

## Bar-Ilan University Student Disciplinary Code \*

This policy may be worded in the masculine gender for the sake of convenience only but applies to women and men without distinction.

### 1 Definitions

In this disciplinary Code, the following terms shall have the following definitions:

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| A. | <b>The University</b>         | Bar-Ilan University, including an entity or institution under its control or its auspices.  |
| B. | <b>Teacher</b>                | Any person who performs teaching, training or research on behalf of the University.   |
| C. | <b>Employee</b>               | Any person employed by the University or in its service who is not a teacher.   |
| D. | <b>Student</b>                | <p>Any person who has registered for studies at the University, whether for a degree program or non-degree studies, and has been accepted as a student, including research students and post-doctoral students, from the time of their registration and as long as they are registered as a student, including during breaks from studies.</p> <p>Any person who applied for admission as a student and whose application was rejected, from the moment of registration until receipt of the rejection notice.</p> <p>Any person who was a student at the University or who applied to the University shall continue to be subject to the disciplinary authority of the University's Disciplinary Authorities even after they have completed or discontinued their studies or after their application has been rejected, in respect of acts they carried out while a student or applicant for admission to the University.</p> <p>Any person taking preparatory courses for new immigrants and/or any other preparatory program conducted by the University and/or under its academic supervision.</p> <p>Any person who was a student at the time the offense was committed.</p> |
| E. | <b>Authorities Discipline</b> | The Disciplinary Committee and the Appeals Committee as well as the Chair of the Disciplinary Committee, the Chair of the Appeals Committee and a Dean, acting as a single adjudicator based on explicit authorization in this Disciplinary Code.   |
| F. | <b>Disciplinary Offense</b>   | An offense included among those outlined in this Disciplinary Code and/or a violation of the disciplinary rules and/or instructions as determined from time to time in the University's regulations, procedures and various publications, including an attempt to solicit or assist in committing such an offense.  |
| G. | <b>Dean</b>                   | Dean of a faculty, and in units not affiliated with a faculty, the head of the unit with which the Respondent is affiliated, or a senior academic staff member authorized by the dean to handle disciplinary matters, with the Rector's approval.   |

## 2 Disciplinary Authorities

### A. The Disciplinary Committee and the Appeals Committee.

- (1) **Disciplinary Committee:** A committee established by the University Senate. The committee will include at least two representatives from each faculty, with the aim that at least four of the committee members will be legal professionals with professional expertise in the field of discipline.  
In addition, the Dean of Students is a member of the committee by virtue of their position. A representative of the Student Union shall participate in the part of the hearing in which the Respondent participates, as an observer on the committee without the right to vote.
- (2) **Appeals Committee:** A committee established by the University Senate whose members are not members of the Disciplinary Committee. The committee will include one representative of each faculty. The aim should be to have at least one member of the committee who is a legal professional with professional expertise in the field of discipline.  
In addition, members of the committee will include a representative of the Dean of Students and a representative of the Student Union who are not members of the Disciplinary Committee.
- (3) The chairs of the aforesaid committees and their deputies are appointed by the Senate.
- (4) The term of office for members of the Disciplinary Committee and the Appeals Committee shall be three years. The replacement of committee members shall be done gradually, to the extent possible, and no more than half of the committee members shall be replaced in the same year.
- (5) A committee member whose term has ended may be reappointed. However, a committee member shall not serve for more than two consecutive terms.
- (6) A committee member whose term has ended may, with the approval of the committee Chair, complete the discussion of a particular matter that began before the end of their term.
- (7) A committee member may resign from their position by submitting a letter of resignation to the Rector. Their term will end thirty days after submitting the resignation letter.
- (8) A member of the Disciplinary Committee or an observer may not be a member of the Appeals Committee.
- (9) The Senate has the authority to appoint a committee member to replace an existing committee member, if necessary, at its discretion.
- (10) The legal quorum for meetings of the Disciplinary Committee and the meetings of the Appeals Committee is three members that have voting rights. The aim should be to have at least one member of the committee who is a legal professional with professional expertise in the field of discipline. In meetings addressing complaints filed against a student of the Faculty of Medicine, one of the members must be a representative of the Faculty of Medicine.
- (11) In the case of a tie in the number of votes for and against a decision, the Chair of the Disciplinary Committee and the Chair of the Appeals Committee (as applicable) may decide the matter with a double casting vote.
- (12) If the term of office of the members of the Disciplinary Committee or the members of the Appeals Committee has expired, they are authorized to continue and complete the hearing

on any matter pending before them and to commence discussion of new matters until other members have been appointed to replace them.

