

*The following is a translation of "Technion Student Disciplinary Regulations". Much effort was made to adhere to the original text and its spirit.*

*However, in case of an inadvertent discrepancy between the original (Hebrew) version and this translated version, the Hebrew version will be considered to be binding.*

## **STUDENT DISCIPLINARY REGULATIONS**

The new disciplinary regulations are in effect commencing from 10-02-2016. They were approved by the Technion Senate in its sessions of 10-05-2015 and 12-11-2015.

Studies at the Technion are based on trust between the institution and those studying therein.

Students are obliged to maintain academic honesty and to conduct themselves in a manner that respects the dignity of the Technion, the students, the employees and members of the academic staff.

The purpose of these regulations is to regulate the manner in which cases violating the rules herein will be handled.

### **1. DEFINING TERMS**

The terms specified below will have the adjacent meanings for the purposes of these regulations:

- 1.1. "The Technion"** – Israel Institute of Technology, including any body or institute under the control, the management or the supervision of the Technion.
- 1.2. "Student"** - A person who at the time the offense was committed was one of the following (in the framework of the undergraduate, graduate school, the unit for continuing education and external studies, the pre-academic education center, or any other educational organization managed by the Technion - excluding an institution that has an independent set of disciplinary regulations):
  - 1.2.1. Someone who has enrolled to study at the Technion including one is currently undergoing the admissions process and whose application has not been rejected.
  - 1.2.2. A student at the Technion on leave from studies or a student who is on suspension of studies.
  - 1.2.3. Someone who has completed his studies but has not yet been awarded a degree.
  - 1.2.4. Someone who has completed his studies in the Technion and been granted a degree or certificate, provided that the conviction of the offence for which he is accused or could be accused could lead to its cancellation.
- 1.3. "Technion Person"** - an academic faculty member, an administrative or technical employee, or a student at the Technion including any person acting on behalf of the Technion.

- 1.4. **"Technion Property"** – property belonging to the Technion, or held or operated by it, including property that is held or is in the possession of a Technion person including intellectual property.
- 1.5. **"Disciplinary Offense"** – any act or omission of those specified in the various sections of Chapter 4 below.
- 1.6. **"Technion Grounds"** – all the areas controlled and/or occupied by the Technion and/or under its management, and/or areas in which Technion conducts academic activities, or activities are carried out on its behalf.
- 1.7. **"Technion Visitor"** - any person on the Technion grounds who is not a Technion person.
- 1.8. **"Prosecutor"** - a person appointed by the Senior Executive Vice President to serve as prosecutor for the purposes of these regulations.
- 1.9. **"Subject"** or **"Course"** – a course of study, or research, a project, or final paper for graduate studies, as the case may be.
- 1.10. **"Computer"** – as defined in the Computer Law, 1995, and any update to that law, including smart phones other devices with similar purposes or applications including peripheral devices.
- 1.11. **"Library"** – including computerized libraries, video libraries, or data files stored in any manner or on other platforms.

## 2. GENERAL

- 2.1. When the defendant is a graduate student or attending the Continuing Education and External Studies unit or attending the pre-academic education center the regulations will be adjusted as follows: anywhere that states "the Dean for Undergraduate Studies" should read, respectively, "the Dean of the Graduate School" or "the Dean for the Continuing Education and External Studies " or "the Head of the Pre-Academic Education Center".
- 2.2. A complaint against student who is a junior academic faculty member (such as a teaching associate or sub-associate teacher or assistant sub-associate teacher), who is charged with an offense primarily associated with his functioning as a faculty member, will be handled as part of the academic staff disciplinary proceedings. In the event of a dispute with respect to the framework for handling such a complaint, the dispute will be remitted to the Senior Executive Vice President whose decision regarding the matter will be final.
- 2.3. The court will act to the best of its understanding to ensure the possibility of investigating the matter of concern, pursuing justice, preserving natural rules of justice and preventing disproportionate harm to the accused rights. In order to achieve these goals, the court has the right to correct any defect or mistake in any proceeding, and to give instructions in any other matter as it deems to be just.
- 2.4. The submission of a complaint will be regarded as the opening of a disciplinary procedure and from that time forward, no other Technion person, in the Technion framework, will undertake procedures concerned with the matter of the complaint, nor will he, within the Technion framework, undertake any means of punishment.  
The above does not detract from any right of the Technion, or of a Technion person, to undertake any legal procedure outside the Technion.

