

## **Order and disciplinary regulations for students**

The VUB bases its education, research and the provision of its scientific, academic and social services on the principle of Independent Research for the benefit of the progress of humanity. This means rejecting any mere argument of authority and guaranteeing the forming of independent judgement, necessary for the incorporating this basic principle into society.

The VUB mission includes:

- 1° the development, transfer and application of high-quality academic education and scientific research, free of all prejudice;
- 2° the social integration of the same in a spirit of social concern;
- 3° the critical training of everyone in light of the responsibility to be borne in society;
- 4° the transfer of knowledge to strengthen the innovative power of the social and economic sectors.

Students, who are part of the university community, are consequently expected to conduct themselves at all times with a free and critical spirit as well as a sense of responsibility and respect for others and their environment, and demonstrate self-discipline in this regard. In this sense, the disciplinary regulation should be regarded as a final instrument on which to fall back if all other means fail.

## Table of contents

Toepassingsgebied .....	2
Ordemaatregelen .....	2
Feiten die tot tuchtsancties aanleiding kunnen geven .....	3
Tuchtorganen .....	3
Tuchtonderzoek door de vicerector .....	4
Bewarende maatregel .....	5
Afsluiten van het tuchtonderzoek door de vicerector .....	6
Tuchtprocedure voor de tuchtcommissie .....	7
Tuchtprocedure in beroep voor de Raad van Bestuur .....	9
Uitvoering .....	9

## Area of application

### Article 1

§ 1. These order and disciplinary regulations apply to students of the Vrije Universiteit Brussel, including visiting and exchange students.

§ 2. All written notifications to the student are made by e-mail (VUB e-mail address).

## Disciplinary measures

### Article 2

§ 1. Lecturers are responsible for order and discipline during their teaching and examination activities. Notwithstanding the provisions of the Education and Examination Rules, lecturers have the right, for the purpose of restoring order, to impose appropriate measures on students who treat the teaching staff disrespectfully or who disrupt classes (by ordering them to leave the room, for example).

§ 2. The Rector, the Vice-Rectors, the (Vice)-Deans and the heads of department are responsible for safeguarding order and security on campus. To this end, they may impose disciplinary measures for a maximum of fourteen calendar days. The Vice-Rector for Education and Student Affairs shall be informed of the disciplinary measure taken. A disciplinary measure may not be appealed against.

If the disciplinary measure is not for more than 24 hours, it shall be communicated to the student orally, followed by written confirmation.

If the disciplinary measure is for more than 24 hours, it shall be notified to the student in writing, stating the reasons. The student may provide useful comments and information to the person imposing the disciplinary measure. Taking this and all other relevant factors into account, the latter shall determine whether it is reasonable and proportionate to maintain, amend or terminate the disciplinary measure. This decision shall be made within two working days and notified to the student in writing, stating the reasons.

## **Acts which may give rise to disciplinary sanctions**

### Article 3

§ 1. A student may be subject to disciplinary proceedings in the following cases, among others:

- a. student conduct that may harm the safety or interests of the university community, for example:
  - use of violence (in any form) against members of the university community or intentional damage to their property;
  - damage to university buildings or property as a result of deliberate action;
  - theft of the University's tangible or intangible property or unauthorised use thereof;
  - use of fake certificates, attestations or diplomas;
- b. carrying out any acts that compromise the dignity of persons or prevent the University from fulfilling its mission as laid down in the Organic University Statutes;
- c. the disruption of good order within the university community.

§ 2. A criminal investigation into the same acts shall cause the disciplinary proceedings to be suspended unless the disciplinary body judges that the case can still be dealt with.