- (13) Any authority vested in the Chair of the Disciplinary Committee or the Chair of the Appeals Committee is also vested, in their absence, in their deputies. A decision or judgment of a deputy Chair has the same status as a decision or judgment of the Chair for all intents and purposes.
- (14) The disciplinary authorities are part of the educational mission of the University and they will act to the best of their understanding to ensure the full possibility of clarifying the matter under discussion and doing justice, in the manner that seems most effective to them for a just and speedy decision.

#### B. Respondent, Disciplinary Officer, Complainant and Coordinator

- (1) The Disciplinary Officer is the Academic Secretary. Once per academic year, each disciplinary authority will submit to the Academic Secretary a report on the complaints filed with it and its decisions, in a format determined by the Disciplinary Officer. Once a year, the Academic Secretary will submit a summary of the reports to the Steering Committee.
- (2) **The Complainant**, or someone appointed by them, will serve as the prosecutor in the disciplinary process and will be the University's representative.
- (3) A University employee will serve as the **Coordinator of the Disciplinary Committee and the Appeals Committee**.

### 3 Disciplinary Rules

Students are required to maintain the behavior and discipline befitting University students, considering its character and objectives as a recognized institution of higher education, and comply with the instructions outlined in the various Codes and regulations, procedures and various publications by the University.

### 4 Disciplinary Offenses

Violation of disciplinary rules shall be considered a disciplinary offense if committed inside or outside the University, as specified below:

- A. Conduct that offends the dignity of the institution or public morality.
- B. Failure to comply with the instructions of the University authorities, its teachers or employees, issued by them in the context of performing their duties, including as in-person and/or online exam proctors.  
Failure to execute what is required of them as a student according to practice, law, regulation, statute, procedure or general or special instruction, or negligence in fulfilling what is required of them as noted.
- C. Providing false information to the University, its teachers or employees, committing a fraudulent act or knowingly concealing information for the purpose of obtaining rights in the University or in connection with their University studies.  
Providing false information to entities outside the University regarding any entitlement from the University. This includes but is not limited to the forgery of a document, certificate or record on behalf of the University, or making changes to such a document, certificate or record.
- D. Giving false testimony in a hearing before the disciplinary authorities or failure or refusal to testify before the disciplinary authorities without reasonable justification.

- E. (1) Cheating on an examination, homework, seminar paper, final paper, doctorate or any other assignment given to the student in connection with their studies whether conducted in person or online. Cheating or copying on exams and/or papers is deemed equivalent to deception, lying and even theft of money.
- (2) Breach of provisions relating to the aforementioned tasks, including violation of instructions regarding conduct during examination, including possession of prohibited material in person or online.
- (3) Possession of prohibited electronic devices such as (but not limited to) mobile phone, beeper, smart watch, earphones or any of the various types of smart devices by the examinee during an examination, with the exception of devices explicitly permitted, whether used or not.
- (4) Establishing contact, not explicitly permitted by University authorities, with a person or other entity during an exam.
- F. Violation of regulations, instructions or agreements relating to the use of University facilities including violation of safety instructions or careless behavior or trespassing on University facilities, including libraries, computers, computer communications, online facilities, auditoriums, laboratory rooms, dormitories, clubs, offices, open spaces, sports facilities and parking lots.
- G. Failure to comply with instructions and procedures for driving and parking on the campus as published by the University Security Department, or noncompliance with the instructions of the security officer or inspectors.
- H. Interference with teaching, research or any other University work, as well as interference with any other activity authorized by the University institutions.
- I. Damage, unauthorized taking or unauthorized or improper use of University property or other property used for its purposes or property of its teachers, employees or students, including computer and information systems, databases, accounts, University addresses or name, unauthorized access to accounts, data modification and software disruption, tearing out pages from books belonging to various University libraries and/or found in various University departments. For this matter, intellectual property rights are also considered property.
- J. Threatening harassment of a person by a student in any way or making threats against them, if done within the University's facilities or where University activities are conducted or if done in connection with studies, activities or a position at the University.
- K. Behavior that harms the dignity, body, security or property of University students, teachers, employees or agents of the University or those who come within its domain or are associated with it, if done due to or in connection with their status or activities at the University, or that may affect their status as such, or if done within the University (physical or digital space) or in connection with the University's activities.
- L. Behavior unbecoming a University student that does not fall within the aforementioned offenses.
- M. Sexual harassment or intimidation, as defined in the Prevention of Sexual Harassment Law and in the Prevention of Sexual Harassment Regulations, are serious disciplinary offenses and will be subject to the provisions of the Prevention of Sexual Harassment Regulations.
- N. Direct or indirect obstruction of enforcement of a decision or judgment of the disciplinary authorities.

