



DISCIPLINARY REGULATIONS FOR **STUDENTS OF THE NOVA UNIVERSITY OF LISBON.**

NOVA UNIVERSITY OF LISBON
Rector's Office

Regulation No. 679/2020

DISCIPLINARY REGULATIONS FOR STUDENTS OF THE NOVA UNIVERSITY OF LISBON.

NOVA UNIVERSITY OF LISBON

Whereas, pursuant to the provisions of Article 75(2)(c) of Law No. 62/2007 of 10 September, which approves the Legal Framework for Higher Education Institutions, the exercise of disciplinary authority within higher education institutions is governed, in the case of students, by the provisions of paragraphs(4), (5) and (6) of the aforementioned provision, as well as by the provisions of specific regulations;

Having regard to the provisions of the Code of Ethics of the NOVA University of Lisbon, approved by Order No. 15464/2014, published in *Official Gazette*, 2nd series, No. 245, of 19 December;

Having consulted the Board of Directors and the Students' Council, and having carried out the necessary public consultation, in accordance with the provisions of Article 101 of the Code of Administrative Procedure;

Pursuant to the provisions of the aforementioned Article 75(2)(c) of Law No. 62/2007 of 10 September, and in accordance with Article 21(1)(c) and (4) of the Statutes of NOVA University of Lisbon, approved by Regulatory Order No. 3/2020, published in the Official Gazette, Series 2, No. 26, of 6 February, I hereby approve the Disciplinary Regulations for Students of the NOVA University of Lisbon, annexed to this Order.

30 July 2020. — The Rector, João Sàáguas.

ANNEX - Disciplinary Regulations for Students of the NOVA University of Lisbon

CHAPTER I

General Provisions

ARTICLE 1.º

Scope of application

1 — These Regulations apply to all students currently enrolled on any course, whether or not it leads to a degree or diploma at the NOVA University of Lisbon.

2 — The loss of student status does not preclude the application of the provisions of this Regulation; any disciplinary sanction imposed shall be enforced once the student regains that status.

ARTICLE 2.º

Disciplinary offence

A disciplinary offence is deemed to be any conduct on the part of a student, whether by action or omission, even if merely negligent, which breaches any duties set out in the law, the statutes of the University and its constituent units, or the applicable regulations, in particular those contained in the Code of Ethics of NOVA University of Lisbon.

ARTICLE 3.º

Limitation period

1 — The right to initiate disciplinary proceedings lapses one year after the date on which the offence was committed.

2 — The right to initiate disciplinary proceedings is time-barred within 30 days of the competent body becoming aware of the offence and ordering the initiation of the relevant proceedings.

3 — The initiation of an inquiry suspends the limitation periods until the date of its conclusion.

4 — With regard to offences committed by students who have since left the University, provided that none of the time limits referred to in the preceding paragraphs has elapsed, the limitation period shall be deemed to have been interrupted and shall recommence from the date of the accused's reenrolment or a new valid enrolment.

5 — Disciplinary sanctions imposed following disciplinary proceedings shall be subject to the following limitation periods, calculated from the date on which the decision became final:

- a) 1 month for a warning;
- b) 3 months for a fine;
- c) 6 months for sanctions involving temporary suspension from academic activities and suspension from academic assessment for a period of one year;
- d) 1 year for the sanction of exclusion from attending the NOVA University of Lisbon and its constituent units for up to five years.

CHAPTER II

Disciplinary sanctions

SECTION I - General provisions

ARTICLE 4.º

Sanctions

The disciplinary sanctions applicable to students are as follows:

- a) A warning;
- b) A fine;
- c) Temporary suspension from school activities;
- d) Suspension from academic assessment for a period of one year;
- e) Exclusion from attending NOVA University of Lisbon and its constituent units for up to five years.

ARTICLE 5.º

Nature of disciplinary sanctions

The disciplinary sanctions applicable to students are as follows:

1 — A disciplinary sanction in the form of a warning shall always be issued in writing.

2 — A fine as a disciplinary sanction is set at a fixed amount and may not exceed 300 euros; it may be paid in up to 10 monthly instalments.

3 — The disciplinary sanction of temporary suspension from academic activities consists of a ban on attending classes and sitting any academic examinations for a minimum period of 30 days and a maximum of 120 days.