## **Disciplinary bodies**

### Article 4

§ 1. The disciplinary bodies are:

- the Vice-Rector for Education and Student Affairs (hereinafter: the Vice-Rector):

The latter shall lead the investigation and take a decision in accordance with Article 9. The Vice-Rector may delegate the powers under these regulations to one of the members of the independent academic staff appointed for this purpose by the Board of Governors on the recommendation of the Vice-Rector. In the event of

the authorised representative being unavailable or absent, the latter may appoint a substitute by way of sub-delegation. Wherever reference is made to the Vice-Rector in these regulations, this refers to the Vice-Rector or his/her authorised representative.

- the Disciplinary Committee:

this Committee takes decisions in accordance with Article 11.

- the Disciplinary Committee on appeal, in particular the Board of Governors;

this body takes decisions in accordance with Article 14.

## Article 5

§ 1. The Disciplinary Committee is composed of the Rector (or his/her representative), who acts as the chair of the Disciplinary Committee, as well as two members of the academic staff and three students.

The members of the academic staff forming part of the Disciplinary Committee shall be designated by the Board of Governors. The student members are appointed by the Student Council. Where appropriate, the representative of the Rector is appointed by the Board of Governors on the recommendation of the Rector.

§ 2. An deputy is provided for the Chair and each member. Where appropriate, the deputy shall deal with the entire matter. Neither the Chair nor the members of the academic staff may be part of the teaching team for course units pursued by the student in the current academic year.

§ 3.. Disciplinary proceedings are handled by the disciplinary body, as constituted by the Board of Governors at the time the case is brought before that disciplinary body, unless it is impossible in practice for the disciplinary body to deliberate validly as composed at that time. In the latter case, the disciplinary proceedings shall be taken over by the newly composed disciplinary body, with the requirement that the student concerned and any witnesses, insofar as they have already been heard, must be heard again by the newly composed disciplinary body.

§ 4. The Disciplinary Committee requires three of the five members to be present to constitute a quorum, with the condition that each section is represented.

§ 5. The student may object to members of the Disciplinary Committee<sup>1</sup>. The objection motion must be substantiated and be submitted to the Chair at the latest two working days prior to the session of the Disciplinary Committee at which the student is heard.

§ 6. The members of the Disciplinary Committee are bound by secrecy in this capacity.

§ 7. A lawyer acts as the Secretariat of the Disciplinary Committee.

## Disciplinary investigation by the Vice-Rector

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<sup>1</sup> Objection means that the person concerned makes a request for a member of the Disciplinary Committee to be replaced because he/she may be biased in the view of the objecting party.

## Article 6

§ 1. A disciplinary investigation is initiated after a report or complaint to the Vice-Rector and after the Vice Rector has found such report or complaint admissible. A disciplinary investigation may also be initiated on the Vice-Rector's own initiative.

§ 2. Anyone submitting a report or complaint must clearly identify him/herself to the Vice-Rector.

§ 3. The disciplinary investigation is led by the Vice-Rector, who may be assisted by an expert if the nature of the disciplinary offence so requires, or, in the case of the Secretariat, by a member of the administrative technical staff who is not an interested party.

The student may be assisted by a person of the student's choice during the disciplinary investigation.

## Article 7

§ 1. The investigation of the disciplinary file shall be conducted within a reasonable period of time.

§ 2. At the request of one of the persons concerned or on the initiative of said person, the Vice Rector may invite the persons concerned to a meeting with a view to reconciliation and/or reparation of the damage and/or fulfilling one or more missions or assignments. If agreements are reached during this meeting, the duration within which they are to be implemented shall also be determined. The disciplinary investigation shall be suspended pending the implementation of said agreements.

§ 3. The suspension of disciplinary proceedings is to be kept as short as possible. If the agreements have been honoured, the Vice-Rector will decide to dismiss the matter or issue a warning (Art. 9, § 1, a or b). If the agreements have not been honoured, the student will be referred to the Disciplinary Committee (Art. 9, § 1 and c).

