




Disciplinary Regulations for Students

ISTEC | INSTITUTO SUPERIOR
DE TECNOLOGIAS
AVANÇADAS DE LISBOA

SGQ-REG-08 R0 - 09/11



Disciplinary Regulations for Students

Chapter I **General Provisions**

Article 1 **Scope**

1. The present disciplinary regulations, provided for in Chapter 7 of the Statutes of the Higher Institute of Advanced Technologies, hereinafter referred to as ISTEC, published in Announcement No. 6466/2009, in the Official Gazette, 2nd Series - No. 160 of August 19, 2009, are applicable to all students of the Institute.
2. The present disciplinary regulation is applicable to all teaching, research and community service units belonging to ISTEC.

Article 2 **Objectives**

1. The present regulation aims at guaranteeing the moral and physical integrity of students, teachers and other employees, ensuring the proper functioning of the Institute, as well as the preservation of its moral and patrimonial assets.
2. ISTEC students are, under the terms of the law, subject to the disciplinary regime specific to the educational establishment.

Article 3 **Student Rights**

Students are entitled to:

- a. Respectful and urbane treatment by all members of the Institute's academic community;
- b. To enjoy a quality education under conditions of equal opportunity in access;
- c. Recognition of the merit, dedication and effort they show in the performance of their academic activities;
- d. Have the information in their individual file guaranteed, in accordance with the principle of confidentiality;
- e. Benefit from technical-administrative support in the institutional forms of social action guaranteed by the State and the instruments of school social action made available by the Institute;
- f. Participate, under the terms of the applicable legislation in the Institute's management and administrative bodies and in the creation and execution of the respective educational project;
- g. Participate in the Institute's activities, foreseen by law and the Regulations.

Article 4 **Student Duties**

The duties of the students are:

- a. To respect and care for the maintenance of the Institute's assets;
- b. Comply with the guidelines given by the teachers and the members of the Institute's bodies, as well as the staff in charge of the administrative and auxiliary services;
- c. Act in accordance with the provisions contained in the regulations of the respective courses.

Chapter II
Disciplinary Process

Article 5
Disciplinary infraction

1. Any culpable action or omission that violates any of the duties enshrined in the law, in ISTEC's Statutes and in other internal regulations shall constitute a disciplinary infraction.
2. A disciplinary infraction is committed when a student maliciously:
 - a. Prevents or constrains, by means of violence or threat of violence, physical or verbal, the normal course of classes, academic tests or research activities;
 - b. Preventing or constraining, through violence or threat of violence, physically or verbally, the normal functioning of organs or services of the Institute
 - c. Offending the honor, freedom, physical integrity or the privacy of colleagues, teachers, researchers, and other employees
 - d. Falsify the results of academic examinations by simulating personal identity, falsifying guidelines, terms, statements or by other means
 - e. Damaging, subtracting or misappropriating the Institute's property;
 - f. Fails to comply with the sanctions applied.

Article 6
Participation

1. Any student, faculty member or staff member who witnessed or became aware of any disciplinary infraction shall immediately report it to the Management of the ITA Institute of Advanced Technologies for Training, Ltd, duly detailing the type of infraction, its author, date, time, and place. The damage and identification of individuals who witnessed the facts should also be stated.
2. Students may also report this to the Student Ombudsman.

Article 7
Sanctions

The sanctions to be imposed shall consider the seriousness of the offenses and may take one of the following forms:

- a. Verbal warning;
- b. Written warning;
- c. Suspension;
- d. Prohibition from attending the Institute for up to five (5) years.

Article 8
Verbal Warning

The verbal warning will be applied to minor faults and will have essentially persuasive objectives. The decision to issue a verbal warning is the responsibility of the Board of Directors of the institution, after hearing the Student Ombudsman.

Article 9
Written Warning

Students who repeat offenses of lesser seriousness will be given a registered warning, which will be included in the respective file.

The application of the registered warning is the responsibility of the Board of Directors of the institution, after consultation with the Student Ombudsman.

Article 10
Suspension

The sanction of suspension can only be applied after a disciplinary process has been initiated and is intended to punish the accumulation of minor faults or serious faults that affect the smooth running of the Institute.

Article 11
Suspension Graduation

The application and grading of suspension is the responsibility of the Board of Directors, based on a favorable opinion, by majority vote, of the Pedagogical Council.

Article 12
Interdiction

1. The sanction of prohibition to attend the Institute for up to 5 (five) years can only be applied by means of disciplinary proceedings and is intended to punish acts that, due to their gravity, make the offender's presence at the Institute impossible or undesirable.
2. The Management of the Institution, based on a favorable opinion by a majority vote of the Pedagogical Council, shall be responsible for applying and grading the sanction of interdiction, under the terms of the law.

