



Disciplinary Regulations

(1) Basis of Jurisdiction

All researchers and fellows (other than those covered by the Staff Regulations), including visiting researchers and visiting fellows, and all users of EUI facilities are subject to the jurisdiction of the President and the Academic Council, in respect both of their studies and/or their conduct, under the terms of these Disciplinary Regulations.

(2) Definition of Offences

- (a) These regulations deal with the commission of non-minor disciplinary offences. Such offences are those identified in section (b) below, or any other serious interference with the functioning or activities of the institute, or with those who work or study in the institute, or action which causes substantive damage to the Institute whether on Institute premises or elsewhere.
- (b) Offences under all Institute Ordinances, Regulations and Codes may be dealt with under the Disciplinary Regulations where so specified, or where the gravity of the offence appears to require such action (see Annex II). The Institute's Ordinances, Regulations and Codes include those listed in Annex I to these Disciplinary Regulations, as may be revised and updated from time to time.
- (c) These regulations shall not be applied so as to restrict freedom of expression or information, freedom of assembly or association, academic freedom, the right of collective action to defend researchers' interests or any other fundamental rights guaranteed by the EU Charter of Fundamental Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and as they result from the constitutional traditions common to the EU member states.

(3) The Disciplinary Committee

- (a) The Disciplinary Committee shall be constituted at the beginning of the calendar year and shall consist of four members: two members of the professoriat selected by the Academic Council, and two members nominated by the researcher representatives. Alternates shall also be appointed. The quorum shall be three members.
- (b) The chair shall be appointed by consensus amongst the members of the Disciplinary committee.

- (c) The Committee shall act by consensus.

In a situation where the Committee is considering whether or not to impose a sanction, a failure to achieve consensus shall be treated as a decision not to impose a sanction.

- (d) An appeal from any decision of the Disciplinary Committee shall lie with a Disciplinary Appeals Committee of the EUI.

(4) The Disciplinary Appeals Committee

- (a) The Disciplinary Appeals Committee shall be constituted at the beginning of the calendar year and shall consist of six members: three members of the Academic Council selected from amongst the professoriat and three members nominated by the researcher representatives. Alternates shall also be appointed. The quorum shall be four members.
- (b) The chair shall be appointed by consensus amongst the members of the Disciplinary Appeals committee.
- (c) The Committee shall act by consensus.

(5) Procedure

- (a) In any case in which it appears that an offence within the meaning of sections 2(a) and (b) above has been committed, the matter may be reported to the Academic Service which shall inform the President and refer the case for determination by the Disciplinary Committee. The Disciplinary Committee shall be convened within ten days in order to determine whether a hearing should take place.
- (b) An individual who is alleged to have committed a very serious offence may, at the President's discretion, be suspended from classes, precincts or the Institute as a whole, pending a disciplinary hearing or a criminal trial. This suspension shall not be a sanction, but may be used only to protect the Institute community or the reputation of a particular member or members of the Institute. When the Disciplinary Committee is first convened, it shall decide whether or not any such suspension should continue pending the hearing of the offence.
- (c) An individual charged with a disciplinary offence shall receive a written summons, giving a clear specification of the charge. The summons shall provide notice of at least ten working days, but no longer than 20 working days, to appear before the Disciplinary Committee. Where the individual does not appear on the date appointed and the Disciplinary Committee is satisfied that he or she has received due notice to appear, the Committee may proceed to deal with the charge and if necessary, may impose an appropriate sanction in the person's absence. The Disciplinary Committee may also decide to adjourn or dismiss the case on cause shown.
- (d) Together with the written summons, the person charged shall be notified that:
 - (i) if he or she wishes to lodge an objection to any member of the Disciplinary Committee (whose names shall be communicated to him or her) he or she must lodge the objection with the Head of Academic Service not less than 5 working days before the hearing, with an explanation of the grounds for objection;
 - (ii) he or she may call any witnesses in defence, and shall inform the Head of Academic Service in advance of the names of the witnesses;
 - (iii) he or she may be accompanied by a member of the academic staff or another researcher/fellow, or may be legally represented.

