

B 1048

L.N. 68 of 2016

**EDUCATION ACT  
(CAP. 327)**

**UNIVERSITY STUDENT DISCIPLINE REGULATIONS, 2016**

IN EXERCISE of the powers conferred upon him by articles 74 (5) and 75 (6) of the Education Act (Cap. 327), the Chancellor of the University of Malta has promulgated the following regulations made by the Senate of the University of Malta by virtue of the powers conferred upon it by articles 75 (3) and 79 (b) of the said Act:

**Citation and Interpretation**

1. (1) These regulations may be cited as the University Student Discipline Regulations, 2016.

(2) In these regulations, unless the context otherwise requires, the terms used shall be taken to mean as indicated in the Glossary of Terms hereunder:

| <b>Glossary of Terms</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Term</b>              | <b>Explanation</b>                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Assessment</b>        | This shall have the same meaning assigned to it in the University Assessment Regulations, 2009 ( <a href="http://www.um.edu.mt/_data/assets/pdf_file/0010/24868/Assessment_Regulations.pdf">http://www.um.edu.mt/_data/assets/pdf_file/0010/24868/Assessment_Regulations.pdf</a> ).                                                                                                                                                 |
| <b>Ban</b>               | A full or partial withdrawal of the right of access to University premises, land, buildings, facilities or services for a fixed period or pending the fulfilment of certain conditions; or an order not to approach or initiate interaction with a given Student, Employee or Staff Member or visitor to the University while on any campus of the University or on premises from which the University or any Faculty is operating. |
| <b>Committee</b>         | The Committee of Discipline.                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Dean</b>              | The Dean of a Faculty or the Director of an Institute, Centre or School of the University where a Student is enrolled.                                                                                                                                                                                                                                                                                                              |
| <b>Employee</b>          | Employees of contractors and subcontractors.                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Expulsion</b>         | The permanent removal of a Student's name from the register of students of the University and a Ban from all facilities and privileges accorded to students. This notwithstanding, a Student who has been expelled may only be allowed re-admission with the permission of Senate for such purpose, which permission may only be granted after the lapse of three years from the date of expulsion.                                 |

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Faculty</b>            | The Faculty, Institute, Centre or School of the University where the Student is enrolled; also referred to as “the Home Faculty”.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Staff Member</b>       | This includes any member of the Academic staff, Administrative staff, or technical and support staff of the University.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Student</b>            | This includes all persons enrolled and participating in a course or programme or study-unit of the University, including auditing students and any student who has temporarily suspended their studies, as well as any other person who is a candidate for any Assessment by the University.                                                                                                                                                                                                                                                          |
| <b>Suspension</b>         | The temporary and normally total exclusion of a Student from any teaching and learning activity offered by the University. A Suspension may also include a Ban. During the period of Suspension, a student shall not be allowed to register for, or remain registered on, any study-units.                                                                                                                                                                                                                                                            |
| <b>University context</b> | This means any action undertaken in any of the following contexts:<br>(i) on any campus of the University or premises from which the University or any Faculty is operating;<br>(ii) in the course of any activity that is being undertaken by the Student on premises from which third parties are operating, where such activity is being undertaken by the Student as part of his course or programme or study-unit or in fulfillment of an Assessment or placement required by his course or programme or study-unit, whether in part or in full. |

### Applicability

2. These regulations shall be applicable from October 2015 onwards.

### Preamble

3. (1) As Students of the University, all Students are expected to conduct themselves in a manner which demonstrates respect for the University, fellow Students, Staff Members, Employees and guests. Students are ambassadors of the University, and are expected to behave in a way that enhances the reputation of the University and of all its Students and graduates. Students are encouraged, and supported by the University, to engage actively in the learning process, to be fully committed to their studies, determined to succeed and to fully participate in life on campus.

(2) Students of the University are bound by the Statutes, Regulations, Bye-Laws and other lawful directions of the University and are expected to conduct themselves in a manner which does not impair the functioning of the University and the reasonable freedom of other persons to pursue their studies, research, duties or other lawful activities at the University or to participate in the life of the University.