- A. The authority to conduct disciplinary proceedings under this Code shall not be prejudiced by the possibility of conducting criminal proceedings in court against the Respondent, or by the conducting of such proceedings, or by any judgment handed down in such proceedings.
- B. Should the Chair of the Disciplinary Committee be of the view that a complaint raises an alleged concern that a criminal offense as defined by Section 268 of the Penal Code, 5737-1977 may have been committed, they shall instruct the Academic Secretary to notify the Attorney General or the Attorney General's representative. The Disciplinary Authorities shall not initiate proceedings against the Student Respondent until such notice is sent. If proceedings have begun, they shall be suspended until such notice is sent.

## **6 Retention of Powers**

The authority of the Disciplinary Authorities to hear and adjudicate disciplinary offenses does not prejudice the authority of a teacher or employee to issue instructions or take measures that lie within the scope of their authority to prevent disruptions by a student to the proper course of study, examinations or any other activity at the University.

## **7 Penalties**

A student found guilty of a disciplinary offense shall be liable to one or more of the penalties listed below:

- A. A warning, reprimand or severe reprimand, which shall be recorded in the student's personal file at the University.
- B. Revocation of a tuition discount, study prize or scholarship, or revocation of the right to receive them for a period to be determined by the Committee, including an order to return funds given.
- C. Restriction of access to or use of University facilities for a specified period, and/or denial of use of University facilities, including laboratories, libraries, computers, computer communications, student dormitories, sports facilities and parking lots, for a specified period.
- D. Disqualification of an examination that the student took, as well as disqualification of a homework assignment, seminar paper, doctoral dissertation, final paper or any other assignment given to the student in connection with their studies. The disqualification of an examination or paper as noted here is equivalent to a failing grade with a score of 0 (zero).
- E. Prohibition from taking examinations at a certain date or at certain dates.
- F. Non-recognition of participation in a course or courses.
- G. Delay in the granting of a certificate or of authorization attesting to the student's studies or completion of studies for a specified period.
- H. Monetary fine, in an amount not exceeding half of the full tuition fee for a regular Student-Respondent in that academic year, to be paid to the University treasury.  
For offenses listed in the First Appendix to the Disciplinary Regulations, the fine amount shall not exceed that specified for that offense. The Rector may update the amounts specified in the First Appendix, after consulting with the Academic Secretary and Legal Advisor. For offenses listed in the First Appendix, the hearing before the disciplinary authorities may be replaced by payment of a fine according to a dedicated form, subject to the consent of the Respondent and the Complainant and with the approval of the Disciplinary Committee Chair. Payment of the fine will constitute an admission of guilt. The decision by the Disciplinary Committee Chair to approve the fine option as stated will be final and not subject to appeal.

- I. Addition of courses beyond the number required for obtaining a particular degree or certificate.
- J. Retroactive cancellation of recognition of the studies of a semester, year or more and the retroactive disqualification of a certificate or authorization already granted.
- K. Cancellation of rights or achievements in studies, including the right to receive a certificate or authorization attesting to these studies.
- L. Expulsion from the University for a defined period or permanently.
- M. The Disciplinary Committee may instruct, in addition to any other penalty imposed upon the student, that the conviction and penalty be recorded in the grade transcript that the University issues to the Respondent. If the Disciplinary Committee does not so determine, the fact of the conviction or penalty shall not be recorded in the grade transcript. The committee may also order the publication of the fact of conviction noting the name of the Respondent.
- N. Obligation of the Respondent to perform public service for a fixed period.
- O. The penalty for a disciplinary offense under section 4 E (3) is disqualification of the **course** unless the committee decides on one or more of the other penalties specified in this section.
- P. The Disciplinary Committee may rule to suspend all or part of the aforesaid penalties for a specified period.
- Q. The Committee may determine a penalty not included in the above list based on the circumstances. Execution of a punishment handed down by the Disciplinary Committee is a condition for eligibility for a degree or any other certificate, unless the Disciplinary Committee determines otherwise in an explicit instruction.

