10. Non-compliance with the instructions of University authorities, teachers or workers that were issued in the course of fulfilment of their tasks, including refusal to identify oneself to them.
11. Inappropriate conduct towards sick people or other people to whom the student is obliged to render service, or disclosure of a medical or professional secret, or conduct that is contrary to professional ethics.
12. Conduct that causes injury to the person or the dignity of University teachers, workers or students, if it occurred in consequence of or in connection with their position as teachers, workers or students, or if it occurred within the bounds of University premises.
13. Sexual harassment or persecution, as defined in the Prevention of Sexual Harassment Law 5758-1998, if it occurred within the bounds of University premises, or in a place in which University activity is taking place or in any other place in the course of studies or involving abuse of a relationship of authority in the academic framework. Offense under this subsection shall be adjudicated in accordance with the provisions of the Regulations for the Prevention of Sexual Harassment.
14. Threatening harassment by a student in any manner whatsoever, or threatening a student, if taking place within the premises of the University or in a place in which University activity is taking place.
15. Refusal to appear to testify before the disciplinary authorities without reasonable justification.
16. Directly or indirectly frustrating the enforcement of a decision or judgment of the disciplinary authorities.
17. Conduct that is inappropriate for a student at the University, in connection with his studies at the University or within University premises.

18. Conduct in respect of which the student was convicted in criminal proceedings, or an offense under the Disciplinary Regulations of Academic and Administrative Workers of the University, in a final judgment, for an offense involving moral turpitude, and which pertains to the status of the student as a student at the University.

Mental Element

15. a. A student commits an offense only if he is aware of the nature of his conduct, of the circumstances in the definition of the offense and of the possibility of his conduct causing the outcomes, if such outcomes are included in the definition of the offense. A student who suspected the existence of a particular circumstance or the nature of his conduct will be regarded as a person who is aware of it.
- b. Notwithstanding the aforesaid in subsection (a), a student commits an offense under sections (5), (6), (7) and (11) of section 14, even if he was not aware of the nature of his conduct, the circumstances in the definition of the offense or the possibility of his conduct causing the outcomes, provided that as a reasonable student he ought to have been aware of the particular detail.
- c. Notwithstanding the aforesaid in subsection (a), a student commits an offense under sections (2), (8) and (10) of section 14, unless he was not aware of the details specified in subsection (a) nor ought he to have been aware of them as a reasonable student. A student who claims that he was not aware of the said details and was not bound to be aware of them bears the burden of proof.

Limitation

16. a. A student will not be subject to disciplinary proceedings for an offense if three years have elapsed since the time of its commission. Notwithstanding the aforesaid, the period of limitation shall not begin as long as the Dean has not been made aware of the existence of a reasonable suspicion that such an offense has been committed.
- b. The period in which the matter is under police investigation or in which criminal proceedings are being conducted shall not be counted within the period of limitation.

Penalties

17. a. A student who is found guilty of a disciplinary offense shall be liable to one or more of the penalties specified below:
1. Caution, reprimand or grave reprimand;
 2. Cancellation of reduction in tuition fees, academic prize or scholarship, or revocation of the right to receive these for a period to be determined; obligation of the student to return money that he received unlawfully.
 3. Prevention of use of University facilities, including laboratories, libraries, student dormitories, sports facilities, and parking lots for a period to be determined.

4. Disqualification of an examination taken by the student, and disqualification of a doctoral dissertation, master's thesis, seminar paper, or any other work undertaken by the student in fulfilment of another academic assignment in connection with his studies. Disqualification of an examination or a paper shall be equivalent to failure with a grade of 0.
 5. Prohibition on sitting examinations at a particular session or particular sessions.
 6.
 - a. Erasure of a grade in the course.
 - b. Awarding a grade of 0 in the course.
 7. Postponement of granting a certificate or certification attesting to the student's studies or completion of his studies for a period to be determined.
 8. Monetary fine in an amount that shall not exceed half of the full tuition fee for a regular student.
 9. Retroactive withdrawal of recognition of one semester of studies, if the semester is one unit of study.
 10. Retroactive withdrawal of recognition of one year of studies or more.
 11. Suspension from the University for a defined period or permanent expulsion.
 12. Suspension from studying in a particular faculty, department or academic unit for a defined period or permanent expulsion therefrom.
 13. Revocation of rights or achievements in studies, including revocation of the right to receive a certificate or certification attesting to these studies.
 14. Obligating the complainee to perform a public service for a set period as determined by the Commissioner. In the body of the sentence, the Commissioner will specify another penalty that will be imposed on the complainee in the event that he does not perform the public service imposed upon him.
- b. The Commissioner is authorized to order that, in addition to another penalty imposed upon the student, the conviction and the penalty will be recorded in the complainee's record of studies. In the event that he does not so order, the fact of the conviction or the punishment will not be recorded in the record of studies.
 - c. The Commissioner is authorized to obligate the complainee to apologize to a person whose dignity, body or property he harmed, and he may determine the form of the apology and its content.