### Administration of Discipline

4. (1) Any report of Misconduct by a Student shall be dealt with by the Rector according to the provisions of regulation 6 of these regulations, provided that where the report concerns

minor Misconduct, the Dean shall, for such purpose, undertake the functions of the Rector to the extent and in the manner stipulated in regulation 6. Where the report concerns serious Misconduct, a Committee of Discipline shall be appointed by the Rector in accordance with paragraph (2) of this regulation, to deliberate and make recommendations to the Rector for his action.

(2) (a) The Committee appointed in accordance with paragraph (1) of this regulation shall be composed as follows:

(i) a Pro-Rector appointed by the Rector as Chairman;

(ii) the Dean of the Faculty where the Student is enrolled, appointed by the Rector as a member, provided that where the Dean is directly involved in any incident relating to the Misconduct, the Rector shall appoint a senior academic from the Faculty concerned in his stead;

(iii) one member appointed by Senate; and

(iv) one student representative appointed by Senate from among the Senate student representatives.

(b) The Registrar shall act as Secretary to the Committee.

(c) The Committee shall strive to convene its meetings with all members in attendance. This notwithstanding, it shall be lawful for the Committee to hold up to one meeting in the absence of a single member, provided that all efforts shall be made for all members to be present at the meeting during which the Committee finalises its report containing its recommendations to the Rector.

(3) Where a member of the Committee is unable, for whatever reason, to continue to attend meetings of the Committee, it shall be within the power of the Rector to appoint a substitute thereof on written advice from the Chairman, provided that all efforts shall be made that a given complaint shall always be dealt with by the same members.

### **Types of Misconduct**

5. (1) For the purposes of these regulations, "Misconduct" includes any intentional or reckless action, being any one or more of the following:

(a) conducting oneself in any manner which, to any extent impairs, or is intended to impair, the reasonable freedom of oneself or other persons to pursue their studies, research, duties or lawful activities at the University or to participate in the life of the University;

(b) disobeying, breaching, or failing to observe any provision of any statute, regulation or bye-law or any resolution or direction of the Council or the Senate of the University;

(c) disobeying any reasonable instruction or direction given by a Staff Member;

(d) using inappropriate language with regard to a Staff Member, an Employee or a Student, whether in person, in writing, by email, via the internet (including social media) or otherwise verbally, by word, by written or by electronic means;

(e) acting dishonestly or unfairly in connection with any Assessment conducted by or within the University or with the preparation or presentation of any assignment, dissertation or thesis or other work, as governed by the University Assessment Regulations, 2009, including falsifying or forging any signature of any Staff Member in relation to the submission or correction of any Assessment, logbook or official form, or acting in any manner that is manifestly irregular and that exhibits bad faith on the part of the Student in relation to an Assessment;

(f) assaulting, attempting to assault, threatening any person, or acting in any manner which may be considered violent or which is likely to cause injury or to impair the safety of others in a University context;

(g) harassing and bullying any one or more of the following persons:

(i) any Staff Member, Employee or Student as detailed in the University of Malta Harassment and Bullying Policy (available at [http://www.um.edu.mt/\\_data/assets/pdf\\_file/0018/210645/harassmentbullyingpolicy.pdf](http://www.um.edu.mt/_data/assets/pdf_file/0018/210645/harassmentbullyingpolicy.pdf);

(ii) any person being a visitor to any campus of the University or any premises from which the University or a Faculty is operating;

(iii) any person not being a Staff Member, Employee or Student when such harassment or bullying is effected during the course of any activity that is being undertaken on premises from which third parties are operating, where such activity is being undertaken by the Student as part of his course or programme or study-unit or in fulfillment of an Assessment or placement required by his course or programme or study unit, whether in part or in full,

provided that for the purposes of sub-paragraphs (ii) and (iii) of this paragraph (g), the terms “harassment” and “bullying” shall have, *mutatis mutandis*, the same meaning as assigned to them in the University of Malta Harassment and Bullying Policy referred to in sub-paragraph (i) of this paragraph (g);

(h) sexually harassing any one or more of the following persons:

