



UMEÅ UNIVERSITET

ADMINISTRATIVE PROCEDURES – DISCIPLINARY MATTERS

Type of document:	<i>Administrative Procedures</i>
Date:	<i>26/09/2017 (decision date)</i>
J. no.:	<i>FS 1.1-1020-17</i>
Decided by:	<i>Vice-Chancellor</i>
Period of validity:	<i>Until further notice</i>
Area:	<i>Organisation</i>
Responsible administrative unit:	<i>University Executive Office</i>
Replaces document:	<i>None</i>



UMEÅ UNIVERSITY

Table of Contents

1.	Summary	3
2.	Introduction	3
3.	Rules – Contents, Management and Scope	3
4.	Procedures relating the administration of disciplinary proceedings	5
5.	The Disciplinary Board's decision.....	8
6.	Appealing.....	8
7.	Correction of tests, etc.	9
8.	Consequences of the suspension for the student	9
9.	Legislation	10



UMEÅ UNIVERSITY

1. Summary

The purpose of these Administrative Procedures is to clarify the rules for, and the handling of, disciplinary cases within the educational programme at the Bachelor's and Master's levels at the University. This is to ensure a legally secure and transparent process in disciplinary matters, provide support with the application and administration of the disciplinary rules, and so as to be able to proactively work within the field.

2. Introduction

Disciplinary measures may be taken against students who attempt to mislead during an examination, disturb activities at the institution of higher education, or engage in harassing behaviour of another student or an employee at the University. The administration of disciplinary proceedings takes place in accordance with the Swedish Higher Education Ordinance (1993:100), the Swedish Administrative Procedure Act (1986:223), and the rules laid down by the Vice-Chancellor. Disciplinary matters are reported to the Vice-Chancellor by the Department and investigated by a university lawyer. Pursuant to the Swedish Higher Education Ordinance, it is required that there is a Disciplinary Board at each institution of higher education, which is to be responsible for the administration proceedings concerning disciplinary measures. Only the Vice-Chancellor or the Disciplinary Board may decide on disciplinary measures against students. Thus, disciplinary measures can not be taken by a Department on its own initiative. The Department is responsible for the implementation of the Disciplinary Board's decision regarding suspension.

Note that the **Tentamensservice** (written exam proctoring) is encompassed within by the *Rules and Guidelines for the Written Final Exam* and the *Administrative Procedures for the Written Final Exam*. This includes that the Tentamensservice will report suspected deception directly to the Vice-Chancellor and inform the responsible Department that the report has been made. Therefore the administrative procedures presently in effect do not apply to the Tentamensservice.

3. Rules – Contents, Management and Scope

In order to prevent deception in connection with exams or similar instances, it is important that students obtain unambiguous information about how coursework is assessed, and that students and staff have knowledge of the University's rules and regulations concerning the design of the course curriculum, the educational programme, examinations, examination assignments, as well as rules concerning disciplinary offences and measures pursuant to the Higher Education Ordinance (see the *Rules for the Design of Course Curriculum at the Bachelor's and Master's levels*, *Rules for Grades and Examinations*, and *Rules and Guidelines for the Written Final Exam*).



UMEÅ UNIVERSITY

Disciplinary measures are governed in Chapter 10 of the Higher Education Ordinance (1993:100) and may be taken against students who:

- attempt, with unauthorised means or otherwise, to mislead with a test or when a student's academic performance is to be assessed
- interfere with or impedes instructional activities education, tests or other activities within the framework of the educational programme at the institution of higher education
- interfere with the activities of the institution of higher education's library or other special institution within the institution of higher education
- subject another student or employee at the institution of higher education to such harassment or sexual harassment as referred to in Chapter 1, Section 4 of the Swedish Discrimination Act (2008:567).

Disciplinary measures may not be taken later than two years after the offence has been committed.

- Are the Police to get involved; is a report to be made to the Police?

Certain forms of reported offences, e.g. disturbing behaviour (threats or actual acts of violence), harassment (harassment, sexual assault or hate crime), forgery or misrepresentation (falsification of documents or false declaration) may fall under the Swedish Penal Code, and thus may also lead to criminal prosecution.