### **3. DISCIPLINARY RULES**

Students must abide by the following disciplinary rules:

- 3.1.** To heed rules of honesty, fairness and ethics applicable to all academic activity.
- 3.2.** To faithfully fulfill all the academic and other obligations applicable to students pursuant to the Technion's constitution, regulations and procedures.
- 3.3.** To maintain the honor of the Technion and its institutions, the honor of its academic, technical and administrative staff, and the honor of its student population, and to behave appropriately.
- 3.4.** To observe the instructions of Technion people while they are carrying out their duties.
- 3.5.** To preserve Technion property, to maintain cleanliness and order on the Technion grounds.

In order to enforce these principles a disciplinary judicial system will be operated as set forth below.

### **4. DISCIPLINARY OFFENSES**

A student has committed a disciplinary offense if he did one of the following:

- 4.1.** Breached a study obligation assigned to him by the Technion, including:
  - 4.1.1. Committing, by cheating or some other illegitimate means, an act in order to improve a grade in an exam, test or quiz, assignment, project, practical work or any other study task, or in order to achieve an academic advantage for himself or for another student.
  - 4.1.2. Having in his possession prohibited study materials or equipment during an exam or test, whether he used it during the exam or test or not.
  - 4.1.3. Copying from another student, or knowingly allowing another student to copy from him, in an exam, a test, assignment, project or any other study task.
  - 4.1.4. Helping another student, in some other way, or being helped by another student, during an exam or test or while completing another study task for which the student is required to do independent work.
  - 4.1.5. Conspiring, or participating in a conspiracy, in order to attempt to commit any of the offenses mentioned in this section.
- 4.2.** Did not obey an instruction given by a Technion person who was fulfilling his role or refused to identify himself to the Technion person who was fulfilling his role.
- 4.3.** Violated a regulation, provision or procedure including a regulation, provision or procedure relating to the use of the Technion's facilities or property or to the rules of conduct on Technion grounds, or an instruction determined in another constitution or procedure whose violation implies a disciplinary offense.
- 4.4.** Stole or took without permission, caused damage or harmed in any other way: Technion property and/or property belonging to a Technion person and/or property belonging to a Technion visitor and/or any equipment or property or goods of any business or trade operating on the Technion grounds.

- 4.5. Damaged, or knowingly caused damage in any way, to the Technion's honor and/or the dignity of a Technion person or that of a Technion visitor in their status as Technion persons or visitors.
- 4.6. Participated in a fight, behaved violently, attacked or injured a Technion person or a Technion guest or assaulted a Technion person or a Technion visitor while on Technion grounds, or while on Technion duty, even if outside the Technion grounds.
- 4.7. Disrupted or interfered with teaching, research or work at the Technion or any other activity being conducted on the Technion grounds, except for Student Union activities approved by the relevant authority.
- 4.8. Used Technion property without permission, or used a Technion person's property, for personal uses or for non-Technion related needs.
- 4.9. Broke into Technion property or facilities, or trespassed the Technion property in any other way.
- 4.10. Performed an act that constituted sexual harassment or abuse, as defined in the Technion's policy regarding the prevention of sexual harassment as enacted from time to time, and/or breached Technion policy for the prevention of sexual harassment in any other way. The disciplinary procedure for handling such an offense will be pursuant to the Technion policy for the prevention of sexual harassment, as far as it contains other or extra instructions.
- 4.11. Performed an act that constituted fraud, deceit, forgery or providing false information, in any matter directly or indirectly concerning the obligations or rights of a Technion student, whether his own or those of another student.
- 4.12. Obstructed, by an act or by omission, a disciplinary proceeding, including: perjury, tampering with evidence, destroying evidence, refusing to testify despite being called by the court (unless a reasoned application was received pertaining to his refusing to testify due to a familial relationship as defined in Section 215 of the academic regulations, or due to special circumstance as determined by the court), or did something (or refrained from doing something) deliberately to obstruct the disciplinary proceeding and/or to bring about an injustice - whether by concealing evidence, preventing a witness from testifying, harassing a witness, causing a witness to commit perjury, or in any other manner.
- 4.13. Impersonated, by computer use or by any other means, another Technion person, or presented himself to a Technion person as if he was someone else.
- 4.14. Offenses associate with the library, books and publications.
  - 4.14.1. Committing an act that harms the right of others to use a book, publication, files or any other material belonging to the Technion libraries or managed by them or accessible via them (including all material borrowed from other universities using Technion library services), or disruption of the usual regular operations of the library in contradiction to the regulations or Technion library procedures, including but not limited to removal without permission or not returning a book, or mutilating or removing pages from a book.
  - 4.14.2. Committing an act that infringes on the copyright of material stored in the library, including unauthorized copying (whether by photocopying or whether copying by computer or by any other means) including unauthorized transfer to another person.
- 4.15. Offenses related to the computer