(i) any Staff Member, Employee or Student as detailed in the University of Malta Sexual Harassment Policy (available at: [http://www.um.edu.mt/\\_data/assets/pdf\\_file/0017/210644/sexualharassmentpolicy.pdf](http://www.um.edu.mt/_data/assets/pdf_file/0017/210644/sexualharassmentpolicy.pdf));

(ii) any person being a visitor to any campus of the University or any premises from which the University or any Faculty is operating;

(iii) any person not being a Staff Member, Employee or Student when such harassment is effected during the course of any activity that is being undertaken by the Student as part of his course or programme or study-unit or in fulfillment of an Assessment or placement required by his course or programme or study-unit, whether in part or in full,

provided that for the purposes of sub-paragraphs (ii) and (iii) of this paragraph (h), the term “sexual harassment” shall have, *mutatis mutandis*, the same meaning as assigned to it in the University of Malta Sexual Harassment Policy referred to in sub-paragraph (i) of this paragraph (h);

(i) entering any place within any campus of the University or any premises from which the University or a Faculty is operating which the Student is unauthorized or forbidden to enter by a statute, regulation or bye-law, or by any direction given to him by any Staff Member or any other direction from any other University authority as relevant to the circumstances;

(j) failing to leave any place within any campus of the University or any premises from which the University or a Faculty is operating forthwith upon being directed to leave such place by a Staff Member;

(k) intimidating, obstructing, disturbing, delaying or influencing improperly, or attempting so to do, any member of any board or committee set up under any statute or regulation or bye-law of the University or any witness who is appearing or who has been called to appear before any such board or committee;

(l) damaging, defacing, destroying, misappropriating or in any other manner wrongfully handling or dealing with any goods or property (movable or immovable) belonging to the University, or any goods or property (movable or immovable) found in any place within any campus of the University or any premises from which the University or any Faculty is operating;

(m) wilfully obstructing or attempting to deter any Staff Member in the performance of their duties;

(n) undertaking any of the following in connection with any Assessment:

(i) impersonating another Student or preparing any assignment, dissertation or thesis or other work that is to be submitted by another Student for an Assessment, including also any such work that is to be submitted by other Students following online courses;

(ii) entering into any agreement with another Student in order to undertake any action listed in sub-paragraph (i) of this paragraph (n), even though such action may not in fact have taken place;

(iii) where the Assessment is an examination, at any time prior to such examination, attempting in any manner procure such material that constitutes a model or draft intended to be the examination paper or actual examination paper to be used for assessing Students on that given examination, or bribing, or attempting to bribe, any Staff Member or

Employee for the purposes of obtaining access to such examination paper, or, having seen or come across such examination paper in whatever form, not reporting such matter to the Dean;

(o) obstructing any teaching, research, assessment session or extra-curricular activity or official meeting or proceeding of the University;

(p) refusing to disclose one's name and other relevant details to a Staff Member or Employee in any circumstances where it is reasonable to require that information to be requested and supplied;

(q) violating the provisions of the University's Library Regulations (available at: <http://www.um.edu.mt/library/about/regulations>);

(r) violating the provisions of the University's IT Services Acceptable Use Policy (available at: <http://www.um.edu.mt/itservices/policies/aup>);

(s) using the name or crest of the University or the names of Staff Members or Employees or Faculties or of any of the departments, units or offices of the University, without authorization;

(t) falsifying or attempting to falsify a record of achievement obtained at the University or presenting for admission or for other purposes a falsified record of achievement purported to be obtained from another institution;

(u) falsifying or attempting to falsify attendance records (including signatures of lecturers, mentors, demonstrators or other persons authorized to sign the relevant documents) for lectures or placements or laboratory sessions or any teaching activity for oneself, or for another Student, or having another Student or any other person falsify attendance records on one's behalf;

(v) recording lectures without the explicit permission of the lecturer, or selling or distributing for commercial purposes notes, transcriptions, or outlines of lectures, or any course materials, in any programme of study;

(w) abusing of alcohol or drugs in a University context, provided that in this context "abuse of drugs" is defined as the using, possessing, offering or selling drugs to any person;

(x) abusing of alcohol during an event, or in connection with an event where alcohol is served or permitted to be consumed, and which is held, sponsored, or supported by any student society, whether in a University context or otherwise; or

(y) conducting oneself in any manner which could be deemed to cause, or potentially cause, harm or disrepute to the University.