Decisions concerning making a report to police in the event of e.g. forgery or misrepresentation are made by the Vice-Chancellor after the matter has been examined by the Disciplinary Board in the disciplinary proceedings. If the Disciplinary Board makes the decision to make a report to the police, this will result in that the disciplinary matter in question shall be postponed, pending the outcome of the case before the police. If the matter before the police is terminated with a decision to close the case, the Disciplinary Board may decide to resume their review of the reported offence in the Disciplinary Board. If the matter before the police leads to criminal prosecution with a fine or imprisonment, the disciplinary proceedings are to be terminated. The report to police concerning threats, violence, harassment, or a hate crime is to be made by the individual who has been subjected to this.

Grave offences can also lead, in very special circumstances, to that the case is referred to the Expulsion Board of the institution of higher education, pursuant to Chapter 4, Section 6 of the Higher Education Act (1992:1434).

- Student

A "**Student**" is someone referred to in Chapter 1. Section 4 of the Higher Education Ordinance, who has been accepted and is pursuing a university education at Umeå University. This may also be applicable for doctoral students, in relevant instances. Participants in "contracted" educational programmes thus are **not** regarded as being "students" officially, and therefore are not encompassed within the rules in the Swedish Higher Education Ordinance.

(It should be noted that the Training for Law Enforcement programme is a contract assignment education, see Regulation (2014:1105) on education and training to become a law enforcement officer. That Regulation governs the handling of disciplinary proceedings in respect of students in the Training for Law Enforcement programme.)

Note that **doctoral students**, who very well may be students as well as employees, may be investigated in accordance with the rules concerning disciplinary matters in the same manner as a student at the Bachelor's or Master's level, in the event the doctoral student is suspected in their capacity as a student of any of the above-mentioned offences. If there is doubt about the matter, a university lawyer should be contacted.



UMEÅ UNIVERSITY

- Plagiarism

The assessment of what constitutes plagiarism can be difficult, even if there is a basis indicating this from e.g. URKUND (Umeå University's System Support for Detection of Plagiarism). There is a grey zone here, where it may be somewhat difficult to draw the boundary between insufficient independence, carelessness and/or misunderstanding (a pedagogical issue) and impermissible plagiarism (a legal question). Teachers who suspect plagiarism shall, in consultation with the examiner, promptly determine whether there are attempts to mislead or if it is simply that the work does not meet the requirements of the course objectives. In the latter case, the work will be rejected (failing grade), or the student will be given the opportunity to complete the assignment with a supplement. If a suspicion of plagiarism persists, a process of report to the Vice-Chancellor is initiated concerning a suspicion of deception. as provided in point 4 below.

- Other types of suspected deception

Other types of deception may include, for instance, unauthorised cooperation between students or the usage of impermissible assistive materials. In the event of other types of suspected deception, the process commences with report of the suspicion as described under point 4 below.

- A student who interferes with or obstructs instruction, etc.

If a student interferes or impedes instruction, testing or other activities within the framework of the educational programme at the institution of higher education, or at the university's library or other special institution at the University, grounds may exist for a report being made to the Vice-Chancellor concerning a possible disciplinary matter. In the event any questions or concerns arise concerning reporting in such a case, contact a university lawyer for advice and guidance.

- Discrimination, harassment and violations of personal integrity

According to the Swedish Discrimination Act, upon the University becoming aware that a student regards that he/she has become subject to harassment and/or sexual harassment, the University is required to investigate the circumstances surrounding the alleged harassment, irrespective of whether or not any official report has been made. These cases are dealt with according to a special procedure.

Such cases are to begin with providing a copy of the information in the *Administrative Procedures in the Event of Discrimination, Harassment or Violations of Personal Integrity*, and always contact the university lawyer.