Article 13
Sanction Determination

1. The disciplinary sanction shall be determined according to the student's guilt and the requirements of prevention, taking into account, in particular:
 - a. The number of offenses committed;
 - b. The manner of execution and the consequences of each infraction;
 - c. The degree of student participation in each infraction;
 - d. The intensity of the malice;
 - e. The student's motivations and purposes;
 - f. The conduct prior and after the commission of the offense.
2. Temporary loss of student status does not prevent punishment for offenses previously committed, and the sanction shall be enforced when the individual regains this status.

Article 14
Competence

1. The initiative for initiating disciplinary proceedings falls under the competence of the Board of Directors of the Institution - ITA.
2. The decision to apply a disciplinary sanction shall expressly state the grounds for the same.
3. The application of oral or written reprimands, as well as the review of proceedings in which such penalties have been applied, shall fall under the competence of the Board of Directors of the institution.
4. Sanctions that are exclusively directed at students shall be issued with prior knowledge of the Student Ombudsman.
5. The application of suspension sanctions, as well as the review of processes where these sanctions have been applied, are the competence of the Board of Directors of the institution, upon proposal by the Pedagogical Council.
6. Disciplinary power belongs to the Board of Directors of the University.

Article 15
Promoting the process

1. If the disciplinary infraction consists of insult, defamation, threat, coercion or simple bodily injury, the disciplinary procedure shall be initiated upon submission of a written complaint by the offended party to the Board of Directors of the Institution.

2. The complaint may be withdrawn at any stage of the disciplinary process, before the application of the sanction to the student, upon presentation of withdrawal, in writing, by the offended party to the ITA Board of Directors.

Article 16

Disciplinary inquiry

1. The purpose of the disciplinary inquiry is to ascertain the existence of a disciplinary infraction and determine its agents, and the instructor shall order, ex officio or upon request, the production of all means of proof he deems necessary to discover the truth.
2. The inquiry shall commence within a maximum of three working days from the date of the instructor's appointment and shall be concluded within a maximum of one month from the date it commences.
3. Without prejudice to the deadline stipulated in the previous article, the instructor shall notify the student to contest, in writing, within eight working days, the imputation of the practice of disciplinary infraction.
4. Within eight working days from the conclusion of the investigation, the instructor shall prepare a report proposing either the closure of the investigation or the application of a disciplinary sanction to the student.
5. The report mentioned in the previous number is forwarded to the institution's management and to the student so that he or she may, within a maximum of three working days, say what is offered.
6. If the means referred to in number one result in the hearing of witnesses, their statements must be recorded in a written document signed by the instructor and the deponent.

Article 17

Process Instructor

1. The instructor is appointed by the Board of the Institution - ITA, after hearing the Student Ombudsman.
2. A faculty member who is offended by the infraction or a relative or kinsman, in a direct line or up to the third degree of the collateral line, of the offended or of the agent of the infraction cannot be appointed instructor of the disciplinary inquiry.
3. In addition to the cases provided for in the previous number and within a maximum of five days from the instructor's appointment, the student may request, in writing, the ITA Board of Directors to refuse the instructor, when the instructor's intervention runs the risk of being considered suspicious, due to the existence of a serious and serious reason that may generate distrust as to his/her impartiality, and this shall be stated in the request.
4. When the conditions of the previous number are met and within a maximum period of five days from the date of appointment, the instructor may request the ITA Board to decline to intervene, stating the reasons for such request.
5. The ITA Board of Directors shall decide on the refusal or recusal request within a maximum period of ten days.

Article 18

Suspension of the Student

At the request of the instructor of the case, the ITA Board of Directors shall suspend the student for a period of time not exceeding 30 days if it is found, due to the nature of the disciplinary infraction or the student's personality, that there is a danger of disturbance to the normal course of classes, academic tests or research activities or of disturbance to the normal functioning of organs or services of the Institute.

Chapter III
Final Provisions

Article 19
Civil and criminal liability

The application of the disciplinary sanction does not exempt the student from civil and criminal liability.

Article 20
Counting deadlines

1. All deadlines related to the disciplinary process, provided for in the present Regulation, shall be counted in working days, not running on Saturdays, Sundays or municipal or national holidays.
2. The time limits provided for in the previous number, including those of prescription or expiration, shall not run during school vacations.
3. School vacations are understood to mean the periods determined as such by the Office.

Article 21
Duty of Information

The ISTEC Students' Association will be informed, by registered letter, of the opening of the processes and respective final decisions.

Article 22
Omissions

In all matters not regulated by the present Regulation, the provisions of the Code of Criminal Procedure shall apply, with the necessary adaptations.

Article 23
Entry into force

This Regulation shall enter into force on September 1st, 2011.

Prepared and approved by the Institutive Entity - ITA Instituto de Tecnologias Avançadas para a Formação, Lda