



## POLITECNICO DI MILANO

### THE RECTOR

HAVING REGARD TO Italian Royal Decree Law No. 1071 dated 20 June 1935, containing "Amendments and updates to the consolidating act of the higher education laws";

HAVING REGARD TO Law No. 168 dated 9 May 1989, "Institution of the Ministry of Universities and Scientific and Technological Research" and subsequent amendments and additions;

HAVING REGARD TO Italian Law No. 241 dated 7 August 1990 containing "New regulations on administrative procedure and right to access administrative documents", and subsequent amendments and additions;

HAVING REGARD TO Italian Ministerial Decree No. 509 dated 3 November 1999, "Regulations governing the didactic autonomy of Universities", and subsequent additions and amendments;

HAVING REGARD TO Italian Presidential Decree No. 445 dated 28 December 2000, "Consolidating Act on legislative and regulatory provisions in relation to administrative documentation" and subsequent additions and amendments;

HAVING REGARD TO Italian Legislative Decree No. 196 dated 30 June 2003, containing the "Privacy Code", as amended by Regulation (EU) 2016/679 of the European Parliament and the Council of 27 April 2016 on the protection of natural persons' data processing and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

HAVING REGARD to Italian Law 30.12.2010, no. containing "Rules on organisation of universities, academic staff and recruitment, authorising the Government to enhance the quality and efficiency of the university system" and subsequent amendments and additions;

HAVING REGARD TO the current Statute of the Politecnico di Milano; HAVING REGARD TO the University's current General Regulations; HAVING REGARD TO the University's current Educational Rules;

HAVING REGARD TO Rectoral Decree no. 3798/AG dated 31 October 2014 under which the Regulations for the career of students at Politecnico di Milano were issued, particularly Chapter VII - Disciplinary sanctions for students; HAVING REGARD to Rectoral Decree no. 1699/SAGNI dated 14 April 2015 by means of which the Charter of rights and duties of university students of Politecnico di Milano was issued;

HAVING REGARD TO Rectoral Decree no. 3138 dated 19 April 2019 by means of which the Code of ethics and conduct of Politecnico di Milano was issued, and particularly section IV - The Implementing provisions;

HAVING REGARD TO Rectoral Decree no. 7287 dated 9 October 2019 under which the Rules of procedure of the Students' Disciplinary Committee were issued;

HAVING REGARD TO the resolutions adopted by the Academic Senate and the Board of Governors during the meetings held on 21 and 22 September 2020, on the approval of the partial amendment to Art. 5 of the Rules of procedure of the Students' Disciplinary Committee;

### DECREES

#### Art. 1

For the reasons mentioned in the introduction, the Rules of procedure of the Students' Disciplinary Committee issued with Rectoral Decree no. 7287 dated 9 October 2019, is partially amended in Art. 5 "Provisions for Laurea (equivalent to Bachelor of Science) and Laurea Magistrale (equivalent to Master of Science) students" as outlined in the text which forms an integral part of this measure.

The amendments made to Art. 5 are marked in ***bold italics***.

## **RULES OF PROCEDURE OF THE STUDENTS' DISCIPLINARY COMMITTEE**

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### **Art. 1**

#### **Subject matter and scope**

- 1) These Regulations, implementing Art. 16 of Italian Royal Decree Law No. 1071 dated 20 June 1935, govern the disciplinary procedure and the sanctions applicable to students of Politecnico di Milano of all types and levels in the event of a disciplinary offence as per the following Art. 3.

### **Art. 2**

#### **Disciplinary authorities - Student's Disciplinary Committee**

- 1) Pursuant to section IV of the Code of Ethics and Conduct of Politecnico di Milano, the Rector is responsible for launching the disciplinary procedure in accordance with the matters envisaged by the following articles.
- 2) The Rector, when exercising disciplinary power, avails him/herself of a special Students' Disciplinary Committee, made up of three first-tier professors from Politecnico di Milano, appointed upon the proposal of the Academic Senate, observing gender equality. The functions of Secretary are taken over by a technical-administrative staff unit.
- 3) The term of office of the Students' Disciplinary Committee is three years, renewable just once.