4 — The disciplinary sanction of suspension from academic assessment for a period of one year consists of the student being prohibited from taking part in any assessment for a period of one year, counted from the date of notification of the decision to impose the sanction.

5 — The disciplinary sanction of exclusion from the NOVA University of Lisbon and its constituent units for a period of up to five years consists of a ban on entering and remaining on any premises of the NOVA University of Lisbon and its constituent units.

SECTION II - Conduct to which disciplinary sanctions apply

ARTICLE 6.º

Warning

1 — A warning is applicable to minor and purely negligent offences, and specifically to students who:

- a) Fail to comply with established procedures, without this resulting in any significant harm;
- b) Commit any unjustified act that disrupts the normal running of academic activities;
- c) Omit information that should be brought to the institution's attention.

2 — The disciplinary sanction of a warning may not, however, be imposed in cases of repeat offences or where at least one aggravating circumstance is present.

ARTICLE 7.º

Fine

1 — A fine shall be imposed in cases of negligence or a misunderstanding of the student's duties, where there are no serious consequences for the institution or for third parties.

2 — A fine shall, in particular, be imposed on students who:

- a) Fail to comply, without serious consequences, with institutionally authorised instructions from other members of the university community;
- b) Make inappropriate use of the institution's premises, objects or property, even if this does not result in serious consequences;
- c) Fail to comply properly with the legal and regulatory provisions in force, without serious consequences.

ARTICLE 8.º

Temporary suspension from academic activities

The sanction of temporary suspension from academic activities shall be applied in cases of gross negligence or serious disregard for the fulfilment of duties on the part of the student, namely to students who:

- a) Disregard, without serious consequences, the institutionally authorized instructions of other members of the university community;
- b) Make false statements regarding the reasons for their absences;
- c) Use, or allow others to use or make use of, property or equipment entrusted to them for a purpose other than that for which it is intended;
- d) Reoffend by committing offences punishable under the terms of the preceding article.

ARTICLE 9.º

Suspension of academic assessment for a period of one year

The sanction of suspension from school assessment for one year applies to serious offences, namely to pupils who:

- a) Disrupt the conduct of academic ceremonies or the compliance with applicable regulatory and legal provisions;
- b) Engage in conduct likely to undermine the credibility, prestige or trust in the

University or its members, but which is not likely to be regarded as a very serious offence;

- c) Carry out actions intended to falsify or defraud the mechanisms designed to assess knowledge;
- d) Remain on the University's premises whilst intoxicated or under the influence of narcotic or psychotropic substances, unlawfully disrupting the normal course of academic activities through disturbances, loud noise or disorder;
- e) Cause damage to, or make inappropriate use of, the institution's premises, objects or property, with serious consequences;
- f) Commit acts of overt psychological violence against other students.

ARTICLE 10.^o

Suspension from attendance for up to five years

The sanction of exclusion from the NOVA University of Lisbon and its constituent units for up to five years applies to very serious offences, namely to students who:

- a) Physically assault any member of the university community;
- b) Show serious disrespect towards lecturers, researchers, students, management bodies or non-teaching staff;
- c) Reoffend by committing serious offences;
- d) Violently oppose the holding of academic ceremonies;
- e) Falsify, misappropriate or destroy academic documents;
- f) Engage in seriously offensive behaviour, in particular on the grounds of race, religion, gender, place of birth, political or ideological beliefs, education, economic status, social status or sexual orientation.

ARTICLE 11.^o

Determination of the applicable disciplinary sanction

1 — The applicable disciplinary sanction shall be determined on the basis of the student's culpability and the requirements of prevention.

2 — In determining the applicable disciplinary sanction, account must be taken of all circumstances that speak in favour of or against the student, with particular regard to:

- a) The degree of intent or negligence;
- b) The sentiments expressed in committing the offence and the aims and motives behind it;
- c) Conduct before and after the incident;

- d) The extent to which academic order has been disrupted;
- e) The damage caused;
- f) The degree of wrongfulness of the act;
- g) The student's personal circumstances and financial situation.

ARTICLE 12.º

Exculpatory circumstances

The following are exculpatory circumstances in relation to disciplinary liability:

- a) Physical coercion exerted on the student, which deprives them of all freedom of action;
- b) Accidental and involuntary impairment of intellectual faculties at the time the offence was committed;
- c) Self-defence or the defence of others;
- d) The absence of any requirement to act otherwise;
- e) The exercise of a right or the fulfilment of a duty.