In this section “authorization” means receiving explicit personal permission from the Technion division of computing and information systems or from the manager of a certain Technion computer network or from anyone certified to give such authorization.

- 4.15.1. Unauthorized or illegal access to the Technion computer, to a computer used by a Technion person, to the Technion internet sites, to a Technion person’s email, or directly or otherwise to specific files, whether by use of a password which was not authorized at all, or not authorized for the purpose of the access, or whether by any other means.
- 4.15.2. Unauthorized or illegal access via the Technion computer, the Technion network, or a computer used by a Technion person, to another computer, internet site, email account, or specific files.
- 4.15.3. Caused damage, deletion, made changes or any other actions on files or computer instructions, or in software, maliciously or knowingly, during authorized or unauthorized use.
- 4.15.4. Performed an act with a Technion computer for personal use or for purposes other than the Technion’s, including but not only, copying software, sharing files whether the use was for profit or for any purpose other than that for which authorization was given. In this respect, any unauthorized use of a computer will be considered use for personal needs. Despite the above, reasonable and acceptable use of a Technion computer, for reasonable and acceptable private uses of a user, which are not commercial uses, such as sending email, surfing on the internet etc., of themselves will not be considered as disciplinary offenses, according to this sub-section, as long as they do not constitute a breach of another instruction.
- 4.15.5. Infringed copyright by using a Technion computer or infringing the copyright of a work that was delivered for use on Technion computers or to which access was given, for student use, including illegally downloading or distributing files or software or work.
- 4.15.6. Made use of information, or remitted information, that was obtained without authorization in one of the ways listed above.
- 4.15.7. Remitted an access password, which was given to him only for his own personal use, to another person, without obtaining explicit authorization, or allowed unauthorized use of it. The remitter of such an access code will be considered an accessory to any offense that the receiver of the password committed by accessing the computer using the password, unless the court determines otherwise.
- 4.15.8. Distributed over the internet or via electronic mail material that is slanderous, racist, inciting, or obscene, provided that the distribution is over the Technion's network, on the Technion's and its units websites, or through use of Technion equipment, or in any other manner associated directly or indirectly to the Technion's computer network.
- 4.15.9. Took part, initiated, participated or attacked computer systems in the Technion, of the Technion or of a Technion person, or took part, initiated, participated or carried out an attack using a Technion computer or the Technion network, even if it was not carried out against the Technion.
- 4.15.10. Infringed on the instructions of the Computer Law 1995, using a Technion computer or a Technion person’s computer, or in so doing it was

possible in view of the circumstances to identify him as a Technion student.