### **Art. 3**

#### **Disciplinary offence**

- 1) A disciplinary offence is any act committed by the student when:
  - it causes damage to movable and immovable property owned by the University or held or possessed by it, or third parties in teaching or institutional research activities;
  - it alters or modifies acts concerning one's own or others' university career;
  - it is in contrast with the matters envisaged by the Code of Ethics and Conduct of Politecnico di Milano and the underlying moral values, such as responsibility, respect, integrity, professionalism, fairness, trust and transparency as set out in Section III - Expected conduct.

### **Art. 4**

#### **Disciplinary procedure**

- 1) If the procedure is launched, the Rector shall forward the formal notice to the President of the Students' Disciplinary Committee for the initiation of the disciplinary procedure.
- 2) Violation of the rules must be formally challenged vis-à-vis the student who must be informed of the initiation of the disciplinary procedure against him/her at least ten days before the meeting established by the Students' Disciplinary Committee by registered letter with advice receipt (A/R) and/or certified e-mail (PEC).
- 3) The communication must contain a description of the contested acts and all the terms of the summons of the student before the Students' Disciplinary Committee so as to be heard on the contested acts.
- 4) The communication must contain:

- a) a clear and precise statement of the acts contested;
  - b) the notice to appear before the Students' Disciplinary Committee on a specified date so as to be heard on the acts being contested;
  - c) disclosure that the party concerned is entitled to be assisted by a person in whom they trust and/or to present defence briefs and any documents in their defence.
- 5) A period of no less than ten days must elapse between the communication referred to in the previous point and the student's hearing.
  - 6) The student may present written or defence briefs by the deadline established in the communication and in any case no later than the third day before the date set for the meeting.
  - 7) In carrying out the appointment, the Students' Disciplinary Committee may acquire documents, hear witnesses, obtain the opinion of experts appointed by the same, carry out any other activity it deems necessary; it may also carry out the investigative activities requested by the student concerned, if deemed useful and relevant for the purposes of the assessment.
  - 8) The Members of the Students' Disciplinary Committee are required to maintain confidentiality with regard to the facts of which they have become aware. The investigation must be carried out with respect for the dignity of the persons involved and the principle of cross-examination.
  - 9) On conclusion of the proceedings, which must take place within 60 days from the date of receipt of the formal report, the Students Disciplinary Committee shall send the documents to the Rector, together with a written report in which the facts are reconstructed, and make a proposal for the adoption of a specific disciplinary measure or the dismissal of the case.

#### Art. 5

#### **The provisions for Laurea (equivalent to Bachelor of Science) and Laurea Magistrale (equivalent to Master of Science) students**

- 1) Anyone who becomes aware of an act that may constitute a disciplinary offence, in accordance with the matters indicated in Art. 3 above, shall report it to the Dean of the relevant School and/or the Student Ombudsman. ***If the events occur on any of the Campuses, the report should be forwarded to the Vice Rector and/or Student Ombudsman.***
- 2) If the report is received directly by the Rector, it will be the Rector's responsibility to involve the Dean of the relevant School or ***Vice Rector*** and/or the Student Ombudsman to initiate the investigation.
- 3) The Dean of the relevant School ***or Vice Rector and/or the Student Ombudsman*** may hear the reported student.
- 4) The investigation may be concluded without starting a subsequent phase of the disciplinary procedure or may give rise to a formal report, accompanied by a note from the reporting party and a report on the investigation carried out by the appointed parties, to the Rector.
- 5) The Rector, based on the formal report received and, if necessary, of a second investigation, shall decide whether to dismiss the case or to initiate the disciplinary procedure.
- 6) The disciplinary procedure referred to in the previous point shall be adopted by the Students' Disciplinary Committee using the same procedures indicated in Art. 4 of these Regulations.
- 7) The investigation may not last more than 60 days from the moment of receipt of the report.
- 8) The sanctions that the Students' Disciplinary Board may propose are:
  - a) reprimand;
  - b) temporary disqualification from one or more courses;
  - c) suspension from one or more exams or other forms of assessment;
  - d) temporary suspension from the University with consequent loss of exam sessions;
  - e) expulsion from the University.
- 9) ***The Committee may require*** socially useful activities to be carried out. These activities are determined by the Students' Disciplinary Committee and their performance is checked by the Structure identified by the Director General. The satisfactory performance of these activities, ***if associated with the reprimand, will*** negate its consequences. Should the student refuse to perform such activities, an alternative sanction shall be inflicted by the Disciplinary Committee.
- 10) The sanctions proposed by the Students' Disciplinary Committee shall be proportionate to the seriousness of the facts, considering in the assessment any repetition and any wilful intent or gross negligence;

- 11) The sanctions proposed by the Students' Disciplinary Committee shall be issued by a Rectoral order and communicated to the party concerned and the relevant Bodies.
- 12) The sanctions are communicated to the student by means of registered letter with advice of receipt or certified e-mail (PEC). The disciplinary measures are recorded in the student's file and consequently on the discharge sheet.