Conditional Penalty

18.
 - a. The Commissioner may order that a penalty under subsections (2) - (14) of section 17(a) will be conditional, in whole or in part. Such an order will specify the offenses, conviction of which will entail activation of the penalty, and it will

define the period in which commission of those offenses will entail its activation. In the absence of a provision to the contrary, the period of the condition will commence on the day on which the conditional punishment is imposed, and it will continue for three years.

- b. A conditional penalty will not be enforced against the student upon whom it was imposed unless he commits one of the offenses specified during the period of the condition, and is convicted of it within the period of the condition or thereafter.
- c. A conditional penalty will not be enforced against the student upon whom it was imposed unless he commits the additional offense deliberately, even if a conviction for that offense does not require awareness as stated in section 15(a).
- d. In the event that a student is convicted for an offense that entails the activation of the conditional penalty, the Commissioner will order that it be activated; however, the Commissioner is authorized to refrain from activating the penalty, and instead he may extend or renew the period of condition once for an additional period, for special reasons that will be recorded.

Minimum Penalty for the Offense of Aggravated Cheating

- 19.
 - a. A student who has been convicted of the offense of aggravated cheating under section 14(1)(b) shall be liable to the penalty of active suspension from the University for the period of at least one academic year, in addition to any other penalty that may be imposed upon him.
 - b. Notwithstanding the aforesaid in subsection (a), the Commissioner is authorized, in extremely exceptional cases and for special reasons that will be recorded, to impose a different penalty on a complainee who was convicted of only one offense of cheating, due to one of the acts specified in subsection (a). The Commissioner will not invoke this power more than once with respect to any particular student.

Compensation

- 20. In the event that a complainee is found guilty of a disciplinary offense, and as a result of the commission of the offense property damage is caused to the University, to a worker, a teacher or another student at the University (hereinafter – the victim), the Commissioner is authorized to obligate him, in addition to or instead of any penalty that will be imposed upon him, to pay the victim monetary compensation in an amount that does not exceed the damage that was caused as a result of the offense.

Enforcement

- 21. In the event that the complainee was obligated to pay a fine or compensation and did not do so, it will be regarded as a debt owed by the complainee to the University.

Studies during a period of suspension

- 22. Any studies undertaken by a student during a period of suspension from the University will not be recognized as entitling him to credits.

CHAPTER 4: PROCEDURE

The Complaint

23. a. A complaint will be submitted within a reasonable time to the Faculty Dean; however, if the complainant is a student, the complaint will be submitted to the Dean of Students.
- b. The Dean, after having allowed the complainant and the complaine to be heard, either orally or in writing at the discretion of the Dean, is authorized to decide:
1. To transfer the complaint to the Academic Secretary;
 2. To conduct a consensual procedure before him [the Dean] pursuant to Chapter 8.
 3. Not to embark on a disciplinary procedure.
- In cases in which the Dean is of the opinion that urgent action is required, he is authorized to transfer the complaint to the Academic Secretary without affording the parties the right to be heard as aforesaid.
- c. A complaint about sexual harassment will be submitted directly to the Commissioner for the Prevention of Sexual Harassment in accordance with the provisions of the Regulations for the Prevention of Sexual Harassment.
- d. The Dean will notify the complainant of his decision. The complainant is entitled to appeal the decision of the Dean under subsections (b)(2) and (b)(3) to the Academic Secretary, whose decision shall be final.