- 4.16.** Traffic and transportation offenses
  - 4.16.1. Drove a vehicle contrary to the provisions of any fixed or temporary traffic signal or sign on the Technion grounds, or contrary to the instructions of an authorized official.
  - 4.16.2. Drove a vehicle within the Technion's grounds in a manner that endangered pedestrians or other vehicles or the Technion's property.
  - 4.16.3. Parked a vehicle within the Technion's grounds in an area where parking is prohibited or in a restricted parking lot or in a place designated for disabled persons' vehicles, without having an appropriate parking permit for that place.
  - 4.16.4. Acted illegally in order to receive a parking permit / Technion entrance permit for himself or someone else, or remitted to someone else a parking permit / Technion entrance permit.
- 4.17.** Contravened any of the conditions to receive a scholarship without the approval of the Dean of the Graduate School or alternative authority, as may be relevant, including taking on extra work in outside the Technion, in contradiction to the conditions for receiving a scholarship.
- 4.18.** Was convicted of a criminal offense with a final verdict pertaining to an act or omission that is related to his being a Technion student, or that the said conviction brings dishonor to the Technion or to any of its people or consists of behavior inappropriate to that of a Technion student.
- 4.19.** Behaved in a manner inappropriate for a Technion student concerning an action connected with the Technion or related to being a Technion student.
- 4.20.** Breached an assigned undertaking related to his professional training in which he takes part as a student, including medical or other confidentiality or secrecy requirements.

## **5. THE DISCIPLINARY JUDICIAL AUTHORITIES**

And these are the disciplinary judicial authorities:

- 5.1.** Disciplinary Court
- 5.2.** Single Judge
- 5.3.** Appellate Court

The undergraduate studies secretary will be responsible for managing the administrative aspects of the disciplinary system and will appoint a secretary to the court authorities and a secretary to the prosecutor, who will assist them with the administrative matters related to their activities.

## **6. THE PANEL OF JUDGES**

In this section, "faculty member" refers to a tenured professor or associate professor, or an emeritus professor.

- 6.1.** The panel of judges will be comprised as follows:
  - 6.1.1. At least 10 faculty members for the disciplinary court, and 5 professors, faculty members for the appellate court, and also 12 students, 7 from

undergraduate studies and 5 from the graduate school (who can serve as judges both in the disciplinary court as well as the appellate court).

- 6.1.2. Appointment to the panel of judges will be carried out while trying to balance between the various disciplines, between experienced and new appointments, and according to gender.
- 6.1.3. Faculty members will be appointed by the Senate Steering Committee, upon approval of the Academic Assembly. Students will be appointed by the Senior Vice President upon the recommendation of the Technion Students Association, provided their suitability for the position has been checked by the Dean of Undergraduate Studies / the Dean of the Graduate School in coordination with the academic units.
- 6.1.4. The appointment of a faculty member will be for a period of two years with the option re-appointment, and the appointment of a student will be for one year with the option of re-appointment.
- 6.1.5. A faculty member cannot serve concurrently on the disciplinary court and on the appellate court.
- 6.1.6. The Senate Steering Committee, upon approval of the Academic Assembly, will appoint from among the faculty members on the panel, the chairman of the disciplinary court, the chairman of the appellate court, and their stand-ins.
- 6.2. A judge may finish a disciplinary hearing that he presides over even if his term of appointment has ended, unless he is unable to do so.
- 6.3. In special circumstances, for the conduct of a particular disciplinary hearing, the Senior Executive Vice President may, upon the request of the chairman of the disciplinary court or the chairman of the appellate court and after consulting with them, appoint to the court an ad hoc judge not from the panel.

## **7. CHARGING PROCEDURES**

- 7.1. A Technion Person who became aware of the commission of a disciplinary offense by a student may deliver to the prosecutor a notice in connection therewith. The prosecutor shall report to the head of the unit in which the student studies.
- 7.2. In case the prosecutor received a notice as aforesaid, the prosecutor shall forward the said notice to the student, as he deems fit, and will request from the student to receive his written response within a definite period, ordinarily up to 14 days. The prosecutor shall inform the Student regarding the provisions set forth in these Disciplinary Regulations and shall inform the student that he is entitled to consult with any Technician Person prior to presenting his response.  
  