#### **Art. 6**

##### **The provisions for Ph.D Course students**

- 1) Anyone who becomes aware of an act that may constitute a disciplinary offence, in accordance with the matters indicated in Art. 3, shall report it to the Dean of the Ph.D School or the Ph.D Student Representative in the Consolidated Guarantee Committee (CUG).
- 2) If the report is received directly by the Rector, it will be the Rector's responsibility to involve the Dean of the Ph.D School in order to initiate the investigation.
- 3) The Dean of the Ph.D School and/or the Ph.D Student Representative in the CUG can hear the Ph.D student reported.
- 4) The investigation may be concluded without starting a subsequent phase of the disciplinary procedure or may give rise to a formal report made by the Dean of the Ph.D School, accompanied by a note from the reporting party and a report on the investigation carried out by the appointed parties, to the Rector.
- 5) The Rector, based on the formal report received and, if necessary, of a second investigation, shall decide whether to dismiss the case or to initiate the disciplinary procedure.
- 6) The disciplinary procedure referred to in the previous point shall be adopted by the Students' Disciplinary Committee using the same procedures indicated in Art. 4 of these Regulations.
- 7) The Students' Disciplinary Board may propose the following sanctions:
  - a) reprimand;
  - b) temporary suspension of a minimum of 1 month up to a maximum of 12 months from the Ph.D Programme and simultaneous suspension from the disbursement of any scholarship, by means of the formalities described in the Regulations of the Ph.D School (Art. 9.7);
  - c) exclusion from the Ph.D Programme.
- 8) The sanctions proposed by the Students' Disciplinary Committee shall be proportionate to the seriousness of the facts, considering in the assessment any repetition and any wilful intent or gross negligence;
- 9) The sanctions proposed by the Students' Disciplinary Committee shall be issued by Rectoral order and communicated to the party concerned and the relevant Bodies.
- 10) The sanctions are communicated to the Ph.D student by means of registered letter with advice of receipt or certified e-mail (PEC). The disciplinary measures are recorded in the Ph.D student's career and consequently on the discharge sheet.

#### **Art. 7**

##### **The provisions for Master's degree, Specialisation, Lifelong learning course students**

- 1) Anyone who becomes aware of an act that may constitute a disciplinary offence, in accordance with the matters indicated in Art. 3, shall reports it to the Head of the Department to which the Head of the Master's/Improvement/Specialisation/Lifelong learning Course belongs.
- 2) If the report is received directly by the Rector, it will be the Rector's responsibility to involve the parties identified in the previous point in order to initiate the investigation.
- 3) The parties responsible for the investigation can hear the student reported.
- 4) The investigation may be concluded without starting a subsequent phase of the disciplinary procedure or may give rise to a formal report, accompanied by a note from the reporting party and a report on the investigation carried out by the appointed parties, to the Rector.
- 5) The Rector, based on the formal report received and, if necessary, of a second investigation, shall decide whether to dismiss the case or to initiate the disciplinary procedure.
- 6) The disciplinary procedure referred to in the previous point shall be adopted by the Students' Disciplinary Committee using the same procedures indicated in Art. 4 of these Regulations.

- 7) The Students' Disciplinary Board may propose the following sanctions:
  - a) reprimand;
  - b) Exclusion from the Course attended without the issue of any qualification.
- 8) The sanctions proposed by the Students' Disciplinary Committee shall be proportionate to the seriousness of the facts, considering in the assessment any repetition and any wilful intent or gross negligence;
- 9) The sanctions proposed by the Students' Disciplinary Committee shall be issued by Rectoral order and communicated to the party concerned and the relevant Bodies.
- 10) The sanctions are communicated to the student by means of registered letter with advice of receipt or certified e-mail (PEC). The disciplinary measures are recorded in the student's career and consequently on the discharge sheet.