A Complaint that was Transferred to the Academic Secretary

24. a. In the event that a complaint was transferred to the Academic Secretary, he is authorized to request additional information from the complainant, from the complaine, or from other bodies. The Academic Secretary will act to obtain the evidence connected with the complaint, such as the examination, written paper, or other documents, and will retain the evidence until the disciplinary proceedings take place.
- b. The Academic Secretary will present a summary of the allegations to the complaine, and will allow him to present his arguments before deciding on whether to commence disciplinary action.
- c. The decision on commencing disciplinary action will be made no later than six weeks after receipt of the complaint by the Academic Secretary.

Decision not to Commence Disciplinary Action

25. In the event that the Academic Secretary deems there to be no justification for commencing disciplinary proceedings against the complaine, he may, in consultation with the Dean, decide that disciplinary proceedings will not commence. The Dean is

entitled to appeal the decision of the Academic Secretary as aforesaid to the Rector, whose decision shall be final.

Submission of a Complaint Sheet

26. a. In the event that the Academic Secretary decides that there are grounds for commencing disciplinary proceedings on the basis of the complaint, he will appoint a prosecutor, who will submit the complaint sheet to the Disciplinary Commissioner. The complaint sheet will include the following particulars:
1. Name of the complainee.
 2. Description of the disciplinary offense to which the complaint relates and a description of the relevant facts.
 3. Names of the witnesses whom the prosecutor wishes to summon.
 4. A list of documents that are attached to the complaint sheet and that are necessary in order to prove the charge.
- The response of the complainee, insofar as there is one, shall be attached to the complaint sheet.
- b. The prosecutor may make changes in the list of witnesses for the prosecution and the documents, provided that he notified the secretariat of the Disciplinary Committee and the complainee of having done so at least two weeks prior to the date set for the hearing of the case.
- c. Upon submission of the complaint to the Disciplinary Commissioner, the secretariat of the Disciplinary Committee will notify the complainee of the commencement of disciplinary action against him, attached to which will be the complaint sheet, a copy of the Disciplinary Regulations, and notice of the right of the complainee to representation in accordance with section 31.

Plea Arrangement

27. a. The prosecutor is authorized to conclude a plea arrangement with the complainee concerning a conviction or the punishment, on condition that the complainee is represented or has declared in writing that he is aware of his right to be represented in discussions for the purpose of formulating the arrangement. The prosecutor will explain to the complainee that the arrangement does not bind the Commissioner, who is entitled not to accept it.
- b. The plea arrangement will be presented to the Commissioner for approval. If the Commissioner approves the arrangement, it will be accorded the force of a judgment, and the provisions of sections 35-38 will apply to the judgment, with the necessary changes. In the event that the Commissioner is considering withholding approval of the arrangement, he will notify the parties of this and will enable them to present arguments on this matter orally or in writing, at his discretion. If the Commissioner has decided, after hearing the parties' arguments, not to approve the arrangement, he will provide the reasons for his decision, and the proceedings will continue before the Disciplinary Committee.

Date of Hearing

28. a. The secretariat of the Disciplinary Committee will send written notice of the date of the hearing to the complainee, the prosecutor and the Dean within 14 days of the date of submission of the complaint sheet.
- b. The hearing will be set at a date that is within 45 days of the date of submission of the complaint sheet, but no less than 14 days from the date on which notice of the date of the hearing was sent.

Hearing in the Absence of the Complainee

29. a. In the event that the complainee does not appear for the hearing on the set date, the Commissioner is entitled to hold the hearing in his absence, provided that all reasonable action was taken to ensure that the complainee received notice of the date of the hearing, whether in writing or by other means.
- b. The Commissioner is authorized to order that the complainee be ejected, and to hold the hearing in his absence, if he disrupts the hearing and after he has been warned.

Vacating a Decision Handed Down in the Absence of the Complainee

30. In the event that the Commissioner's decision was handed down in the absence of the complainee pursuant to section 29(a), the complainee may ask the Commissioner, within seven days of receipt of notice of the decision, to vacate the decision, and the Commissioner is authorized to vacate the decision or to change it, for reasons that will be recorded, and to hold a new hearing on the decision.