4. Procedures relating the administration of disciplinary proceedings

Before the report has been submitted

All employees at Umeå University are required to report suspicions of cheating that come to their attention. At each Department (or the equivalent) there should be a person responsible who investigates suspicions of disciplinary offences. It may be appropriate that this individual be the Head of Department or study director, for example. All suspicions of disciplinary offences shall be notified promptly to the Head of Department, or the person designated by the Head of Department, by the individual who detected the suspicion of cheating. The Department will then investigate what has occurred, in order to determine whether there is a reasonable suspicion of a disciplinary offence.

The suspicion should rest on objective grounds and not merely a subjective intuition. However, even a suspicion with a very weak support in the facts may be sufficient for a report. Deceptive behaviour which



UMEÅ UNIVERSITY

occurred when submitting a draft (or something similar) which was received during the progression of the work without a *direct examining* element is not considered to be deception during an examination.

If the Department finds that suspicion of an offence subject to disciplinary measures exists, the Department is to contact the student and explain that a suspicion has arisen and, if possible, have a meeting with the student. Such a meeting provides the opportunity to avoid any misunderstandings that may have arisen regarding the examination and inform the student that a report will be made and how the further proceeding with the matter will be conducted. The student is to be informed of the possibility of seeking support from Studenthälsan, the Student Health Services. Such a meeting may also be of great value in order to determine at an early stage whether there are other possible circumstances regarding, for instance, the student's health or work environment, which may also need to be addressed. A meeting must therefore take place *before* the report is made to the Vice-Chancellor. When the matter concerns several students, such as in the event of impermissible joint efforts cooperation or if a student is suspected to have plagiarised a classmate's work, the Department will meet with both (all) students. In the event of uncertainties and questions, the Department is to contact the university lawyer. All contacts with the student must be objective and documented in the form of journal notes. If a reasonable suspicion remains after these measures, a decision is to be made whether or not to make a report.

The disciplinary matters are to be given high priority. The report is to be addressed to the Vice-Chancellor, however is to be submitted digitally as a PDF file to the registrar via the e-mail address umea.universitet@umu.se. If the student is not proficient in Swedish, the report is to be made in both Swedish and English. The report to the Vice-Chancellor of a suspicion of an offence subject to disciplinary measures shall be as comprehensive as possible and is to contain the following information in the indicated order:

Reporting Form from the head of Department, or other specially appointed person at the Department, with information about the student's name, personal ID number and residential address in Sweden, telephone number and e-mail address, and the type of suspected offence the report concerns (for example, impermissible joint efforts). In addition, the reporting form is to contain the name and scope of the course (and module, if relevant) where the suspected offence has occurred, the point value of the exam (if such exists), and at what stage the student is in in the educational programme.

If there is a need to suspend a student from accessing certain premises within the University, the Department is to state this in the report.

A **separate account** of what occurred, as exhaustively as possible.

Documentation from discussion or other contact that the Department has had with the student regarding the suspicion.

In the event of suspicion of unauthorised notes, **copies** of this are to be attached if they exist.

A **print-out report** (if available) from a text matching tool – URKUND.

In the event of suspicion of **plagiarism**, the submitted assignment and any relevant extracts from the **original source** is to be attached, with the plagiarised paragraphs marked/highlighted. Note that marking/highlighting must be made in both the submitted assignment and the original source material.

Description of the form of the examination. If the actual form of the examination is deemed to have significance for the assessment of whether deception occurred, a clear description of how this has been



UMEÅ UNIVERSITY

carried out and how it is relevant in this context.

Course curriculum, course instructions and other information that the students have received regarding what is permissible/allowed or not permitted/impermissible at the time of the examination.

A **Ladok extract print-out** for the student reported, which shows course registrations and study results/courses grades.

Other information that may be of relevance to the investigation.

Ordinarily, one report per student will be sent to the Vice-Chancellor, even if several students are suspected of having committed with the same type of offence at the same examination instance. A joint report must be made if students have written a work together, for example in the event of group work, if plagiarism is suspected, or in the event of impermissible joint efforts between students or if a student is suspected of having received impermissible assistance from a classmate.

Until the matter is decided, the student may continue to participate in instruction, tests and other activities within the framework of the educational programme. No disciplinary measures may be taken at the Departmental level, but rather such decisions should always be made by the Vice-Chancellor or Disciplinary Board.