### **Art. 8**

#### **The provisions for incoming exchange students**

- 1) Anyone who becomes aware of an act that may constitute a disciplinary offence, in accordance with the matters indicated in Art. 3, reports this to the Dean of the relevant School in the event of an exchange student and to the Dean of the Ph.D Scholl in the event of Visiting Ph.D.
- 2) If the report is received directly by the Rector, it will be the Rector's responsibility to involve the parties identified in the previous point in order to initiate the investigation.
- 3) The parties responsible for the investigation can hear the student reported.
- 4) The investigation may be concluded without starting a subsequent phase of the disciplinary procedure or may give rise to a formal report, accompanied by a note from the reporting party and a report on the investigation carried out by the appointed parties, to the Rector.
- 5) The Rector, based on the formal report received and, if necessary, of a second investigation, shall decide whether to dismiss the case or to initiate the disciplinary procedure.
- 6) The disciplinary procedure referred to in the previous point shall be adopted by the Students' Disciplinary Committee using the same procedures indicated in Art. 4 of these Regulations.
- 7) The Students' Disciplinary Board may propose the following sanctions:
  - a) reprimand and consequent reporting to the University of origin;
  - b) exclusion from the course/courses and reporting to the University of origin.
- 8) The sanctions proposed by the Students' Disciplinary Committee shall be proportionate to the seriousness of the facts, considering in the assessment any repetition and any wilful intent or gross negligence;
- 9) The sanctions proposed by the Students' Disciplinary Committee shall be issued by Rectoral order and communicated to the party concerned and the relevant Bodies. The sanctions are communicated to the student by means of registered letter with advice of receipt or certified e-mail (PEC).

### **Art. 9**

#### **Provisions in the event of violation of the University Halls of Residence Regulations**

- 1) A disciplinary procedure may be initiated against a guest who violates the provisions envisaged by the Politecnico di Milano University Halls of Residence Regulations or who, in any case, commits acts detrimental to the normal functioning of the Hall of Residence or contrary to the Code of Ethics and Conduct.
- 2) The initiation of the disciplinary procedure is the responsibility of the Rector, who assesses the appropriateness of this procedure based on the investigation carried out by the structures managing the halls of residences under the relevant Regulations.
- 3) The disciplinary procedure referred to in the previous point shall be adopted by the Students' Disciplinary Committee using the same procedures indicated in Art. 4 of these Regulations.
- 4) The Students' Disciplinary Board may propose the following sanctions:
  - a) reprimand;
  - b) suspension of the accommodation;
  - c) revocation of the accommodation with immediate removal from the hall of residence.
- 5) The sanctions proposed by the Students' Disciplinary Committee shall be proportionate to the seriousness of the facts, taking into account in the assessment also any repetition and any wilful

intent or gross negligence.

- 6) The sanctions proposed by the Students' Disciplinary Committee shall be issued by Rectoral order and communicated to the party concerned and the relevant Bodies.
- 7) The sanctions are communicated to the student by means of registered letter with advice of receipt or certified e-mail (PEC). The disciplinary measures are recorded in the student's career and consequently on the discharge sheet.

#### **Art. 10**

##### **Privacy protection of the party concerned**

- 1) In order to protect the confidentiality of the party concerned, all communications relating to the procedure, both incoming and outgoing, must be recorded in the confidential protocol, without scanning the document on Titulus.
- 2) Without prejudice to the rights of the party concerned to have access at any time to the procedure concerning him/her, the parties responsible for exercising disciplinary power, as well as the administrative offices that work to support the same, are required to maintain the strictest confidentiality on the content of the documents to which they have contributed or of which they have in any case become aware.

#### **Art. 11**

##### **Entry into force of the Regulations - Transitional rules**

- 1) These Regulations are issued by means of Rector's Decree and enter into force on the fifteenth day after publication on the University's institutional website: <http://www.normativa.polimi.it>.
- 2) The provisions of these Regulations shall apply to disciplinary procedures initiated as of the date of entry into force of these Regulations.

THE RECTOR  
Prof. Ferruccio Resta

Signed digitally under the Digital Administration Code