

# Procedures for disciplinary proceedings- Student Version

KRISTIANIA UNIVERSITY COLLEGE  
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# 1. Scope

These procedures apply to Kristiania University College in matters relating to cheating at examinations, grossly disruptive behaviour and exclusion due to criminal offences - police certificates. This document primarily describes the common elements associated with this work.

This document is intended to help ensure that proper administrative procedures are carried out in connection with disciplinary action against students at Kristiania University College when required.

1. Scope: applicable to the administration of matters relating to cheating at examinations, document forgery, grossly disruptive behaviour and exclusion due to criminal offences - police certificates. This document primarily describes the common elements associated with this work.

2. Relevant laws and regulations

3. Responsibility for disciplinary proceedings

# 2. Responsibility for disciplinary proceedings

## **The University College Appeals Board**

The University College Appeals Board considers matters relating e.g. to the annulment of examinations or tests, Section 4-7 of the University and University Colleges Act, exclusion and expulsion, Section 4-8 of the University and University Colleges Act, exclusion due to criminal offences, Section 4-9(5) of the University and University Colleges Act.

## **Study Administration**

The Study Administration decides whether disciplinary proceedings shall be brought before the University College Appeals Board and informs affected students of any disciplinary proceedings that are instituted. The Study Administration prepares cases for the Appeals Board and provides guidance to departments/specialists on the handling of such cases.

In some cases, the Head of Study may decide whether matters shall be brought before the University College Appeals Board as disciplinary proceedings. The matters for which this is a possibility are stipulated in the document.

## **Department/Course Coordinator/Examiner**

The department shall be responsible for examining the facts and documenting these to the extent possible. If the department requires further consideration, the case and associated documents shall be forwarded to the relevant Study Administration team or the Head of Study.

The Study Administration teams responsible for considering the various cases are specified in the document.

### **3. General information about disciplinary proceedings**

Disciplinary action against students must be authorised by law. The University and University Colleges Act contains legislative rules concerning the disciplinary actions that can be instituted. This applies in relation to students who behave in a manner that is grossly disruptive to the work of fellow students or the activities at the institution in general, gross misconduct that has resulted in a risk to life or health in connection with clinical teaching or supervised professional training, students who are guilty of gross violation of confidentiality agreements and students who have been charged or sentenced for certain criminal offences.

Disciplinary action can also be taken against students who cheat at tests/exams or students who submit forged documentation when applying for admission.

Possible actions include written warning, expulsion, annulment of examinations or exclusions pursuant to these rules. Certain behaviours will require further reactions in the form of criminal sanctions and this shall be considered by the Study Administration. In such cases, the Head of Study shall consider whether the matter should be reported to the police.

It is essential for the University College to have sufficient documentation in place in each case. Insufficient documentation may mean that the case cannot be considered or verified.

### **4. Document forgery**

In cases where it is discovered that applicants have submitted forged degree certificates as the basis for admission or have otherwise fraudulently attempted to gain access to tests/examinations or courses, the application documents, including the forged documentation, shall be submitted to the Study Administration, together with a description of how the case was discovered.

The Study Administration, represented by the Admissions team, shall conduct the necessary preliminary examinations and notify the applicant of the case. The applicant shall be given the opportunity to explain themselves in writing or verbally by a specified deadline and shall be informed of their right to representation by a lawyer or other spokesperson at the expense of the University College. The government's rates shall apply. The student shall have the right to assistance from a lawyer or other spokesperson from the time at which the exclusion matter is raised, cf. Section 4-8(5) of the University and University Colleges Act.

In the event of document forgery or other fraudulent behaviour on the part of the applicant, the reaction may differ depending on whether or not the individual has been admitted to the institution.

In cases where the applicant has been admitted to the institution and has had access to the examination, exclusion shall be considered and brought before the University College Appeals Board, possibly also with annulment of any previously completed examinations. Exclusion can be granted for up to one year and the student may

lose their right to register for examinations at all institutions during the same period, pursuant to the University and University Colleges Act. The Study Administration shall notify other institutions of the decision. The matter shall normally need to be reported to the police, pursuant to the provisions set out in Section 3-7(7) of the University and University Colleges Act.

If the applicant has not been admitted to the institution, the applicant's forged documents shall be confiscated and the applicant shall not be able to apply for admission or recognition of qualifications for up to one year, cf. Section 3-7(8) of the University and University Colleges Act. If the matter is considered to constitute a criminal offence, the applicant shall also be reported to the police.

## **5. Grossly disruptive behaviour**

A student who is guilty of grossly disruptive behaviour that affects the work of fellow students or the institution in general may, subject to specific terms, be excluded from certain areas of the University College for up to one year or excluded from the study programme.