## 8 Compensation

If a Respondent is found guilty of a disciplinary offense, and if the act of the offense caused material damage to the University, the Disciplinary Committee may require the student, in addition to any penalty imposed on the student or in lieu of such penalty, to reimburse the University with monetary compensation in an amount not exceeding the damage caused by the offense.

## 9 Enforcement

A fine or compensation imposed on the Respondent and not paid shall be deemed a debt of the Respondent to the University for all intents and purposes, and all rules and regulations enforced in the University in respect of non-payment of tuition fees, outlined from time to time, shall be applied to them.

### A. Studies During a Period of Suspension

Studies undertaken by a Respondent during the period of their suspension from the University will not be recognized as credit points.

### B. Statute of Limitations

- (1) Disciplinary proceedings will not be opened against a Respondent if three years have passed since the day the offense was committed. Despite the aforementioned, the limitation period will not go into effect as long as the disciplinary authorities are unaware of the existence of reasonable suspicion that the offense was committed.
- (2) The period during which the matter was under police investigation or in criminal proceedings

will not be counted towards the statute of limitations.

## 10 Representation

- A. A Respondent is entitled to be represented in the disciplinary proceeding by a University student who is not a lawyer. In the absence of an explicit instruction otherwise in the Code, the Respondent may be represented in a disciplinary proceeding by a lawyer.
- B. (1) The right to be represented by a student is contingent on written notification by the Respondent to this effect, to the secretariat of the disciplinary authority, at least 48 hours before the date of the hearing.
- (2) The right to be represented by a lawyer is contingent on written notification by the Respondent to this effect, to the secretariat of the disciplinary authority, at least one week before the date of the hearing.
- (3) The Chair of the disciplinary authority may approve shortening the aforementioned deadlines for special reasons that will be documented.
- (4) A decision by the Disciplinary Committee on the subject of representation by an attorney is not subject to an appeal except in exceptional circumstances and subject to permission to appeal granted by the Disciplinary Committee. A request for permission to appeal as noted shall be submitted and decided promptly. If permission to appeal is granted as noted, the appeal will be presented for decision by the Appeals Committee.

## 11 Accusation and Hearing Procedures

### A. Complaint

A complaint regarding a disciplinary offense shall be submitted in writing to the Complainant, outlining all relevant facts.

### B. Complaint Conveyed to the Complainant

- (1) If a complaint is conveyed to the complainant, they may request additional information from the person submitting the complaint, the Respondent or other parties. The Complainant will make sure to obtain the evidence related to the complaint.
- (2) The Complainant will present to the Respondent with a summary of the suspicions against them and give them an opportunity to present their arguments in writing, before deciding to open disciplinary proceedings.
- (3) The decision to open disciplinary proceedings will be made as soon as possible under the circumstances.

### C. Decision not to Open Disciplinary Proceedings

If the Complainant deems that there is no basis to initiate disciplinary proceedings against the Respondent, they may decide not to open a disciplinary process. The person submitting the complaint or the unit through which the complaint was submitted may appeal such a decision by the Complainant before the Chair of the Disciplinary Committee, whose decision will be final.

### D. Submission of a Charge Sheet

- (1) If the Complainant decides that there is room to open disciplinary proceedings based on a complaint, they will submit a Charge Sheet to the Chair of the Disciplinary Committee. The

Charge Sheet will include the following details:

- A. Name of the Respondent
  - B. Details of the disciplinary offense committed and description of the relevant facts.
  - C. Names of witnesses the Complainant wishes to summon.
  - D. List of documents attached to the Charge Sheet required to prove guilt.
  - E. The Respondent's response, to the extent one is given, attached to the Charge Sheet.
- (2) After the complaint has been conveyed to the Chair of the Disciplinary Committee, the Disciplinary Committee Coordinator will send the Respondent a notice regarding the initiation of disciplinary proceedings against them, to which will be attached the Charge Sheet, a copy of the Disciplinary Code and a notice regarding the right to representation in accordance with this Code.
  - (3) The Complainant may make changes to the list of prosecution witnesses and documents, provided that they notify the coordinator of the Disciplinary Committee and the Respondent up to one week before the date set for hearing the case.