The aforesaid shall not derogate from the powers of the prosecutor to conduct additional inquiries and inspections prior to delivering the notice to the Student or thereafter and even delay a notice to the student to the extent that he is of the opinion that it is necessary to exhaust different preliminary inspections.
- 7.3. The prosecutor shall examine the relevant materials within a reasonable time and shall be entitled to decide to press charges against the suspicious student or cancel the complaint. In case the prosecutor decides to press charges, he will draft a complaint that will include the details of the offense including: (a) the facts alleged against the defendant, including also the time and place of commission of the argued offense. (b) The section in chapter 4 that served as grounds for the

filing the indictment. (c) The names of the witnesses on behalf of the prosecution that he intends to summon to testify. (d) A recommendation according to the nature and severity of the offense, if the trial is held before a single judge or a panel comprising of three judges. To the extent that the prosecutor wishes to be represented by an attorney or receive the assistance of the attorney in the course of the hearings in court while handling the complaint, or in case the prosecutor intends to demand imposition of one of the severe punishments within their meaning in section 8.3.2 in case of conviction, the prosecutor shall announce his intention as part of the complaint.

No documents or evidence shall be enclosed with the complaint.

- 7.4.** The statement of complaint shall be delivered to the court secretariat after a decision to serve the complaint was made.
- 7.5.** The prosecutor shall serve to the defendant student, by the court secretariat, the statement of complaint shortly after its submission and shall notify the student that he is entitled to peruse all the documents that are held by the prosecution and copy them and shall inform the student regarding his right to receive assistance from any Technion Person for the purpose of handling the proceeding. In addition, the prosecutor shall notify the defendant student about his right to respond in one week to the recommendation of the prosecutor to hold the trial before a single judge and the request of the prosecutor to be represented by an attorney in the proceeding. The prosecutor shall refer the defendant to the provisions set forth in these Disciplinary Regulations.
- 7.6.** A copy of the statement of complaint shall be delivered to the head of the academic unit in which the student is enrolled and to the head of the unit to which the complainant belongs.
- 7.7.** The chairman of the disciplinary court will determine the composition of the panel and the court secretariat will coordinate and schedule a date for the hearing and will inform all relevant parties about the same.
- 7.8.** At least ten workdays prior to the first session of the court the prosecutor will provide for the perusal of the defendant all documents, including recordings, photos and any information stored in any other manner that was provided to the prosecutor before the prosecutor decided to file a complaint (hereinafter: "Document"), whether or not the prosecutor intends to use the Document, whether the Document can assist the prosecutor/the defendant or not. Without derogating from the obligation of the prosecutor as stated above, the prosecutor shall not be entitled to use any additional or other Document that the defendant could not peruse however solely upon obtaining the approval of the court and for reasons that shall be noted.
- 7.9.** The prosecutor shall be entitled to amend the list of witnesses on behalf of the prosecution provided that he informed the secretary of the disciplinary court and the defendant about the same up to one week prior to the date of the first court session. The aforesaid shall not derogate from the powers of the court to instruct or allow any other or additional modification in the statement of complaint on a later date.
- 7.10.** An unreasonable delay that resulted in making the decision regarding the filing of the complaint a considerable time after the commission of the offense or after the notice regarding commission of the offense was delivered shall constitute an objective consideration regarding a final decision whether or not to file a complaint, the conviction and the scope of the punishment.

- 7.11.** A decision on the filing of a complaint more than a year after commission of the offense shall require the approval of the dean of undergraduate studies.
- 7.12.** Limitation – without derogating from the foregoing, a student will not be prosecuted for disciplinary violations if three years passed from the date the offense was committed and the complaint was filed.

Notwithstanding the aforesaid, the limitation shall not apply when the punishment for the offense for which the student is accused might prevent issuance of a certificate of graduation or a certificate of completion or a degree or might result in their retroactive revocation.

- 7.13.** One complaint may be filed against a number of defendants if each of them was a party to the offenses described in the complaint or any thereof, whether as an accomplice and whether in any other manner, or whether the indictment is for a series of acts that are related to each other to such degree that they constitute one offense. Failure to add one party to an offense shall not constitute preclusion to prosecute another. The court may, at any stage prior to delivering the verdict, instruct the separation of the trial of a certain defendant that was accused with others.
- 7.14.** The disciplinary court shall ordinarily handle disciplinary offenses without derogating from the powers of the teacher to handle, after conducting an inquiry with the student, the inappropriate behavior of the student in person as part of their teacher/student relationship.