After the report has been submitted

After the Department's report has been submitted to the Vice-Chancellor, the matter is randomly assigned at the office of the **university lawyers for preparation**. If the university lawyer is of the view that the file relating to the matter needs to be supplemented, such a request will be sent to the Department, which in such case will promptly submit a supplemental documentation.

The student is then provided with the opportunity to express their position and comment on the report. The matters dealt with by the Disciplinary Board shall be investigated carefully and when required, the matter is to be investigate further via, for example, investigations of relevant material facts, the use of technical equipment or digital tools, or anything else that may be of beneficial use in the matter. Thereafter, the Vice-Chancellor decides whether the matter shall be referred to the Disciplinary Board, if a warning is to be issued, or if the matter is to be closed without further action. If the Vice-Chancellor has made the decision to issue a warning, the student is entitled to have this decision heard and considered by the Disciplinary Board.

If, after completion of the investigation, it is decided that the matter should be referred to the Disciplinary Board, the individual whom the report has been made against and the party filing the report shall be called to appear at the Disciplinary Board's meeting. If the individual subjected to the proceedings decides not to attend the meeting, the matter may nevertheless be decided. At Umeå University, the Disciplinary Board has a Board meeting three times per term.

Students are entitled to be present at the Board's meeting when their case is being considered and shall be given an opportunity to express their opinion on the matter before the Disciplinary Board as well as to be present when others express their opinions before the Disciplinary Board, unless there are special reasons why this should not occur. A student who can not attend the hearing personally will have the opportunity to participate by telephone. A student may, if desired, bring an individual with them for support at the meeting.



UMEÅ UNIVERSITY

The Disciplinary Board shall decide if disciplinary measures are to be taken against the student concerned after individual deliberations at the hearing. Decisions are made at the hearing and shall be notified to the student immediately, if they are present. If the student is not present, the decision is notified to them in writing.

- Members of the Disciplinary Board

The members of the Umeå University Disciplinary Board are the Vice-Chancellor (Chair), one legally trained member (court judge), one representative of the teachers and two representatives of the students. The legally trained member and the representative of the teacher are appointed for a three-year term, student representatives are appointed for a one-year term. If the Vice-Chancellor can not attend a meeting, the Pro-Vice-Chancellor will appear in place of the Vice-Chancellor. Other members also have alternates. The Disciplinary Board has a quorum to make decisions when a minimum of three members are present, subject to that the Chair and the legally trained member are present/represented. The university lawyer who has handled the case is the rapporteur responsible for preparing and presenting the case and the secretary of the Disciplinary Board.

5. The Disciplinary Board's decision

The Disciplinary Board may decide to either dismiss the case without any taking any action, to issue a warning or, to be suspend the student from courses and academic studies. In the event that the Disciplinary Board decides to suspend the student, as a general rule, it is to start as from the date the decision was made and to continue in effect for a maximum of six months during the term. The decision is to be promptly notified to the student concerned, the relevant Department, the Student Centre, the Registrar and the Swedish Board of Student Finance (CSN). Notification of the decision is also made to other Departments where the student is registered.

When a warning is given to the student, or a case is dismissed without further action, the decision is notified to the student concerned, the relevant Department(s), the Student Centre (Ladok) and Registrar. The decision to suspend the student means that the student can not participate in instruction, tests or other activities in the framework of all education at Umeå University during the suspension period (refer to a more detailed list below). Students who are suspended from the University risk being required to pay back their student financial support (grants/loans) for the duration of the suspension, due to that a suspension is regarded as being an interruption of the studies. Such decisions are made by CSN. A decision concerning suspension may be restricted to accessing or being present on certain premises within the University. A decision concerning suspension applies at Umeå University.

Interim suspension

In very special circumstances, for example with a risk of violence, the Vice-Chancellor may, after consultation with the legally trained member, suspend the student from university activities **with immediate effect** for a temporary period (interim suspension). The decision concerning suspension remains in effect until the matter has been heard by the Disciplinary Board, however for a maximum of one month.