#### E. Plea Bargain

- (1) A Complainant may reach a plea bargain proposal with the Respondent regarding conviction and/or punishment, provided that either the Respondent is represented in the negotiations to formulate the arrangement, or the Respondent declares in writing that they are aware of their right to be represented. The Complainant will clarify to the Respondent that the plea arrangement is not binding upon the Chair of the Disciplinary Committee and that they are not required to accept it.
- (2) The plea bargain proposal will be presented for approval to the Chair of the Disciplinary Committee.  
Should the Chair of the Disciplinary Committee approve the plea bargain proposal, the arrangement will receive the force of a judgment and the relevant Code provisions for a judgment will apply to the approved plea bargain with necessary modifications.  
Should the Chair of the Disciplinary Committee consider not to approve the plea bargain, they will notify the parties and allow them to present their arguments on this matter orally or in writing, at their discretion.  
Should the Chair of the Disciplinary Committee decide, after the parties' arguments, not to approve the arrangement, they will explain their decision and the continuation of the process will be determined before the Disciplinary Committee.
- (3) Should the plea bargain be approved, this decision will be final and not subject to appeal.

#### F. Single Adjudicator

Should the Chair of the Disciplinary Committee believe that involved is a disciplinary offense involving possession of prohibited materials/means in an examination under section 4 E (3), and that the appropriate punishment for this offense is disqualification of the **course** only – they will be entitled to decide regarding the complaint on their own, without convening the committee, and this will be done only after a detailed Charge Sheet has been sent to the Respondent and they have been given the opportunity to respond to the complaint in writing, within two weeks, and provided that the Respondent has not denied committing the offense under section 4 E (3) and has not denied guilt in relation to it. Should the Respondent deny commission of the offense under section 4 E (3) or pleads not guilty in the response form sent to them together with the Charge Sheet, the case will



be referred to the Disciplinary Committee and the disciplinary proceedings against them will continue according to the regular process.

**G. Summons to Hearing**

- (1) Should a complaint be filed, the coordinator of the Disciplinary Committee will send the Respondent and the Complainant a written summons to the disciplinary hearing within 21 business days from the date of filing the complaint.
- (2) The hearing will be held at a location determined by the Committee Chair and will be set for a date within 45 days from the date of serving of the Charge Sheet to the Respondent, but no less than 14 days from notification of the hearing date.
- (3) The Respondent shall be given the opportunity to respond to the Charge Sheet up to a reasonable time before the hearing date. This response shall be considered testimony before the Committee, and in it, the Respondent shall indicate whether they wish to appear before the Committee. In their response, the Respondent may request to present evidence and/or testimony and/or witnesses before the committee, provided that they note this in writing in a notice sent by email to the Disciplinary Committee's coordinator.

**H. Hearing in the Presence or Absence of the Respondent**

- (1) If the Respondent attends the hearing, the presentation of evidence and taking of testimonies shall be done in their presence.
- (2) If the Respondent does not appear at the hearing at the scheduled time, the Committee Chair may hold the hearing in their absence, provided every reasonable action was taken to enable the Respondent to receive notice of the date of the hearing, whether in writing or otherwise.
- (3) The Chair of the Disciplinary Committee may order the removal of the Respondent or their representative and hold the hearing in their absence if they disrupt the proceedings after being warned.

If the hearing is held without the Respondent's presence, as per subsection E above, the Respondent may submit a request to the Chair of the committee to overturn the decision within seven (7) days of receiving notification of the decision, and the Chair of the committee may then hold a new hearing on the decision before the committee.

**I. Hearing Procedures**

- (1) The Chair of the Disciplinary Committee will open the hearing by reading the Charge Sheet to the Respondent.
- (2) After reading the Charge Sheet, the Chair of the Disciplinary Committee shall ask the Respondent whether they admit or deny the facts and accusations included in the Charge Sheet.
- (3) Should the student admit to the allegations in the Charge Sheet, the Chair of the Disciplinary Committee may find them guilty based on their admission without the need for further evidence. However, the Chair of the Disciplinary Committee may, despite the Respondent's admission, require the Complainant to present evidence to prove the complaint or parts of it.
- (4) If the Respondent denies the complaint, the Complainant shall present their evidence and witnesses, and the Respondent or their representative shall have the right to cross-examine the Complainant's witnesses. The Respondent shall have the right to present their evidence and witnesses, and the Complainant shall have the right to cross-examine the Respondent

and their witnesses. All of this shall be in accordance with the Disciplinary Committee's instructions on the matter and according to the procedure determined by the Chair of the Committee.