## **Precautionary measure**

## Article 8

§ 1. The Vice-Rector may take a precautionary measure in the interests of the order and safety of the university. The Vice-Rector may impose a precautionary measure only after the student has been summoned to be heard beforehand. The student shall be informed in writing of all relevant information regarding the act(s) giving rise to the precautionary measure in order to be able to defend him/herself in a due and proper manner. The student may be assisted during the hearing by a person of the student's choice.

In urgent cases and provided that there is a special reason for doing so, a precautionary measure may be imposed without the student being heard beforehand. In this case, the student must have the opportunity to be heard as soon as possible and within five working days at the latest. Taking the student's comments and all other relevant factors into account, it shall be examined whether it is reasonable and proportionate to maintain, amend or terminate the precautionary measure. This decision shall be made within five

working days and notified to the student in writing, stating the reasons.

§ 2. The student is to be notified of the precautionary measure and its duration, stating the reasons. The Vice-Rector may decide to inform other persons about the measure taken, if necessary.

### **Closing of the disciplinary investigation by the Vice-Rector**

#### Article 9

§ 1. At the end of the disciplinary investigation, the Vice-Rector shall decide on:

- a. dismissal of the matter
- b. issuing of a warning
- c. referral to the Disciplinary Committee.

§ 2. In the event of dismissal of the matter or a warning, the precautionary measures shall cease to apply.

§ 3. A copy of the Vice Rector's decision is to be given to the student in writing. The person who brought the case will be informed of the nature of the decision.

§ 4. If the Vice-Rector makes a decision to issue a warning (Article 9, § 1, b), the student may lodge an appeal against this to the Chair of the Disciplinary Committee, within a period of 14 calendar days after notification, by sending an e-mail to [berufptuchtstudent@vub.be](mailto:berufptuchtstudent@vub.be), with the subject line "appeal against a warning". The reasons for lodging the appeal must be stated. The student has a right of access and inspection, has the right to be assisted by a person of the student's choice and may request a hearing. If the appeal is admissible, the Disciplinary Committee may decide either to maintain or withdraw the warning. This decision of the Disciplinary Committee may no longer be appealed.

## Disciplinary procedure before the Disciplinary Committee

### Article 10

§ 1. If the Vice-Rector decides to refer the matter to the Disciplinary Committee (Art. 9, § 1, c), the student shall be informed of the referral accordingly. The decision includes the description of the alleged acts as well as a proposal for disciplinary sanction.

The Chair of the Disciplinary Committee may decide to deal with cases relating to several acts and/or several students together or separately in the context of due process. Where appropriate, the Vice-Rector shall reformulate the proposal for disciplinary sanction.

§ 2. The student is entitled to be assisted by a person of the student's choice and has the right of access to and inspection of the file as well as to a copy of the file. If necessary, the Chair of the Disciplinary Committee may refuse making copies of certain documents from the file for privacy reasons. The Chair of the Disciplinary Committee shall summon the student at least 14 calendar days before the hearing. The composition of the Disciplinary Committee shall be stated in the summons notice. The student may present his/her defence at the hearing.

§ 3. The hearing of the Disciplinary Committee shall take place behind closed doors.

§ 4. The Disciplinary Committee may take any investigative measures that it deems necessary, including the hearing of witnesses. At the request of the witness summoned, the questioning of that person may be done in writing.

### Article 11

§ 1. After the student has been heard, the Disciplinary Committee shall, by way of a simple majority of votes, take a decision to impose a ( combination of) sanction(s) or decide not to impose a disciplinary sanction. If the votes are tied, the decision shall be made in favour of the student. Any precautionary measure shall cease to apply after judgement has been given.

§ 2. The reasons for the Disciplinary Committee's decision must be stated. The Disciplinary Committee may, but only with special justification, impose a more severe sanction than that proposed by the Vice-Rector in the context of the decision to refer the matter to the Disciplinary Committee.