Also refer to the *Action plan against Threats and Violence within Umeå University*.



UMEÅ UNIVERSITY

6. Appealing

The student may appeal a decision of the Disciplinary Board concerning a warning or suspension to the Administrative Court in Umeå. Decisions by the Vice-Chancellor or Disciplinary Board to dismiss a case without action can not be appealed, nor can a decision to refer a case to the Disciplinary Board. The appeal must be *in writing* and indicate the Journal no. for the decision being appealed, the modification of the decision that is being requested, and the grounds being invoked for the appeal. Any appeal must be submitted to Umeå University *within three weeks* of the date on which the student received notification of the decision. Information concerning the possibility of reconsideration with detailed instructions about how to appeal are always to be provided to the student in the event the decision is appealable.

7. Correction of tests, etc.

Only the examiner may decide that a test should not be corrected. The reasoning below is to give the examiner guidance for such a decision.

The Vice-Chancellor recommends that the correction be postponed until the matter has been decided on by the Vice-Chancellor or the Disciplinary Committee.

The examiner is not required to correct and assess a test or to examine a student who has suspected or found guilty of any kind of deception in connection with an exam or similar incident.

Most often, a suspicion of deception arises in connection with the administration of a test or when a test is corrected. If the test has been corrected and assessed prior to when a suspicion of deception is noticed, the examiner may revoke his/her decision if the Vice-Chancellor or Disciplinary Board makes a decision that the student has been guilty of deception. Thus, a so-called favourable decision/grade can be changed if the decision has become incorrect *as a result of deception* by the individual. The examiner can thus withdraw a decision concerning a grade, and the examiner's decision to revoke the decision concerning a grade in such case can not be appealed. However, the student should be given the opportunity to comment on the matter before a grade is revoked. Always contact the responsible university lawyer before a grade is revoked.

8. Consequences of the suspension for the student

Umeå University's general guidance regarding the term "suspension" in Chapter 10, Section 2 (2) of the Swedish Higher Education Ordinance

According to Chapter 10, Section 2 (2), of the Higher Education Ordinance (1993:100) a decision concerning suspension entails that the student may not participate in instructional activities, tests or other activities within the framework of the educational programme at the institution of higher education. A decision to suspend applies at Umeå University and thus to all of the University's Departments, institutions and units. A student may be suspended for a period of up to six months and the suspension ordinarily applies from the day after the Disciplinary Board's decision.

In order to create a uniform application of the term "suspension" in Chapter 10, Section 2 (2) of the Swedish Higher Education Ordinance, Umeå University issues the following general guidance concerning the meaning of the concept and term.



UMEÅ UNIVERSITY

A suspended student **may not**:

- Participate in any form of instruction. Instruction can be lectures, seminars, internships, laboratory exercises, academic supervision, and other forms of instruction may be included here. The forms of instruction that are relevant for a specific course can be found in the applicable course curriculum.
- Participate in or submit any type of degree assignment. The forms for assessing the students' achievements, i.e. degree assignments, are shown in the relevant course's course curriculum. Examinations or other compulsory elements that the student misses during the period the suspension is in effect, the student may participate in an instance when the examination is offered again, or, as it concerns other compulsory modules, when the module is given the next time. If there is flexibility for it according to the rules in the course curriculum, the examiner can offer an alternative replacement module to a mandatory module after completion of the suspension.
- Have access to premises that are *not* accessible to the public. This is controlled by the University's access control system.

During the period the suspension is in effect, the student **may**:

- Engage in self-study
- Sign up for examinations and register for courses that take place **after** the period the suspension is in effect (if necessary). The student may be assisted by administrative staff (such as student advisors) for this.
- Contact their academic supervisor (or the equivalent) for advice and support regarding further academic studies to take place after the period the suspension is in effect.
- Receive exam assignment corrected if submitted prior to the date of suspension commenced.
- Have access to public areas within Umeå University to which the general public also has access.
- Attend seminars or similar events open to the general public and organised by Umeå University in the University's premises.