- (e) The Disciplinary Committee, excluding the member concerned, shall decide on any objection to one of its members lodged by the person who has been charged. In the event that the objection is upheld, an alternate shall take the place of the member excluded.
- (f) In the event of the person wishing to admit the charge, he or she may do so in writing to the Head of Academic Service on receipt of the summons. In such a case the person shall be heard in mitigation by the Disciplinary Committee before any sanction is determined.
- (g) In the event of the person denying the charge, the Institute's case shall be presented by the Secretary General or his/her representative. Witnesses may be called in support of the case and their names shall be made available to the person charged prior to the hearing.
- (h) Any evidence presented on behalf of the person charged shall be heard.
- (i) Any witnesses called by either side must be present, and may present their statement orally and/or in writing. The parties may cross-examine and re-examine the witnesses.
- (j) Both parties may make a final address, the person charged having the last word.
- (k) The Disciplinary Committee shall deliberate in private, and the parties may return to hear the decision delivered.
- (l) If the Disciplinary Committee finds the charge to be proven, the person charged shall be heard in mitigation before any sanction is determined.
- (m) The imposition of sanctions shall be subject to the requirement of proportionality. The sanctions which may be imposed by the Disciplinary Committee where the offence is found to have been committed are (i) the issuing of a reprimand, (ii) the suspension of one or more privileges (iii) exclusion from the Institute on a temporary or permanent basis (iv) a requirement to make good the cost in whole or in part of any damage caused to the Institute, or (v) any combination of these sanctions.
- (n) The Disciplinary Committee may adjourn or postpone a hearing on cause shown.
- (o) In all cases a Minute of the proceedings, together with a reasoned account of the decision of the Disciplinary Committee, shall be kept and filed in the office of the Academic Service.
- (p) Any person covered by section (1) of these Regulations who considers that he or she has been subjected to a penalty of any kind may complain to the Disciplinary Committee against the party alleged to have imposed the penalty. The complaint should be detailed in writing and submitted to the Academic Service, which shall forward it to the Committee. If the Disciplinary Committee determines that a hearing should take place, both parties concerned shall be informed and shall be summoned on at least ten days notice to appear. The procedure shall be as set out at (d), (e), (h)-(k) and (n)-(o) above. In cases of this kind, where the Disciplinary Committee considers that a penalty has been improperly imposed, it shall have the power to revoke such penalty.

(6) Appeals

- (a) In cases in which responsibility is denied and/or where the person charged or the person objecting to a penalty does not accept the decision of the Disciplinary Committee, he or she has the right to appeal to the Disciplinary Appeals Committee within ten working days of notification of the decision.

A notice of appeal must be deposited in the Academic Service and must state briefly the grounds upon which the appeal is made.

- (b) The date and place of the hearing of the appeal, together with the names of the members of the Disciplinary Appeals Committee will be notified in writing to the appellant not less than ten working days in advance of the hearing. The Disciplinary Appeals Committee shall have the power to postpone or adjourn the hearing on cause shown.
- (c) If the appellant wishes to lodge an objection to any member of the Disciplinary Appeals Committee, he or she may do so in accordance with the same procedure as that set out for the Disciplinary Committee at 6 (c) (i) and 6 (d) above.
- (d) In all cases of appeal to the Disciplinary Appeals Committee, the appellant has the right to be accompanied at the hearing by a member of the academic staff or another researcher/fellow who may be heard by the Committee, or to be legally represented.
- (e) The Disciplinary Appeals Committee shall, as soon as practicable after receipt by the Academic Service of the notice of appeal, be provided with the minute of the proceedings before the Disciplinary Committee and with the written decision of that Committee. These materials shall also be provided to the appellant at least five working days in advance of the hearing.
- (f) The appellant may be allowed to call or present fresh evidence at the discretion of the Appeals Committee.
- (g) The Appeals Committee has the power to call any witness who has given evidence before the Disciplinary Committee or to call before it additional witnesses and to admit new evidence.
- (h) In all cases of appeal before the Disciplinary Appeals Committee, the appellant shall be heard first, and thereafter the Secretary General or his/her representative. Where witnesses are called, they may be subject to examination, cross-examination and re-examination by the parties. The appellant may have the final word.
- (i) The Disciplinary Appeals Committee shall deliberate in private, and the parties may return to hear the decision delivered.
- (j) If the Disciplinary Appeals Committee rejects an appeal against the Disciplinary Committee's decision, the appellant shall be heard in mitigation before any sanction is determined.
- (k) In determining appeals, the Disciplinary Appeals Committee may set aside, vary or confirm the decision of the Disciplinary Committee or may set aside or vary the sanction imposed.
- (l) In all cases a short Minute of the proceedings shall be kept, together with a reasoned account of the decision of the Disciplinary Appeals Committee, and filed in the office of the Academic Service.

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Annex I

Regulations governing the Procedure to be adopted in the event of suspected cheating in an Institute test

General Library Regulations

Regulations governing the use of Institute Computing Facilities

Regulations on Parking and Traffic **[currently in draft]**

Residential Accommodation Regulations **[currently in draft]**

Personal Harassment Code **[currently in draft]**

Bar Fiasco Charter **[currently in draft]**

Regulations governing meetings on Institute premises **[to be drafted]**

Safety Regulations **[to be drafted]**

[Others]

Annex II

Examples of offences of gravity are:

- (i) offences in connection with examinations.
- (ii) falsification or serious misuse of Institute records, including diplomas or certificates;
- (iii) false pretences or personation of others, within or without the Institute, in connection with Institute academic attainments or financial awards;
- (iv) theft, fraud, misapplication of or gross negligence in connection with funds or property of any kind;
- (v) riotous or disorderly conduct causing serious damage to or on Institute property or premises, or seriously affecting good order within the Institute;
- (vi) offences against the criminal law, where these offences involve other researchers or directly affect the interests of the Institute.

Done at Florence, 20 November 2002

For the Academic Council



The Principal