Representation of the Complainee

31. a. The complainee shall be present at the hearing, and he is entitled to be represented before the disciplinary authorities by a fellow student who is not a lawyer, or by a lawyer in the following circumstances:
 1. The complainee's ability to represent himself is severely limited.
 2. The Academic Secretary is likely to seek to impose one of the following punishments on the complainee: actual suspension from the University for a period exceeding one year; retroactive cancellation of recognition of two years or more of studies; revocation of the right to an academic degree; recording an entry in the record of studies in accordance with section 17(b); publication of the identity of the complainee in accordance with section 36(c).
 3. The prosecutor appointed by the Academic Secretary to represent him in the disciplinary procedure is a lawyer.
 4. The Academic Secretary is of the opinion that the circumstances of the case require that the complainee be represented by a lawyer.
- b. A teacher or worker may not represent the complainee except with the approval of the Rector.
- c. In addition to the aforesaid, the Commissioner shall be authorized to permit the complainee to be assisted in his defense by a lawyer if the Commissioner

believes that there is a real concern that in the absence of such representation, there will be a miscarriage of justice. A reasoned request to allow representation by a lawyer due to such a concern shall be submitted at least one week prior to the date of the hearing of which the complainee was notified pursuant to section 28(a). The Commissioner will decide on the request after receiving the response of the prosecutor.

Studying the Material

32. The complainee has the right to study the complaint sheet and the accompanying documents and to photocopy the documents.

Procedure

33. a. The Commissioner will open the hearing with a reading of the complaint sheet to the complainee.
- b. After reading the complaint sheet, the Commissioner will ask the complainee if he admits or does not admit to the facts and the charges contained in the complaint sheet.
- c. If the complainee admits to the charges in the complaint sheet, the Commissioner is authorized to find him guilty on his own admission, without it being necessary to hear other testimony. However, the Commissioner shall be authorized, despite the admission of the complainee, to require the prosecutor to bring evidence to prove the complaint or parts thereof.
- d. In the event that the complainee does not admit to the complaint, the prosecutor will submit his evidence, and the witnesses will testify, and the complainee or his representative will have the right to cross-examine the prosecution witnesses. Subsequently the complainee will have the right to present his evidence and for his witnesses to be heard, and the prosecutor will have the right to cross-examine the complainee's witnesses.
- e. The Commissioner will protect the witnesses from harm and harassment during the course of the hearing and will prevent irrelevant or repeat questions that constitute an abuse of the hearing.
- f. The Commissioner will conduct the hearing and accept evidence in the manner that he deems to be just and efficient.
- g. A protocol of the discussion will be recorded by the Commissioner or the secretariat of the Disciplinary Committee, signed by the Commissioner, and sent to the prosecutor and the complainee. The Commissioner is authorized to order that the hearing be taped.
- h. In the course of the hearing, the Commissioner is authorized to order that the complaint be returned for completion of the evidentiary material or for the prosecutor to provide details of the complaint, before continuing the hearing of the complaint.
- i. The Commissioner is authorized to convict the complainee of a different offense to that with which he was charged, if his guilt transpires from the facts

that were proven, and the complainee had a reasonable opportunity to defend himself regarding that offense.

Closed Hearing and Open Hearing

34. a. The hearing in front of the Commissioner will be held behind closed doors, unless the complainee requested that it be held in open court. The Commissioner is authorized to order otherwise at the request of either of the parties, if special circumstances justify so doing.
- b. If it has been decided to hold an open hearing, the Commissioner is authorized to place restrictions on allowing the public into the room in which the hearing is taking place, in view of the physical conditions of the space, and he is authorized to exclude from the room any who disrupt, and to order that the hearing be held behind closed doors in the case of disruptions to the hearing.

Rendering Judgment

35. a. As soon as possible after completion of the hearing, and no later than four weeks after that date, the Commissioner will render a reasoned, written judgment, and will send copies thereof to the complainee, the Academic Secretary, the relevant Dean, the complainant, and at the request of the student – to the secretariat of the Student Union. The copy sent to the Dean will be filed in the complainee’s personal file.
- b. The judgment will enter into force as of the date of rendering, unless the Disciplinary Commissioner decides on a later date.