- (5) The Disciplinary Committee shall conduct the hearing, approve the summoning of witnesses and give instructions regarding this, and receive evidence in a manner it deems fair and efficient. The Disciplinary Committee is authorized to establish different procedural instructions for the conduct of the hearing, including imposing limitations on the duration, number and length of sessions, and setting a target date for completion of the procedure, to prevent the process from dragging on excessively.
- (6) The Disciplinary Committee may approve requests to amend the complaint and/or to supplement the evidence material, provided the Respondent was given a reasonable opportunity to provide a defense.
- (7) The minutes of the hearing will be taken by the disciplinary authorities, signed by the Chair of the Disciplinary Committee and delivered to the Complainant, as well as to the Student Respondent, if they so request. The Chair of the Disciplinary Committee may order that the hearing be audio recorded.
- (8) As a rule, sessions of the Disciplinary Committee shall be held on the University campus in Ramat-Gan, including for students who do not study at the Ramat-Gan campus. The Chair of the Disciplinary Committee may approve participation in the hearing, giving testimony, or attending the hearing, in whole or in part, via online video conference. Such a decision shall be issued in writing, following a request by the Respondent or after the Respondent was given the opportunity to present arguments on the matter in writing, and if the decision is made despite the Respondent's objection to the online video conference, it shall require special reasons and prior consultation with the Legal Advisor.
- (9) The Committee may convict the Respondent of a different offense than the one the Respondent was charged with if their guilt in it arises from the proven facts and if the Respondent had a reasonable opportunity to defend against it.

#### J. **Judgment**

- (1) As soon as possible after the conclusion of the hearing, a reasoned judgment will be given in writing.
  - A. The judgment will be delivered by the Disciplinary Committee coordinator to the Complainant, the Respondent and the Academic Secretariat. The Academic Secretariat is responsible for executing the judgments and decisions and ensuring their full enforcement.
  - B. The judgments will be published in a format determined by the committee. The committee will decide on the publication of its judgment, either with or without noting the Respondent's name, with the Rector's approval. The Committee may decide to publish the judgment handed down by it with or without noting the Respondent's name, following approval from the Rector.
- (2) In any case, the Disciplinary Committee may periodically publish notices about the key principles derived from its decisions and the penalties imposed for various offenses, without identifying details, to inform students of its disciplinary policy.
- (3) The notice of the judgment will include mention of the right to appeal and the right to request a delay of execution of the sentence. The judgment will go into effect on the day it is given, unless the Disciplinary Committee decides on a later date, taking into account the right

of appeal, the academic calendar, exam dates and the like.

- (4) At the request of the Respondent, the Chair of the Disciplinary Committee may delay execution of the sentence. If the Chair decides not to delay the execution of the sentence, the Respondent may appeal to the Chair of the Appeals Committee and request a delay in the execution for a period to be determined.

## **12 Appeal**

### **A. Right to Appeal**

Any judgment of the Disciplinary Committee may be appealed before the Appeals Committee by any of the parties. No appeal may be made against a decision of the Disciplinary Committee after the case has been returned to the Disciplinary Committee by the Appeals Committee.

### **B. Deadline for Filing an Appeal**

An appeal of the judgment of the Disciplinary Committee shall be filed no later than two weeks from the time the judgment was delivered to the parties. If no appeal is filed, the judgment of the Disciplinary Committee will be final.

### **C. Reasoned Appeal Notice**

The Appellant shall submit their appeal with the Academic Secretariat in writing in a reasoned notice.

### **D. Response of the Responding Party**

The appeal notice will be delivered by the coordinator to the other party (if the appeal is filed by the Respondent – to the Complainant, and if the appeal is filed by the Complainant – to the Respondent) for a response to the claims in the appeal. The response to the appeal shall be given within 21 days in writing.

- (1) The Appeals Committee may consider appeals based on written arguments. However, if the appellant or the Respondent requests an oral hearing, a date for the appeal hearing will be set within a reasonable time.
- (2) Should the Respondent not submit their written arguments by the appeal date, the appeal shall be considered based on the appellant's arguments.

### **E. Scope of the Appeal**

The appellant or Respondent may not present new evidence in the appeal unless new evidence has been discovered that was unknown to the party requesting to present it at the time of the hearing before the Disciplinary Committee, or if the Chair of the Appeals Committee is convinced that there are special circumstances, for reasons of justice, to allow its presentation.