9. Legislation

The Swedish Higher Education Ordinance (1993:100), Chap. 10

General provisions

Chap. 10, Section 1

Disciplinary measures may be taken against students who

1. attempt, with unauthorised means or otherwise, to mislead with a test or when a student's academic performance is to be assessed,
2. interfere with or impedes instructional activities education, tests or other activities within the framework of the educational programme at the institution of higher education,
3. interferes with the activities of the institution of higher education's library or other special institution within the institution of higher education, or
4. subject another student or employee at the institution of higher education to such harassment or sexual harassment as referred to in Chapter 1, Section 4 of the Swedish Discrimination Act (2008:567).

Disciplinary measures may not be taken later than two years after the offence has been committed.

Disciplinary measures

Chap. 10, Section 2

The disciplinary measures available consist of a warning or suspension.



UMEÅ UNIVERSITY

A suspension decision means that the student is prohibited from participating in instruction, tests or other activities within the framework of the educational programme at the institution of higher education. The decision may cover one or more periods, but not for a period greater than six months.

A suspension decision may also be restricted to accessing certain premises within the institution of higher education.

Disciplinary Board

Chap. 10, Section 3

Cases involving disciplinary measures shall, unless otherwise provided in section 9, be administered by a disciplinary board. Such a disciplinary board shall be established at each institution of higher education.

Chap. 10, Section 4

The disciplinary board shall consist of the Vice-Chancellor as the Chair, a legally trained member who is or has been a regular judge, and a representative of the teachers at the institution of higher education. Students at the institution of higher education have the right to be represented in the board by two members.

Chap. 10, Section 5

The legally trained member and the member representing the teachers shall be appointed by the institution of higher education for a term of three years.

Chap. 10, Section 6

The members of the Board representing the students are appointed for a term of one year.

Chap. 10, Section 7

When the Chair is prevented from attending a meeting, the Vice-Chancellor's representative, or another specially appointed representative, shall act as chair of the disciplinary board.

For each of the other members, there must be a replacement. The replacement for the legally trained member must be, or have been, a court judge. The replacement members shall be appointed according to the same procedure and for the same period time as the member they are replacing.

Chap. 10, Section 8

The Disciplinary Board has a quorum to make decisions when a minimum of three members are present, among them the Chair and the legally trained member.

If there are differences of opinion when a decision is to be made on a matter, the provisions of Chapter 29 of the Code of Judicial Procedure relating to voting in a court of law consisting exclusively of legally trained members are to be applied.

The handling of the cases

Chap. 10, Section 9

If there are grounds for suspecting that an offence of the type as specified in Section 1 has been committed, the Vice-Chancellor is to be promptly notified. The Vice-Chancellor shall arrange for the matter to be investigated and provide the student with the opportunity to express their opinion representations concerning the report. The Vice-Chancellor shall then decide, after consultation with the legally trained member when appropriate, whether the circumstances are such that the matter shall:

1. be dismissed without further action,
2. lead to a warning from the Vice-Chancellor, or



UMEÅ UNIVERSITY

3. be referred to the disciplinary for a hearing.

Chap. 10, Section 10

A decision by the Vice-Chancellor to issue a warning may be submitted by the student to the disciplinary board for review. The student is to be informed of this right.

Miscellaneous provisions

Chap. 10, Section 11

The disciplinary board shall ensure that matters that are referred to it are thoroughly investigated. The disciplinary board shall provide the student concerned the opportunity to express their opinion the matter before the board. The student also has the right to attend when others pronounce themselves before the Board, unless special reasons speak against this.

Chap. 10, Section 12

A suspension decision shall take effect immediately, unless stated otherwise in the decision.

Chap. 10, Section 13

Once a suspension decision has been made, notification of this shall promptly be sent to the Swedish Board of Student Finance (CSN) and the concerned bodies at the institution of higher education.

Interim suspension

Chap. 10, Section 14

If a matter is referred to the disciplinary board, the Vice-Chancellor may, after consultation with the legally trained member, temporarily suspend the student from university activities with immediate effect.

A decision on interim suspension shall remain in effect until the matter has been heard by the disciplinary board, however for a maximum of one month.