Publication of the Judgment

36. a. As of the date of entry into force of these Regulations, plea arrangements and final judgments of the Disciplinary Committee will be published in accordance with the provisions of this section, on the website of the Academic Secretariat, close to the time at which the judgment became final.
- b. In the published judgments, particulars that are liable to lead to the identification of the complainee and the complainant will be deleted.
- c. The body that rendered the judgment or approved the plea arrangement may order that the identity of the complainee and/or the complainant be published, in exceptional cases and for special reasons that will be recorded, and after giving the complainee and/or the complainant the opportunity to present their arguments on this matter. A decision to publish the name of the complainee will be made in exceptional cases, and in this context the Commissioner will consider the ramifications of internet publicity on the complainee, in view of the wide distribution of internet publicity.
- d. Information regarding disciplinary proceedings pursuant to these Regulations will not be passed on to internal University bodies unless approved by the Academic Secretary.
- e. Information regarding disciplinary proceedings pursuant to these Regulations will not be passed on to bodies external to the University except in the cases mentioned in subsection (f) below or in section 62(b).

- f. In the event that another institute of higher education approaches the University with a question concerning the conviction of a student for a disciplinary offense, the Academic Secretary is permitted to respond, provided that the conviction was for an offense of aggravated cheating under section 14(1)(b), and that 3 years have not yet elapsed from the date of completion of the sentence.

Stay of Execution of the Judgment

- 37. At the request of the complainee, the Commissioner is authorized to stay execution of the judgment. In the event that the Commission decides not to stay execution, the student is entitled to request from the Chairman of the Appeals Committee that the execution be stayed for a period to be determined.

Execution of the Judgment

- 38.
 - a. The Academic Secretary is responsible for the execution of the judgment and the decisions of the Commissioner, and for ensuring their enforcement in full.
 - b. All authorities, teachers and workers of the University are obliged to execute the judgments and the decisions of the Disciplinary Committee in letter and in spirit, and to assist in their full realization.

CHAPTER 5: INTERIM DECISIONS

Interim Measures

- 39.
 - a. After a complaint has been passed on to the Academic Secretary, the Academic Secretary will be authorized to adopt any urgent measures, including restricting the access of the complainee to University premises or to certain places on such premises or restricting use of University equipment in order to prevent damage or harm; prevention of access to the complainee's personal information site; or postponement of publication of a grade, a record of studies or certification of studies – in order to prevent frustration of the disciplinary proceedings. Such a decision will only be made after consultation with the Dean and after the complainee has been given the opportunity to raise his arguments.
 - b. The aforesaid in section (a) notwithstanding, in special cases and for special reasons that shall be recorded, the Academic Secretary is authorized to adopt the urgent measures specified in subsection (a) without the complainee having been given the opportunity to present his arguments, provided that he is given an opportunity to present his arguments immediately after the urgent measures have been adopted.
 - c. Copies of the decision of the Academic Secretary pursuant to subsection (a) and (b) will be sent immediately to the complainee, the Dean and the Commissioner.
 - d. The decision of the Academic Secretary pursuant to subsections (a) and (b) may be appealed to the Commissioner at any time up to the rendering of a final judgment. The appeal will be heard in the presence of the prosecutor and

the complainee, and the procedure for the hearing will be decided by the Commissioner.

- e. In the event that a complainee is subject to disciplinary proceedings for an offense under section 14(1) or 14(2), the examination or paper in respect of which the offense was committed, according to the complaint, will be retained by the secretariat of the Faculty in which the complainee is a student, and the complainee will not receive a grade for it; similarly, the secretariat will not issue any certification requested by the complainee in connection with his studies at the University.
- f. In the event that a complainee is subject to disciplinary proceedings for an offense under section 14(5), and the act attributed to him is damage to or unauthorized use of any material from the University libraries, including an attempt to cause damage or make unauthorized use as aforesaid – his right to borrow books from the University libraries will be revoked immediately.
- f. The restrictions described in subsections (a), (b), (e) and (f) above will remain in force for 60 days as of the date of submission of the complaint. The prosecutor may ask the Commissioner to extend this period. The Commissioner is authorized to cancel or change these restrictions at any time, at the request of the complainee and after having heard the prosecutor.