Grossly disruptive behaviour refers to bizarre, aggressive or annoying behaviour that has a negative impact on fellow students or employees, such as bullying, threats or thefts. Such situations are often linked to medical challenges on the part of the student and this could involve serious crises of a psychological or psychiatric nature. The University College shall initially attempt to resolve the underlying challenges through meetings, counselling and, if applicable, the offer of medical or psychological assistance. The student shall be issued with a verbal warning from the Study Administration. Expulsion or exclusion shall be the last resort to solve the problem.

In the event of particularly serious cases, the case may be brought directly before the Head of Study, who shall consider whether a formal written warning should be issued. The police shall be notified in the event that criminal offences are suspected or if there is a risk to the life or health of fellow students or employees.

If the problem persists, the case shall be brought before the Study Administration, which shall consider whether a formal written warning should be issued pursuant to Section 4-8(1) of the University and University Colleges Act. If, despite the warning, the student repeatedly continues to behave in an unacceptable manner, the Study Administration, represented by the Head of Study, shall consider whether an expulsion case should be brought before the University College Appeals Board. In the event that an expulsion matter is raised, the student shall be notified and given the opportunity to explain themselves in writing or verbally by a specified deadline and shall also be notified of their right to be represented by a lawyer or other spokesperson at the expense of the University College. The right to legal assistance applies from the time at which written warning is issued pursuant to Section 4-8(1), cf. Section 4-8(5) of the University and University Colleges Act.

Exclusion decisions shall be relevant only if the student fails to comply with the expulsion decision and fails to take into account any new written warning. Exclusion decisions can be made only by the University College Appeals Board.

The student shall not lose their right to sit an examination in the study programme in question, either in the event of expulsion or exclusion from the study programme in the event of grossly disruptive behaviour. It is the grossly disruptive behaviour that is to be prevented, not the student's access to sit their examination.

The conditions for the University College to be able to exclude or expel a student due to grossly disruptive behaviour are strict.

## 6. Gross misconduct

A student who is guilty of gross misconduct in a way that results in risk to life or health to people that the student deals with through clinical teaching or supervised professional training, for example patients, clients, nursery children or pupils, may be excluded from the study programme for up to three years. The same shall apply if the student is guilty of gross violation of their duty of confidentiality or grossly indecent behaviour towards the aforementioned individuals.

Exclusion decisions on the above basis can be made only by the University College Appeals Board. In such cases, the violations must be considered too serious for warnings or expulsion to be considered. It shall be possible to react directly to the matter by instituting complete exclusion from the study programme for a period of time appropriate to the severity of the violation.

However, the exclusion shall apply only to the study programme in question and the student cannot be deprived of the right to sit an examination in the programme in question, provided that the student meets all the criteria to sit an examination.

If the case is discovered at department level, any documents relating to the case, as well as a description of the matter, shall be submitted to the Head of Department and the Head of Study. It is not necessary to give the student any prior notice, but it would often be natural to meet with the student in order to clarify the actual circumstances and the student can then be informed that the case is to be escalated to the Appeals Board for consideration.

The Study Administration shall notify the student that an exclusion case is to be raised and shall give the student the opportunity to explain themselves in writing or verbally by a specified deadline and shall also inform the student of their right to be represented by a lawyer or other spokesperson at the expense of the University College. If the Appeals Board decides on exclusion, the Appeals Board Secretariat shall inform the student and the student's department of the decision. The department shall inform affected persons in the academic line of the decision and shall ensure that the decision is followed up on.

## 7. Cheating during examinations

Anyone who cheats during an examination can be excluded from the institution for up to one year and shall be deprived of their right to sit examinations at other institutions during the same period pursuant to the University and University Colleges Act. The examination(s) in question could also be annulled. Cheating refers to dishonest behaviour for the purpose of achieving a better grade.

Examples include the use of cheat sheets or other unlawful aids during the examination, plagiarism during home examinations or forged documentation of previously taken examinations.

See Section 4-9 of the regulations relating to admissions, study programmes, degrees and examinations at Kristiania University College and the guidelines for *Chapter 4. Examinations*

*Section 4.9 Further information on cheating* for a more detailed explanation of what may be considered cheating.

Both attempted cheating and completed cheating may lead to exclusion. Cheating must have been performed with intent or gross negligence. Intent means that the student has purposefully used or intended to use dishonest methods to achieve results in the examination. Gross negligence refers to qualified, misconduct that gives rise to strong reproach for lack of care. Intentional complicity in cheating or attempted cheating can also lead to exclusion.

In the event that irregularities or potential or attempted cheating are discovered, all documents relating to the case and a description of the case and how it was discovered shall be submitted to the Examinations Department. The Study Administration shall be responsible for investigating the actual circumstances to the extent necessary. This shall often be done in consultation with the course coordinator or person with academic responsibility. In some cases, it may be appropriate to conduct meetings with affected students in order to clarify the actual circumstances.