§ 3. The following disciplinary sanctions, or a combination thereof, may be imposed:

- a. warning;
- b. termination of the student's rental agreement in VUB's student accommodation;
- c. disciplinary suspension regarding the use of certain facilities for students (e.g. library, study rooms, restaurant, party locations, etc.) or attending activities of recognised student associations on campus;
- d. disciplinary suspension as regards pursuing one or more course units or certain educational activities;
- e. disciplinary suspension regarding all educational activities and all facilities for students;

- f. disciplinary suspension regarding all educational activities and all facilities for students, including one or more examination period(s);
- g. exclusion.

§ 4. A disciplinary suspension as regards pursuing one or more course units and/or participating in course activities and/or the use of facilities for students, whether or not including examination period(s), may be imposed for a maximum period of one year;

§ 5. Exclusion also implies a campus ban. Exclusion may be imposed only for acts in relation to which intent has been demonstrated and results in the person involved ceasing to be a student immediately. If the person concerned loses the status of student after the start of the disciplinary procedure, this may nevertheless be continued, but only with a view to the possible imposition of the sanction of exclusion proposed by the Vice-Rector.

The person concerned may be re-registered only after a period of at least three calendar years and following admission by the Vice-Rector for Education and Student Affairs.

This period of three calendar years shall commence on the day after the decision is announced. If re-enrolment is granted, the campus ban shall no longer apply.

§ 6. The expiry of the duration of the disciplinary sanction means that the sanction in question may no longer be taken into account, except in cases of repeated infringement relating to the matter for which the sanction was imposed.

§ 7. The sanctions take effect immediately, notwithstanding any appeal. In its decision, the disciplinary authority may postpone the execution of the sanction stated under b to d, subject to compliance with certain conditions. If the student has met the conditions, the sanction will not be enforced.

§ 8. The student shall receive a copy of the decision, signed by the Chair and the Secretary, in writing within seven calendar days.

The Rector and Vice-Rector of Education and Student Affairs shall also receive a copy.

The person who brought the case will be informed of the disciplinary sanction taken without receiving a copy. That person shall also be informed whether an appeal has been lodged or not.

## **Appeal against disciplinary proceedings before the Board of Governors**

### Article 12

§ 1. The student has a period of 14 calendar days from the written notification of the decision to lodge an appeal in accordance with Article 11, § 8.

§ 2. The appeal, stating the grounds, must be sent to the Chair of the Board of Governors by e-mail at [beroepuchtstudent@vub.be](mailto:beroepuchtstudent@vub.be) the subject line "Appeal against the decision of the Disciplinary Committee".

§ 3. The student may include a request to be heard in the notice of appeal.

§ 4. The appeal shall not suspend the implementation of the decision

### Article 13

A member of the Disciplinary Committee may not be a member of the Disciplinary Committee dealing with the appeal.

### Article 14

§ 1. After taking all the investigative measures deemed necessary, the Disciplinary Committee hearing the appeal shall take a decision by way of a simple majority of votes. In addition, the Disciplinary Committee may not impose a more severe disciplinary sanction as a result of the appeal than that imposed by the original Disciplinary Committee.

In the event of a tied vote, this shall be interpreted as being in favour of the student.

§ 2. The student shall receive a copy of the decision in writing within 14 calendar days. The Rector, the Vice-Rector for Education and Student Affairs and the Chair of the Disciplinary Committee shall also receive a copy.

The person who brought the case shall be informed of the appeal decision, though without receiving a copy.

## **Implementation**

### Article 15

§ 1. The Vice-Rector is responsible for implementing the precautionary measure.

§ 2. The Secretary of the Disciplinary Committee is responsible for implementing the disciplinary sanction imposed by that Disciplinary Committee.

§ 3. The Secretary of the Board of Governors is responsible for the execution of the disciplinary sanction on appeal.

§ 4. The Vice-Rector, the Secretary of the Disciplinary Committee or the Secretary of the Board of Governors shall inform the persons whose cooperation is required for the implementation of the measure or sanction.