Powers of the Commissioner

- 40.
 - a. “Interim Decision” means any decision handed down by the Commissioner regarding the disciplinary hearing prior to the rendering of final judgment.
 - b. The Commissioner is authorized, after submission of the complaint sheet and after the complainee has been given the opportunity to raise his arguments, to issue an interim decision and to order the cessation of the complainee’s studies, to bar the complainee from taking an examination, to block access to the complainee’s personal information site, to delay the checking of an examination or a paper of the complainee, to forbid him to use University facilities (except that a student may not be excluded from the dormitories), and any other decision that is necessary, at the discretion of the Commissioner, in order to achieve the objectives of the disciplinary proceedings or in order to prevent damage or injury.
 - c. In the event that an interim decision is made by the Commissioner in the absence of the complainee, the complainee is entitled to request a rehearing of the interim decision in his presence.
 - d. The interim decision of the Commissioner will remain in force until the final judgment in the procedure is rendered, or until an earlier date, as will be determined.
 - e. Copies of the interim decision will be sent to the complainee, the Academic Secretary and the relevant Dean.

- f. The Commissioner is authorized at any time to vacate or to change any interim decision that he made.

CHAPTER 6: APPEAL

Right to Appeal

- 41. Every judgment of the Commissioner, and every decision made by the Commissioner under sections 39-40 are subject to appeal before the Appeals Committee by the complainee or the prosecutor. Other interim decisions of the Commissioner may not be appealed separately.

Date of Filing an Appeal

- 42. An appeal of a decision of the Commissioner will be filed no later than twenty days from the date of delivery of a copy of the judgment to the parties.

Reasoned Notice

- 43. An appellant will file his appeal with the secretary of the Disciplinary Committee in a written, reasoned notice, and will explain the reasons for the appeal.

Reply of the Respondent

- 44. The notice of appeal will be delivered to the respondent, and the respondent will submit his response to the reasons for the appeal within 14 days of the date on which notice of the appeal was delivered to him.

Written Pleadings

- 45.
 - a. The Appeals Committee may hear appeals on the basis of pleadings that will be submitted in writing. However, if the appellant or the respondent requests an oral hearing, the Appeals Committee will set a date for hearing the appeal within 45 days.
 - b. In the event that the respondent does not submit his written pleadings within the set time, the appeal will be heard on the basis of the appellant's pleadings.

Scope of the Appeal

- 46. The appeal will be confined to an examination of the findings and the conclusions of the Commissioner, and the appellant or the respondent will not be permitted to present evidence, unless new evidence has been discovered which at the time of the hearing before the Commissioner was not known to the party who wishes to present it, or the Appeals Committee deems that special circumstances pertain which require that its presentation be allowed, for the sake of justice.

Procedure, Judgment, Interim Decisions and Other Powers

- 47. The provisions relating to the procedure before the Commissioner and his powers, including the provisions relating to rendering judgment, its publication and execution of the provisions regarding the powers of the Commissioner with respect to interim decisions, will apply, with the necessary changes, to the Appeals Committee.

CHAPTER 7: REHEARING AND PARDON

Rehearing

48. The Rector may order a rehearing before the Commissioner in the event that new evidence has been discovered.

Pardon

49. a. The Rector is authorized to pardon a student who was found guilty of a disciplinary offense, with the consent of the President.
- b. The Rector will decide on the request for pardon after reviewing all the material in the file and after consulting with the Academic Secretary.
- c. In the event that the Rector decides to exercise his power of pardon in accordance with the aforesaid, he is authorized to cancel the penalty, to reduce it, to replace it with another penalty, and to order that the record of the conviction be erased.

CHAPTER 8: CONSENSUAL PROCEDURE IN FRONT OF THE DEAN

Authority of the Dean

50. a. Without detracting from the powers of the Commissioner, the Dean to whom the complaint was submitted shall be competent to conduct hearings for a disciplinary offense in accordance with the provisions of this Chapter, except for an offense that was committed in connection with an entrance examination to an institute of higher education, a doctoral dissertation or a master's thesis.
- b. A Dean who has found a complainee guilty of a disciplinary offense is authorized to impose on him, with his consent, one or more of the following penalties:
1. The penalties specified in subsections (1)-(6), (8) and (14) of section 17(a).
 2. An apology in accordance with section 17(c).
 3. Lowering a grade in a course connected to the disciplinary offense that he committed.
 4. Carrying out an academic assignment.
- c. A Dean is not authorized to order that the conviction or penalty be recorded in the complainee's record of studies, as stated in section 17(b).
- d. A Dean who has found the complainee guilty of a disciplinary offense connected to an on-line examination or test, is authorized to impose upon him, with the consent of the complainee, in addition to the penalties specified in section 50(b) of the Regulations, the following penalties:
1. Suspension from the University for one semester.
 2. Postponement of granting a certificate or certification attesting to the student's completion of his studies for a period of one semester.