ARTICLE 13.º

Mitigating circumstances

The following constitute mitigating circumstances in relation to a disciplinary offence:

- a) A voluntary admission of the offence;
- b) The student's conduct having been motivated by honourable reasons, by strong pressure or temptation from a third party, or by provocation or undeserved offence;
- c) The well-intentioned compliance with an order or instruction, in cases where such obedience was not required;
- d) The student having acted under the influence of a serious threat or under the influence of a third party on whom they depend or to whom they owe obedience;
- e) There having been acts of sincere repentance;
- f) Previous good conduct.

ARTICLE 14.º

Aggravating circumstances

1 — The following constitute special aggravating circumstances in relation to a disciplinary offence:

- a) A determined intention, through the conduct in question, to cause harm to the institution, regardless of whether such harm actually occurred;
- b) The actual causing of harm to the institution, in cases where the student could have foreseen such a consequence as a necessary result of their conduct;
- c) Premeditation;
- d) Complicity;
- e) The fact that the offence was committed whilst serving a disciplinary sanction or whilst the period of suspension of the penalty was in force;
- f) Recidivism;
- g) The accumulation of offences.

2 — Premeditation consists of the intention to commit the offence, formed at least twenty-four hours before it is committed.

3 — Recidivism occurs when the offence is committed before one year has elapsed from the date on which the sanction imposed for a previous offence was completed.

4 — Accumulation occurs when two or more offences are committed on the same occasion or when one is committed before the previous one has been punished.

ARTICLE 15.º

Suspension of disciplinary sanctions

1 — The enforcement of all disciplinary sanctions may be suspended.

2 — A disciplinary sanction may be suspended where, having regard to the student's character, their living conditions, their conduct before and after the offence, the offence itself and the circumstances surrounding it, it is concluded that a simple reprimand and the threat of disciplinary action adequately and sufficiently fulfil the purposes of the punishment.

3 — The duration of the suspension may range from one academic term to two academic years.

4 — The periods referred to in the preceding paragraph shall be counted from the date on which the student is notified of the relevant decision.

5 — The suspension shall lapse if, during its term, the student is found guilty in further disciplinary proceedings.

ARTICLE 16.º

Recording of sanctions

Disciplinary sanctions imposed shall be recorded in the student's individual file.

CHAPTER III

Disciplinary proceedings

ARTICLE 17.º

Initiation of disciplinary proceedings

1 — The Rector of NOVA University of Lisbon is authorised to initiate disciplinary proceedings.

2 — The authority referred to in the preceding paragraph may be delegated to the Deans of the organisational units of the NOVA University of Lisbon.

3 — The disciplinary sanction of a warning may be imposed without the need for prior disciplinary proceedings, but subject to a hearing and the student's right to defend themselves, whenever the body competent to initiate disciplinary proceedings deems there to be sufficient evidence of a minor disciplinary offence.

4 — At the student's request, a record of the proceedings referred to in the preceding paragraph shall be drawn up in the presence of two witnesses nominated by the student.

5 — For the purposes of paragraph 3, the student shall have a maximum of five days in which to submit a written defence, if they so wish.

ARTICLE 18.º

Reporting

1 — Any person who becomes aware of any act that may constitute a disciplinary offence, in accordance with these regulations, must submit a report to the Rector or the Dean of the organisational unit.

2 — Where the report is submitted to the Dean of the organisational unit, it must be forwarded immediately to the Rector, except in cases where the Rector has delegated powers to initiate disciplinary proceedings.

3 — Upon receipt of the report, the competent authority shall decide whether or not there are grounds for initiating disciplinary proceedings; in the former case, it shall order the proceedings to be initiated, and in the latter case, it shall order the report to be closed.

ARTICLE 19.^o

Investigator

The Rector shall, upon the recommendation of the Dean of the relevant organisational unit, appoint the Lecturer from amongst the members of the relevant academic staff, without prejudice to the Dean of the organisational unit making the appointment in question where authority has been delegated to them.

ARTICLE 20.^o

Preventive suspension

1 — A student may only be placed on preventive suspension where there is a strong likelihood that the disciplinary sanction provided for in Article 4(e) will be imposed, and such suspension may not exceed one academic term.