### **F. When deciding on an appeal, the Appeals Committee may do one of the following:**

- (1) Accept the appeal, in whole or in part, and change the judgment or cancel it and issue another in its place.
- (2) Return the case to the Disciplinary Committee with instructions.
- (3) Reject the appeal.

- (4) Issue any other decision related to the judgment that the Disciplinary Committee was authorized to make. The Appeals Committee is also authorized to increase the appellant's penalty.

**G. Procedures**

- (1) The provisions relating to hearing procedures before the Disciplinary Committee, including provisions regarding the judgment and the powers of the Chair of the Disciplinary Committee concerning interim decisions, shall apply, with necessary modifications, to the hearing before the Appeals Committee. Appeals against all judgments of the University Disciplinary Committee shall be heard before the University Appeals Committee.
- (2) The parties' arguments and the hearing shall be limited to the grounds listed in the written appeal.
- (3) The Appeals Committee shall conduct the appeal hearing in a manner it deems fair and efficient.
- (4) The absence of any party from the appeal hearing, after being duly summoned, shall not delay the appeal hearing or the issuance of a decision, nor detract from its validity.
- (5) An appellant shall be entitled to submit a request to the Chair of the Appeals Committee to appear for the hearing of their appeal via online video conference. Should the Chair of the Appeals Committee accept the appellant's request and approve their appearance for the hearing via online video conference, they may decide that the entire hearing will be conducted via online video conference.

**13 Interim Decision**

- A. After a complaint has been filed and after the Respondent has been given an opportunity, according to the circumstances of the matter, to present their arguments, the Chair of the Disciplinary Committee may issue reasoned interim decisions limited in time: postponing the checking of an exam, prohibiting taking an exam, suspension of studies, blocking access to the Respondent's personal information site, prohibiting use of University facilities, etc. The decision will be sent to the Respondent, the Complainant and all relevant parties.
- B. The Chair of the Disciplinary Committee may cancel or extend the validity of the interim decision at their discretion until a judgment is issued in the complaint.
- C. Should an interim decision be issued without hearing the Respondent's arguments, the Respondent will be entitled to submit a reasoned request in writing to the Chair of the Disciplinary Committee for a reconsideration of the decision. This request shall be submitted in writing, and the hearing on this subject shall be held no later than within one week from the date of the request.
- D. Interim decisions may be appealed to the Chair of the Appeals Committee.

**14 Pardon**

- A. The Rector is authorized, after consultation with the Academic Secretary and with the consent of the University President, to pardon a Respondent found guilty of a disciplinary offense, including canceling the punishment, reducing it, commuting it to another punishment and ordering the deletion of the conviction record. For the purpose of making their decision, the Rector may review all material relating to the pardon applicant and receive information in a manner they deem fair.
- B. A pardon request shall be submitted in writing and shall be reasoned. The submission of a pardon

request is subject to the following conditions:

- (1) The punishment is particularly severe, such as: annulment of a certificate of completion of studies or graduation certificate or degree, expulsion for five years or more, restriction of campus access for five years or more.
- (2) At least five years have passed since the sentence came into effect, or the Disciplinary Committee or Appeals Committee explicitly allowed in their decision the submission of a pardon request at an earlier date, under conditions it set (including regarding the date the sentence takes effect).

## 15 General Provisions

### A. Obligation to Appear to Testify

All teachers, employees and students must respond to a summons to appear as a witness in hearings before the University's Disciplinary Authorities and provide truthful testimony. Failure to comply with this provision is a disciplinary offense.

### B. Execution of Judgment

- (1) All University authorities, teachers and employees are obligated to execute the judgments and decisions of the Disciplinary Committee and Appeals Committee in letter and spirit and to assist in the complete fulfillment of their judgments and decisions.
- (2) The Academic Secretariat is responsible for the execution of judgments and decisions and for ensuring their full enforcement.
- (3) Deliberate, direct or indirect obstruction of the enforcement of a disciplinary decision by a student, teacher or employee is a disciplinary offense.

### C. Auxiliary Procedures

The Disciplinary Committee and Appeals Committee will establish auxiliary procedures for the proper management of the disciplinary process.

### D. Extension of Deadlines

The Chair of the Disciplinary Committee and the Chair of the Appeals Committee may, upon request from the parties or on their own initiative, extend any deadline specified in this Code for special reasons to be recorded, after giving the parties an opportunity to respond to the request. Such a decision will be sent to the parties.