This provision applies to consensual procedures that take place in the period 28.7.20 – 30.9.20.

Agreement of the Dean and the Complainee to Conduct a Consensual Procedure in Front of a Dean

- 51.
- a. The consensual procedure in front of the Dean will be conducted at the discretion of the Dean, and only after having obtained the consent of the complainee to hold the hearing.
 - b. At every stage of the procedure, the Dean or the complainee may halt the proceedings and transfer the complaint to the Academic Secretary. If a disciplinary procedure should follow, the agreement of the complainee to the consensual procedure shall not be regarded as an admission to the offense.
 - c. The complainee may not be convicted other than by his own admission.
 - d. No punishment may be imposed on the complainee in the framework of the consensual procedure in front of the Dean other than with the complainee's consent.

Circumstances in which a Consensual Procedure May Not be Conducted in Front of a Dean

52. A Dean will not conduct a consensual procedure in any one or more of the following circumstances:
- a. The complainee was convicted of a disciplinary offense under these Regulations, including in a consensual procedure before a Dean.
 - b. The complainee asked to be represented by a lawyer.
 - c. A complaint relating to the facts described was passed on to the Academic Secretary pursuant to section 23, unless the Academic Secretary, in consultation with the Dean, ordered that the complaint that was submitted to him be passed on to the Dean for the purpose of a consensual procedure.
 - d. The Dean is of the opinion that the circumstances of the offense are particularly severe and are not suited to a consensual procedure in front of him.

Procedure for the Hearing

- 53.
- a. The complainee will be given within a reasonable time prior to the hearing and a copy of the Disciplinary Regulations, as well as an explanation of the nature of the consensual procedure in front of the Dean, including:
 - 1. The contents of the complaint.
 - 2. His right to a hearing in front of the Commissioner.
 - 3. The fact that he cannot be represented by a lawyer in the consensual procedure in front of the Dean.
 - 4. The need for the consent of the complainee both for conducting the consensual procedure and for a penalty to be imposed upon him.
 - b. The procedure in front of the Dean will be held behind closed doors.

- c. At the start of the procedure, the Dean will ascertain that all the preliminary conditions for conducting the procedure in front of him have been met.
- d. The Dean will give the complainee a reasonable opportunity to provide his version of the allegations against him.
- e. At the end of the procedure, the Dean will write a summary of the main things that were said in the procedure.
- f. In the event that the Dean convicts the complainee, he will sentence him at the earliest possible opportunity and no later than seven days after the date of the hearing.
- g. The Dean will notify the Academic Secretary of the conviction of the complainee by means of the notification form attached to the Regulations and marked **Appendix A**.
- h. The provisions of section 62 regarding confidentiality of disciplinary proceedings will apply to a consensual procedure in front of the Dean.

CHAPTER 9: FINE-ONLY OFFENSES

Interpretation

54. In this Chapter, the terms below will bear the following meanings:

“Fine-only offense” – each of the following offenses and any offense that will be added as determined by the Standing Committee:

- 1. Smoking in violation of the Prevention of Smoking in Public Places Law, 5743-1983, or in violation of University directives;
- 2. Use of a mobile phone within the area of the library, in the classroom or in any other place in which the use of mobile phones has been prohibited under University directives;
- 3. Affixing notices in forbidden places;
- 4. Leaving bags or other objects unattended in violation of University directives;
- 5. Eating and/or drinking on library premises or in any other place in which eating and/or drinking have been forbidden under University directives
- 6. Failure to wear a mask, or breach of the directives of the Ministry of Health concerning the prevention of the spread of the Corona virus.

“The Responsible Person” – the Dean of Students, or the Vice-Dean, as well as one of the following:

- 1. With respect to smoking in violation of directives – the Campus Security Officer and smoking attendants;
- 2. With respect to leaving bags and other objects unattended – the Campus Security Officer;

3. With respect to fine-only offenses committed in the library – the Director of the Library or the Deputy Director.
4. With respect to failure to wear a mask, or breach of the directives of the Ministry of Health concerning the prevention of the spread of the Corona virus: the campus security officer.