2 — The decision on the suspension referred to in the preceding paragraph falls within the competence of the body that initiated the disciplinary proceedings, upon the recommendation of the investigating officer.

3 — The student shall be notified of the provisional suspension, together with an indication, however general, of the offence or offences with which they are charged.

4 — A provisional suspension decided in accordance with the preceding paragraphs shall not preclude the student from sitting assessment examinations, provided this can be done without disrupting the normal running of academic and non-academic activities.

ARTICLE 21.^o

Proceedings

1 — The investigation of the disciplinary proceedings shall commence within a maximum of 10 days from the date on which the investigator is notified of the order instructing them to initiate the proceedings and shall be concluded within 45 days; this period may only be extended by order of the body that initiated

the proceedings, upon a reasoned proposal from the investigator, in cases of exceptional complexity.

2 — The instructor shall inform the body that appointed them, as well as the student and the participant, of the date on which the training commences.

3 — The period of 45 and five days referred to in paragraph 1 shall be counted from the date on which the training commences.

ARTICLE 22.^o

Conclusion of the investigation

1 — Once the investigation into the disciplinary proceedings has been completed, and if the investigating officer considers that there is sufficient evidence of acts liable to disciplinary sanction, they shall draw up the charge within a maximum of 10 days.

2 — The statement of charges shall set out the facts forming part of the case, as well as the circumstances regarding the time, manner and place of the offence, and any mitigating or aggravating factors, together with a reference to the relevant legal provisions and the applicable disciplinary sanctions.

3 — Where, upon completion of the preliminary investigation, if the investigating officer considers that the facts set out in the case file do not constitute a disciplinary offence, that the student was not the perpetrator of the offence, or that disciplinary liability cannot be imposed due to the expiry of the limitation period or for any other reason, they shall, within five days, draw up their final report, which they shall immediately forward, together with the relevant case file, to the body that initiated the proceedings, with a recommendation that the case be closed.

ARTICLE 23.^o

Notification of the charge and defence

1 — A copy of the charge shall be drawn up within 48 hours and served on the student by personal notification or, where this is not possible, by registered letter with acknowledgement of receipt, setting a period of between 10 and 20 days for the student to submit their written defence.

2 — Where notification in accordance with the preceding paragraph is not possible, in particular because the student's whereabouts are unknown, a notice

shall be published in the 2nd series of the *Official Gazette*, notifying the student to submit their defence within a period of not less than 30 nor more than 60 days from the date of publication.

3 — The notice shall merely state that disciplinary proceedings are pending against the student and specify the deadline set for submitting the defence.

4 — Where the proceedings are complex, owing to the number and nature of the offences or because they involve several students, and subject to prior authorisation from the body that ordered the proceedings to be instituted, the investigating officer may grant a period longer than that provided for in paragraph 1, up to a maximum of 60 days.

5 — The defence must be signed by the student or by their representative, where one has been duly appointed, and must be submitted to the location expressly indicated to them.

6 — Together with the defence, the student may submit a list of witnesses and attach documents, as well as request any evidential measures, which may be refused by a reasoned order of the investigating officer where they are manifestly irrelevant and unnecessary.

7 — No more than three witnesses shall be heard in respect of each allegation, and the examiner may refuse to examine witnesses where he or she considers the facts alleged by the student to have been proven.

8 — Failure to submit a defence within the prescribed time limit shall be deemed to constitute the student's effective appearance for all legal purposes.

ARTICLE 24.º

Examination of the case file

During the period set for the submission of the defence, the student may, either in person or through their representative, examine the case file on a date, at a time and at a place previously determined by the investigating officer.

ARTICLE 25.º

Final report

1 — Once the defence phase has concluded, the tutor shall, within a maximum of five days, draw up a complete and concise final report setting out the factual

existence of the offences, their classification and severity, any sums that may need to be repaid, as well as the disciplinary sanction deemed fair, or, alternatively, a proposal to close the case on the grounds that the charge is unfounded.

2 — Where the case is complex, due to the number and nature of the offences or because it involves several students, the time limit referred to in paragraph 1 may be extended up to a maximum of 20 days by the body competent to take the decision.

ARTICLE 26.^º

Forwarding of the case for a decision

Upon conclusion of the disciplinary proceedings, following the drafting of the final report, the original file shall be forwarded by the investigating officer to the Rector, who shall ensure that the opinions provided for in these Regulations are issued.