### E. Calculation of Periods

- (1) Rest days or holidays shall be included in the calculation of periods, except if they fall on the last day of the period.
- (2) Concentrated vacations during which the University is closed shall not be included in the calculation of the period.

### F. Confidentiality of Proceedings

All disciplinary decisions and proceedings shall be confidential and any information about them shall be provided only to parties relevant to the proceedings or the implementation of decisions and

judgments, except in any of the following cases:

- (1) The disclosure of details or publication of the proceedings and decisions was expressly permitted under this Code.
  - (2) The President or the Rector believes that the University's interests require the disclosure of details about the disciplinary proceedings, after consulting with the Legal Advisor regarding the legal aspects.
  - (3) Disclosure of details is required by law or by order of a competent authority.
- G. This Disciplinary Code shall come into effect after its approval by the Senate and upon its publication, at which time the validity of the previous disciplinary Code shall expire. Offenses committed before this Code comes into effect shall be governed by the provisions of the disciplinary Code that was in effect at the time the offense was committed. Regarding appeals, if the deadline for submitting an appeal against a judgment or decision is on or after the effective date, the provisions of this Code shall apply to the appeal process.

## **16 Disciplinary Proceedings Before the Faculty Dean**

### **A. Mediation Before the Dean**

The Complainant is authorized to refer a complaint for handling and clarification before the Dean through mediation, under the following conditions:

- (1) Without derogating from the authority of the Chair of the Disciplinary Committee and the Disciplinary Committee, the Dean to whom the complaint was referred by the Complainant is authorized to handle the complaint in accordance with the following provisions.
- (2) The Dean shall not handle a complaint related to sexual harassment or retaliation due to sexual harassment.
- (3) A Dean who finds the Student Respondent guilty of a disciplinary offense is authorized to impose, with the consent of the Student Respondent, within the framework of the mediation process, one or more of the following penalties:
  - A. The penalties listed in paragraphs A, D-F of Section 7.
  - B. Reduction of a grade in a course related to the disciplinary offense committed.
  - C. Assignment of an academic task.
- (4) The Dean is not authorized to order the recording of the conviction or penalty in the Student Respondent's grade transcript.

### **B. Consent of the Dean and the Student Respondent to Conduct a Mediation Process**

- (1) The mediation process before the Dean shall be conducted only if the Dean has agreed to conduct it and only after obtaining the consent of the Student Respondent to conduct the process.
- (2) At any stage in the process, the Dean or the Student Respondent may discontinue the process, and the Dean shall then transfer the handling of the complaint to the Chair of the Disciplinary Committee. The Student Respondent's consent to mediation shall not be considered an admission of the offense.
- (3) The Student Respondent shall not be convicted except based on their admission.

- (4) No penalty shall be imposed on the Student Respondent during a mediation process except with their consent.

**C. Circumstances in which Mediation before the Dean should not be Conducted**

The Dean shall not hear a disciplinary offense within the framework of the mediation process if one or more of the following circumstances exist:

- (1) The Student Respondent has been convicted in the past in a disciplinary proceeding under these regulations, including in a mediation process before a Dean, except for offenses listed in the First Appendix.
- (2) The Student Respondent requests to be represented by a lawyer.

**D. Mediation procedures:**

- (1) The Respondent shall receive, within a reasonable time before the mediation, the content of the complaint and a reference to the Disciplinary Code, particularly the provisions related to mediation.
- (2) The Dean shall give the Student Respondent a proper opportunity to present their version of the allegations against them.
- (3) The Dean shall write a summary of the main points discussed during the meeting. The Dean shall update the Disciplinary Committee Coordinator regarding the mediation decision and judgment. A copy of the decision shall be sent to the Student Respondent. The Disciplinary Committee Coordinator is responsible for conveying the final decision in the mediation process to all relevant parties.

- \* This Disciplinary Code was approved by the University Senate at a meeting held on 21 Tevet 5784 (2 January 2024). It will take effect on 1 February 2024, at which time the previous disciplinary Code, last approved by the Senate in a meeting on 13 Shevat 5781 (26 January 2021), shall expire. Offenses committed before this Code comes into effect shall be governed by the provisions of the Disciplinary Code that was in effect at the time the offense was committed. Regarding appeals, if the deadline for submitting an appeal against a judgment or decision is on or after the effective date, the provisions of this Code shall apply to the appeal process.

In the event of contradiction, the binding Hebrew version shall take precedence.