Amount of the Fine

55. The amount of the fine will be NIS 100. The Standing Committee may fix and publish a different amount.

Delivery of Notice

56. In the event that the responsible person has reasonable grounds to assume that a student committed a fine-only offense, he is authorized to hand the student notice of payment of a fine. The notice will specify the offense, the amount of the fine that has been set for it, and the right of the student to give notice of his wish to be brought for a hearing in front of the Commissioner.

Payment of a Fine

57.
 - a. A student to whom notice of payment of a fine has been handed shall pay the fine specified therein within thirty days from the date of being handed the notice of the fine, unless he notified the Academic Secretary within twenty-one days of the date that he wishes to be heard in front of the Commissioner.
 - b. In the event that the student gave notice that he wishes to be heard in front of the Commissioner as aforesaid, the disciplinary hearing will be held in accordance with Chapter 4.
 - c. If the student does not notify the Academic Secretary within the set time that he wishes to be heard in front of the Commissioner, he will be deemed to have admitted to the commission of the fine-only offense in front of the Commissioner and been convicted thereof. A student who has paid the fine is considered to have admitted to the fine-only offense in front of the Commissioner, been convicted and paid the penalty.
 - d. If the student does not notify the Academic Secretary within the set time that he wishes to be heard in front of the Commissioner and does not pay the fine, the fine will be regarded as a penalty that was imposed by the Commissioner and as a debt owed by the student to the University.

Repeat Offenses

58. In the event that within one academic year a student is convicted twice of a fine-only offense, whether following a hearing in front of the Commissioner or whether under section 57(c) or (d), and receives a notice of payment of a fine under section 56 for a third time, the Academic Secretary shall be authorized to commence disciplinary proceedings against him under Chapter 4, notwithstanding the payment of the fine specified in the third notice, and the Commissioner shall be authorized to impose another penalty on him, in addition to the fine that he paid or in place thereof.

CHAPTER 10: GENERAL PROVISIONS

Extension of Dates

59. a. The Commissioner and the Chairman of the Appeals Committee shall be authorized, at the request of the parties or on their own initiative, to extend any time period set in these Regulations for special reasons that will be recorded, and after the parties have been given the opportunity to respond to the request.
- b. The decision under subsection (a) will be sent to the parties.

Periods

60. a. Where a period has been set at a number of days or weeks from a set date, that date will not be counted in the period.
- b. In the count of the days of a period, days of rest or public holiday will be counted, unless those are the last days of the period.
- c. Concentrated vacation periods in which the University is closed, including the Passover vacation, the Sukkot vacation and the summer vacation will not be counted in the days of the period.

Service of Notice

61. Without derogating from the provisions of section 29(a), notice that was sent to the University e-mail address will be deemed to be notice that was served on the addressee.

Confidentiality of Proceedings

62. All disciplinary procedures and decisions shall be confidential, and any information relating to them will be given out only to the bodies relevant to the procedures or to the implementation of the decision except in the following cases:
- a. Where giving out details and publication of procedures and decisions were expressly permitted under these Regulations.
- b. If the President or the Rector are of the opinion that it is necessary to give out details of the disciplinary procedure for the good of the University.

Reports

63. a. The Office of the Academic Secretary will prepare an annual report detailing the various actions taken by the University to prevent the commission of disciplinary offenses, the number of complaints that were submitted and the way in which they were handled, without identifying particulars.
- b. The Office of the Academic Secretary will submit the report to the President of the University, the Rector and the Director General.
- c. The Management Committee and the Standing Committee of the University will hold an annual discussion of the report, with the participation of a representative of the Office of the Academic Secretary.

- d. The report will be published on the University website on the page of the Office of the Academic Secretary.

Duty to Appear to Testify

- 64. Every teacher, worker and student must respond to a summons to appear as a witness in hearings in front of the disciplinary authorities of the University, and must testify truthfully. Failure to appear at the hearings constitutes a disciplinary offense.

Application

- 65. The provisions of these Regulations shall also apply to disciplinary offenses that were committed by a student in the course of his studies at another institution whether in Israel or abroad, to which the student has been sent on behalf of the University, provided that the student shall not be punished twice for the same offense.