(2) A Dean may also file a complaint with the Rector regarding a Student in relation to any other intentional or reckless action which is not included in regulation 5(1), but which, in

the opinion of the Dean, is tantamount to Misconduct due to the questionable nature of the behaviour in a University context.

(3) Where a Student is subject to any criminal proceedings in relation to any action that amounts to Misconduct under paragraphs (1) or (2) of this regulation, such fact shall not in any manner prejudice the initiation or continuation of disciplinary proceedings by the University in the student's regard in terms of these regulations.

(4) If a Student is subject to, or convicted of, criminal proceedings in relation to an alleged offence (whether a crime or contravention, as defined in the Criminal Code, Cap 9, Laws of Malta available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574&l=> ) in respect of which a term of imprisonment may be imposed upon conviction by way of a direct punishment, such Student shall promptly inform the Dean in writing, who shall refer such matter to the Rector. The Rector may, at his discretion, refer the matter to the Committee, on the advice of which he may impose such disciplinary measures as may be deemed fit.

(5) If a Student is convicted of an offence (whether a crime or contravention, as defined in the Criminal Code, Cap. 9, Laws of Malta) of such severity that a term of imprisonment may have been imposed by way of a direct punishment (whether or not a term of imprisonment was in fact imposed), the Dean shall refer the matter to the Rector. The Rector may, at his discretion, refer the matter to the Committee, on the advice of which he may impose such disciplinary measures as may be deemed fit.

## Proceedings

6. (1) A complaint regarding Misconduct by a Student shall normally be made to the Dean of the Student's Home Faculty. The Dean shall consider the complaint within two (2) working days and shall decide whether it is of a minor or serious nature.

(2) Where the Dean considers the Misconduct to be of a minor nature, the Student shall be informed in writing of the report of alleged Misconduct and, on receipt of such communication in writing, shall be given the opportunity to make a written statement, which should reach the Dean within twenty-four (24) hours of such communication in writing. After considering the report of Misconduct and the student's statement, the Dean shall summon the Student and give the Student a copy of his final decision, provided that, for the purpose of this regulation, "Misconduct of a minor nature" shall mean such type of Misconduct that is more akin to misbehaviour, or which contains an element of carelessness or minor negligence, rather than an intentional act.

(3) Penalties that may be applied by the Dean in incidents of Misconduct of a minor nature shall include one or more of the following:

- (a) written reprimand;
- (b) written warning;

(c) suspension not exceeding 7 days, provided that, in such case, notwithstanding that provided in the Glossary of Terms within these regulations, the Student may remain registered on any given study-units for which he had registered prior to the period of Suspension.

(4) The complaint, report and final decision regarding any incident of minor Misconduct shall be recorded in the Student's file.

(5) On conclusion of the proceedings relating to incidents of minor Misconduct, the Dean shall submit a report in writing to the Rector within twenty-four (24) hours of such communication to the Student.

7. (1) Where the Dean decides that the Misconduct is of a serious nature, a written report shall be made to the Rector within a maximum of five (5) working days from the date in which the Dean gains cognisance of such Misconduct. In such event, the Dean may, if he so deems fit, suspend the Student in the manner provided in regulation 6(3)(c), pending further consideration of the matter by the Rector.

(2) The Dean shall inform the Student in writing of the Suspension referred to in paragraph (1) of this regulation and the reason for it, namely that a complaint alleging Misconduct of a serious nature has been received and that it has been referred to the Rector.

(3) The Rector shall request the Committee to investigate the complaint and draw up a charge in terms of these regulations.

8. The Committee shall, within five (5) working days from the day the complaint is referred to it, inform the Student of the charge by means of a letter to the address as provided by the Student to the University, by e-mail to the Student's University e-mail account, and by phone, together with a copy of these regulations, as well as the date, time, and venue when the Student is to appear before the Committee to answer to the charge.