ARTICLE 27.^º

Disciplinary Council

1 — Disciplinary sanctions may only be imposed following an opinion from the Disciplinary Council.

2 — The imposition of sanctions resulting in expulsion is subject to a favourable opinion from the Disciplinary Council.

3 — The opinion of the Disciplinary Council is deemed to have been waived if it is not issued within 30 days.

ARTICLE 28.^º

Hearing of the students' association

1 — Without prejudice to the possibility of requesting any other opinions deemed appropriate, the imposition of the sanctions provided for in Article 4 must be preceded by an opinion from the relevant students' association.

2 — It is the responsibility of the body competent to impose the disciplinary sanction to conduct the hearing provided for in paragraph 1, forwarding a copy of the investigating officer's final report.

3 — The opinion of the students' association is waived if it is not issued within ten days.

ARTICLE 29.º

Decision

1 — The final decision on the disciplinary proceedings must be taken within 30 days of receipt of the case file.

2 — The time limit set out in the preceding paragraph shall be suspended upon request for the opinions provided for in the preceding articles and shall only resume upon notification of the opinions issued or upon the expiry of the time limit set for that purpose.

ARTICLE 30.º

Notification of the decision

The decision shall be notified to the student in accordance with the provisions of paragraphs 1, 2 and 3 of Article 23 regarding the notification of the charge.

ARTICLE 31.º

Commencement of the disciplinary sanction

Disciplinary sanctions shall take effect on the day following notification to the student or, if the student cannot be notified in person or by registered letter with acknowledgement of receipt, 15 days after the publication of a notice in the 2nd series of the *Official Gazette*.

ARTICLE 32.º

Review of disciplinary proceedings

1 — A review of the disciplinary proceedings may be sought at any time where circumstances or evidence arise that can demonstrate the non-existence of the facts that led to the imposition of the sanction, provided that such evidence could not have been used by the student during the disciplinary proceedings.

2 — A review may lead to the revocation or amendment of the decision handed down in the under review; under no circumstances may the sanction be made more severe.

3 — If the review of the disciplinary proceedings results in the revocation or amendment of the sanction, the Rector must make the outcome of the review public.

4 — A review of the disciplinary proceedings is always ordered by the Rector, on his own initiative, on the initiative of the Dean of the organisational unit, where disciplinary powers have been delegated, or at the student's request.

5 — Pending the review, the Rector may suspend the enforcement of the sanction, upon a reasoned proposal from the investigating officer, if there is evidence to suggest that the conviction was unjust.

CHAPTER IV

Inquiry proceedings

ARTICLE 33.º

Inquiry proceedings

1 — An inquiry procedure shall be ordered whenever there is a need to ascertain whether the reported facts have in fact taken place.

2 — The Rector has the power to initiate the inquiry procedure, which may be delegated to the Deans of the organisational units.

3 — The rules set out in these Regulations for disciplinary proceedings shall apply to the inquiry procedure, with the necessary adaptations.

4 — Once the inquiry proceedings have been concluded, and if it is determined that disciplinary offences have been committed, the body that initiated the inquiry shall initiate the appropriate disciplinary proceedings.

CHAPTER V

Final provisions

ARTICLE 34.º

Time limits

1 — The time limits set out in these Regulations shall be calculated in accordance with the Code of Administrative Procedure.

2 — The time limits laid down in this Regulation shall not run during school holidays, as determined by each organisational unit.

ARTICLE 35.º

Allocation of fines

The sums resulting from the imposition of a disciplinary fine constitute own revenue of the NOVA University of Lisbon and shall be allocated to the University's Social Services.

ARTICLE 36.º

Supplementary Provisions

In respect of any matter not expressly regulated in these Regulations, the provisions of the provisions of the General Law on Public Service Employment, approved by Law No. 35/2014 of 20 June, in accordance with the provisions of Article 75(2)(c) of Law No. 62/2007 of 10 September, which approves the Legal Framework for Higher Education Institutions.

ARTICLE 37.º

Entry into force

These Regulations shall enter into force on the first working day of the month following their publication in the *Official Gazette*, and shall apply immediately to pending cases where their provisions prove, in specific instances, to be more favourable to students.