A student who feels aggrieved by the manner the teacher handled his case may request a trial by the disciplinary court for the acts attributed to him by delivery of written notice to the prosecutor in 30 days as of the date the teacher informed him about his decision. In case the student delivered such notice as aforesaid, the decision of the teacher will be suspended and the prosecutor will act as if a complaint was submitted to him and the Technion shall not conduct any additional proceedings regarding the matter subject matter of his request. In any event, no punishment may be inflicted on the student by the Technion by any other entity except for the disciplinary court if and to the extent that the student is convicted.

The provisions set forth in this section shall not derogate from the provisions set forth in section 2.4 above.

## **8. ASSISTANCE BY A REPRESENTATIVE AND REPRESENTATION BY AN ATTORNEY**

- 8.1.** A defendant shall be entitled to receive assistance during the proceeding in the disciplinary court by a Technion Person who is not an advocate by training (hereinafter: "the Representative").
- 8.2.** Without derogating from the foregoing, when the prosecutor is represented by a jurist or an advocate in the proceeding, the defendant shall also be entitled, without having to request permission in connection therewith, to be represented in a disciplinary proceeding by an attorney at his discretion and at his expense.

**8.3.** In addition, the court shall be entitled to allow the representation of a defendant by an attorney as appointed by the student and at his expense, whether following the request of the student that will be submitted in writing to the court no later than 5 workdays prior to the date of reading the indictment or on any later date, for special reasons that will be noted, and whether initiated by the court, on any other date upon the occurrence of each of the following events:

8.3.1. Due to a significant limitation in the ability of the defendant to represent himself.

8.3.2. When the defendant might incur serious harm due to the circumstances of the indictment, including the severity of the acts attributed to the defendant, the severity of the punishment expected to be inflicted on the defendant, if and to the extent that he will be convicted, or the implications that might derive from the mere conviction or the handling of the proceeding.

For the purpose of this section, the following punishments shall be deemed as severe punishments that might cause significant harm to the defendant in respect whereof (hereinabove and hereinafter: "Severe Punishments"): canceling the student's studies in accordance with section 12.5 in a scope greater than 30 points, expulsion or restriction of entry of the student in accordance with sections 12.7, 12.8 and 12.9, permanently or for a period greater than one year, and retroactive revocation of a certificate, diploma or a degree in accordance with the provisions set forth in section 12.14.

8.3.3. For any other reason that will be detailed and that, in the opinion of the court, justifies representation under the circumstances of the case.

**8.4.** In case a request was filed by the defendant in accordance with the provisions set forth in section 8.3 above, the defendant shall present his case. The reasoned decision in the request that was filed by the prosecutor or the defendant regarding representation shall be delivered immediately and in the following manner:

8.4.1. In case the composition of the panel of the court was not determined yet, the chairman of the disciplinary court or the chairman of the appellate court may approve the request.

8.4.2. In case the panel of the court was determined, the decision will be delivered by the court.

8.4.3. In case a request was filed in accordance with the provisions set forth in subsection 8.4.1 for the approval of the chairman and the chairman did not see fit to make the decision by himself, the chairman shall appoint a panel forthwith and shall demand from the panel to make the decision.

**8.5.** A defendant may file an appeal before the President or whoever was authorized by the President regarding a decision of the court dismissing a request for representation, as stated in subsection 8.4, on the condition that the defendant was granted leave by the court to act in the said manner.

**8.6.** In any event in which a defendant was granted leave to be represented by an attorney the prosecutor may also be represented by an attorney.

**8.7.** The court may, at its discretion, whether or not with the knowledge of the prosecutor and the defendant, receive legal counseling and provided that the legal counseling that the court received is separate and different than the legal counseling that the prosecutor received.