In the event of suspected cheating, the examination candidate's paper should be examined in the ordinary manner, based on academic criteria. The examiners should not assess whether the matter is considered cheating pursuant to the University and University Colleges Act, but may consider the matter to constitute a violation of the applicable standards relating to the use of sources and references, as well as a lack of independence in the paper.

The University College Appeals Board may subsequently annul the examination in question if the Appeals Board finds that the criteria for annulment have been met.

The Study Administration, c/o the Examinations team, shall notify the student that a case is to be raised and the student shall be given the opportunity to explain themselves in writing or verbally by a specified deadline. When the case is escalated to the University College Appeals Board, the Secretariat shall provide the student with the opportunity to provide written or verbal feedback on the case documents by a specified deadline and shall also provide information about the student's right to be represented by a lawyer or other spokesperson at the expense of the University College.

The Appeals Board shall make decisions regarding exclusion from the department and deprivation of the right to sit examinations at the institution pursuant to the University and University Colleges Act, as well as about the annulment of the examination(s) to which the cheating relates. The Appeals Board Secretariat shall inform the student of the decision and shall inform the Study Administration.

## **8. Exclusion due to criminal offences - police certificate**

The follow-up and distribution of responsibilities in connection with the discovery of relevant remarks on a police certificate shall be addressed below. Remarks on a police certificate are either discovered when a police certificate is presented in connection with admission or in the event of a new disclosure and barring check.

### **Duty to notify the student**

In the event that a police certificate shows a relevant remark in connection with a student, the Study Administration shall immediately notify the student that they have a right to assistance from

a lawyer or other spokesperson, cf. Section 4-9(7) of the University and University Colleges Act. The government rates shall apply.

### **The Study Administration' duty to obtain documentation**

The Study Administration shall ensure that the information in the case is as complete as possible by obtaining relevant documents. Documents that shall be obtained include the police certificate, any fines and judgments, a description of the supervised professional training and a reasoned statement from the department as to whether or not the student should be excluded from participation.

After a specific assessment, it may be necessary to obtain further documents, such as statements from employers, medical information from a doctor, etc. The student's consent shall be obtained when necessary for the purposes of obtaining information.

### **The student's duty to contribute to information being obtained in the case**

The student shall contribute by presenting documentation about the circumstances that formed the basis for any remarks on the police certificate. The Study Administration and the department shall be responsible for guiding the student with regard to the documents that should be presented.

If the student does not contribute to documentation being obtained, The Study Administration may request access to criminal case documents from the police pursuant to Sections 27 and 30 of the Police Register Act and/or contact the court.

### **Escalating the case to the University College Appeals Board**

The Study Administration shall, as soon as possible and no later than ten days after all documentation in the case being available, escalate the case to the Appeals Board Secretariat. The student shall receive a copy of the submission, including appendices, and shall be granted another 14-day deadline to make any comments to the Appeals Board. The student shall not have the opportunity to participate in clinical teaching or supervised professional training in the programme until the Appeals Board has reached a decision in the case.

## **9. Deadlines associated with disciplinary proceedings**

The right to annul examinations, recognise qualifications and grant exemption from examinations cannot be statute-barred. This means that disciplinary proceedings may be raised long after the student has completed their study programme at the University College.

However, disciplinary proceedings must be prepared and settled without undue delay. When suspicion of a disciplinary matter arises, the matter shall be prioritised and dealt with immediately. Students who are suspected of disciplinary matters often wish the case to be resolved quickly. However, such cases often cause significant stress on the part of those involved and may potentially have major consequences for those involved.

Proper case management is therefore essential. The factual and legal aspects shall be thoroughly examined and students shall be given reasonable time to comment on the matter if disciplinary proceedings are raised.



## **10. Appeals procedure and review by a court of law**

Decisions on expulsion or exclusion shall be reached with a majority of at least two thirds in the Appeals Board. Decisions on such reactions can be appealed by the student pursuant to the rules set out in the Public Administration Act. The deadline for lodging an appeal is three weeks from the time at which the decision reaches the party in question. Any appeals shall be lodged with the Appeals Board Secretariat. The appeal shall be prepared and presented to the Appeals Board for consideration. The Appeals Board may reverse or change its previous decision if it finds that the appeal is justified.

If the appeal is not upheld, the case and the associated documents shall be forwarded to the joint Appeals Board. The Appeals Board Secretariat shall be responsible for escalating the matter.

Decisions made by the joint Appeals Board on expulsion or exclusion may be brought before the District Court for review by the student(s) to which the decision relates within three months of the final decision being issued. The University College shall cover all costs associated with the lawsuit, including the student's legal costs. The government's rates shall apply.

The District Court may review all aspects of the decision, both with regard to whether the criteria for expulsion or exclusion have been met and the reasonableness of the reaction.