9. (1) The Student may, within five (5) working days from the date of communication of the said charge (by letter, e-mail or telephone call), send a written statement admitting or contesting the charge. If the Student admits the charge, the Student may opt not to attend the meeting with the Committee. If the charge is contested, the Student shall attend the meeting and may identify witnesses to be heard by the Committee.

(2) The Student may be accompanied at the proceedings by a Student or a friend or a member of his family, in which case the Committee shall be so notified at least two (2) working days in advance of the hearing. If no such notification is received by the Committee, the Committee has the right to refuse that person entry to the meeting.

10. On the date of the meeting, or on such other adjourned dates as necessary, the Committee shall hear the complainant who originally lodged the complaint with the Dean, any witnesses indicated by the complainant, such other persons as may be called by the Committee, the Student against whom the allegation of Misconduct is made and such other persons

accompanying the Student. The Committee shall also take cognisance of such documents as may be referred to it until such time as proceedings are concluded.

11. The Committee shall, as soon as possible, but in any case not later than five (5) working days from the date of the last meeting, report its findings to the Rector.

12. The Rector shall notify the Student of the outcome of the proceedings as soon as possible, but in any case not later than five (5) working days from the date in which the report is received by the Rector, provided that where the Rector refers the report of the Committee to Senate in the manner provided in regulation 16, the time period specified in this sub-regulation shall be taken to mean five (5) working days from the date in which Senate communicates its decision to the Rector.

### **Disciplinary Measures**

13. (1) The disciplinary measures which may be recommended by the Committee to the Rector shall include one or more of the following:

- (a) a written reprimand;
- (b) a written warning;
- (c) the imposition of a fine not exceeding €1000;
- (d) the imposition of an order requiring the Student to pay compensation, representing any such sum of money equivalent to the costs for the repair or replacement of any goods or property damaged by the Student in terms of these regulations;
- (e) a Ban;
- (f) the imposition of a period of work to be undertaken with any organisation having a charitable or philanthropic purpose;
- (g) Suspension for a given period as indicated by the Rector;
- (h) Expulsion from the University.

(2) The complaint, report and final decision regarding the Misconduct shall be recorded in the Student's file.

(3) Should the Student breach any Ban imposed upon him in terms of regulation 13(1)(e) or as part of a Suspension in terms of regulation 13(1)(g), the Student shall once again be subject to disciplinary proceedings under these regulations in relation to such breach.

(4) Where a fine is imposed upon a Student, or an order is made requiring a Student to pay compensation under this regulation, the Student shall be required to pay the fine or

compensation within thirty (30) running days from the day in which such fine or order is communicated to him.

(5) Where a fine or compensation is not paid within the time period provided for in paragraph (4) of this regulation, or where a period of work has been imposed upon the Student in terms of regulation 13(1)(f) and the Student fails to fulfil such period of work, the Rector may suspend the Student for such period as he deems fit, as long as such period shall be commensurate to the amount of the fine or of the compensation to be paid by the Student or to the nature and length of the period of work which the Student was duty-bound to undertake, whichever may be applicable.

(6) Any fine or compensation imposed in terms of these regulations shall be paid at the Maltapost branch at the University.

### **Powers of the Committee in Urgent Cases**

14. The Committee may, in cases which the Rector deems urgent, abridge or dispense with any times or formality established in these regulations, provided that it shall ensure that the Student charged is given a fair hearing notwithstanding such abridgements or dispensations.

### **Reconsideration by the Committee**

15. (1) The Committee may, in special circumstances, reconsider its decision regarding a given Student.

(2) For the purpose of this regulation, “special circumstances” means solely such circumstances in which new evidence becomes available in relation to proceedings regarding a given Student, which evidence was not available, or could not in any manner have been made available, to the Committee during the original proceedings.

### **Reference to Senate**

16. Where the report of the Committee recommends to the Rector the Expulsion of a Student from the University, he shall, prior to the taking of such action, refer the report to Senate for its final decision thereon.