## **9. PLEA BARGAINS**

- 9.1.** A prosecutor may reach agreement with a defendant regarding a plea bargain on the condition that as part of the agreement on the arrangement the defendant will declare in writing that he is aware of his right to receive assistance from a Representative, within its meaning in section 8.1 above. As part of the plea bargain the defendant will admit to the offenses attributed to him in accordance with the plea bargain.
- 9.2.** In case the defendant and the prosecutor announced that they reached agreement regarding a plea bargain this plea bargain shall be presented for approval as follows:
  - 9.2.1. In case the complaint was filed but the members of the court panel were not appointed yet, the arrangement shall be presented for the approval of the chairman of the disciplinary court provided that the arrangement does not include a punishment of actual expulsion.
  - 9.2.2. In case the parties reached a plea bargain after the proceeding commenced, or reached a plea bargain that includes a punishment of actual expulsion, the arrangement shall be presented for the approval of the court.
  - 9.2.3. In case the plea bargain was presented for the approval of the chairman of the disciplinary court as stated in subsection 9.2.1 above and the court rejected the arrangement, the arrangement, including the defendant's admission, shall be remitted to the court that will hold a hearing of the arguments for punishment.
- 9.3.** The chairman of the disciplinary court or the president of the court, according to circumstances, will warn the defendant prior to admitting to the facts alleged in the complaint as part of a plea bargain, that the court is not obligated to accept the punishments that were agreed as part of the plea bargain.
- 9.4.** In case the prosecutor and the defendant requested to deliver written notice regarding the plea bargain and approve the plea bargain not as part of the hearing, they shall submit joint notice to the court in connection therewith. In the joint notice the defendant shall declare that he was warned by the prosecutor that the court was not obligated to accept the punishments set forth in the arrangement and this declaration shall fulfill the obligation of the court to warn the defendant before he admits. The notice will include the reasons for the arrangement.
- 9.5.** In general, the court will adopt the plea bargain verbatim however the court may, in extraordinary circumstances and for special reasons that shall be noted, and after it afforded to the prosecutor and to the defendant an opportunity to present their arguments, to impose on the defendant a punishment that is different than the one agreed as part of the plea bargain.
- 9.6.** From the time the plea bargain was approved, it shall be final and unappealable unless the court imposed on the defendant a punishment that was not specified in the plea bargain and then the appeal on the punishment shall be solely an appeal as of right.
- 9.7.** The details of the offense and the decision shall be published, without an indication of the defendant's name, unless otherwise agreed as part of the plea bargain or unless the court instructed otherwise in its decision.

## **10. CONDUCTING THE DISCIPLINARY PROCEEDING**

In this chapter (10) "the court" including a single judge – unless a special arrangement was set out expressly with respect to a proceeding held before a single judge.

- 10.1.** After the complaint is submitted to the chairman of the disciplinary court, the chairman of the disciplinary shall determine the composition of the panel that will hear the said complaint: a judge who is a member of the staff in the event of a single judge and two staff members and one student in a panel of three judges. In addition, the chairman shall appoint one of the staff members as the president of the aforesaid court. The judges shall be appointed from the pool of judges or, in extraordinary cases, by the Senior Executive Vice President in accordance with the provisions set forth in section 6.3. The student judge shall be a student in the graduate school, if the defendant is a student in the graduate school, and shall be a student in undergraduate studies, if the defendant is a student in undergraduate studies or in the pre-academic education center; in any other event the chairman of the disciplinary court shall make a decision according to the circumstances of the case.
- 10.2.** Any person that maintains a material relationship with the defendant or the complainant, such as staff members from units to which the defendant or the complainant belong, or teaches the defendant during the period of the hearings, shall not serve as a member of the court.
- 10.3.** After the members of the panel are appointed the court secretary shall coordinate the place and time of the trial, usually within a period of two months as of the date of filing the complaint, except for examination periods and during the summer vacation in which court sessions are not ordinarily convened.
- 10.4.** The court may instruct the summoning of a Technion Person to testify upon the request of the prosecutor, the defendant or following its own initiative.
- 10.5.** Each Technion Person shall be obligated to appear and testify following the decision of the court.
- 10.6.** Until the court is convened for the first time, the president of the court shall be entitled, at his discretion, to adjourn the meetings of the court for reasons he deems fit. From the time the court was convened it shall decide upon its own proceedings.
- 10.7.** The court secretariat shall summon a representative of the students union and the dean of the students as observers who shall be entitled to participate in each hearing as observers and the head of the unit to which the defendant belongs. The participation of the observers is not mandatory and their absence shall not cause cancellation of the proceeding.
- 10.8.** The hearings of the court will be open unless otherwise instructed by the court at the request of any of the parties or following its initiative.
- 10.9.** The court shall not be subject to formal procedures of the law and shall not be subject to the laws of evidence applicable to the courts. The course of the trial shall be decided to the best of understanding of the court so as to assure that the case is fully heard and that justice will be made. In order to attain these goals the court may rectify any defect or mistake in any proceeding and give instructions regarding any other matter, including extensions, to the extent that it deems fit and justified provided that the court acts in accordance with the laws of natural justice and that this shall not cause disproportionate harm to the rights of the defendant.

- 10.10. In case the defendant failed to appear to trial on the date designated in the notice delivered to him, the court may, at its discretion, adjourn the hearing to another date, unless the defendant waived this in advance. In the event of adjournment a notice shall be delivered to the last address of the defendant as registered in the Technion or delivered to the defendant in person. In case the defendant failed to appear for the second hearing, the hearing shall be held in his absence, unless the court decides on another adjournment.
- 10.11. The court secretary shall keep a transcript of each hearing that will reflect the course of the hearing. The court may instruct that the transcript of the hearing will be prepared by way of recording the hearing, with or without transcription of the hearing or in any other manner that it deems fit.

## **11. COURT PROCEDURES**

In this chapter, "court," shall also mean a single judge and this being when the proceedings are before a single judge - unless a special arrangement is explicitly determined with respect to proceedings before a single judge

- 11.1. The court secretary will present those present.
- 11.2. Upon the opening of the first session the prosecutor shall read the complaint to the defendant (hereinafter: "the Reading").
- 11.3. The court will ask the defendant whether he admits to the facts asserted in the complaint.
- 11.4. The court may instruct the defendant to refer to the different counts of indictment separately and the defendant may, at his discretion, agree to the request of the defendant to answer to the complaint in general.
- 11.5. In case the defendant repudiated the facts asserted in the complaint or a part thereof, the prosecutor shall present his evidence. The defendant may interrogate the witnesses on behalf of the prosecution (hereinafter: "Case for the Prosecution").
- 11.6. After completing the Case for the Prosecution, the defendant shall be entitled to present his evidence. The prosecutor may interrogate the witnesses on behalf of the defense (hereinafter: "Case for the Defense").
- 11.7. The defendant shall not be interrogated by the prosecutor, unless the defendant chose to testify or answer to the questions of facts of the court. The choice of the defendant not to testify or not to answer to the questions of fact of the court might serve as additional evidence against him.
- 11.8. The prosecutor first and then the defendant shall present their summations in this order however the court may instruct, if it saw fit to instruct under the circumstances of the case, to submit written summations.
- 11.9. The court shall deliver the verdict and shall give reasons for its verdict.
- 11.10. In case the court convicted the defendant for the offenses subject matter of the complaint, in whole or in part, the prosecutor will present the arguments for punishment and the defendant shall be allowed to summon character witnesses or any other testimony regarding the punishment and to present his arguments for punishment (hereinafter: "Arguments for Punishment"). The court will sentence the punishment of the defendant as specified in chapter 12 hereunder.

- 11.11. When determining the sentence the court shall take into account, *inter alia*, the severity of the offense, its consequences, the degree of malice in its commission, its design or spontaneity of its commission, prior convictions of the defendant, considerations pertaining to sentencing policy and any other considerations that the court deems fit under the circumstances of the case.
- 11.12. The verdict and the sentence shall be decided unanimously or by a majority of votes and shall be reasoned.
- 11.13. The verdict or the sentence may be delivered in the presence of the parties and may also be delivered later by its delivery to the parties in registered mail or in any other manner as agreed.
- 11.14. The court may instruct that the Reading, the Case for the Prosecution, the Case for the Defense, the summations and the Arguments for Punishment, to the extent that the defendant is convicted, shall be heard on one date or a number of dates, at the discretion of the court and according to circumstances.
- 11.15. The sentence shall take effect upon expiration of the period for filing an appeal. If during this period an appeal was filed the execution of the sentence shall be stayed until a decision is made in respect whereof.
- 11.16. From the time the sentence takes effect, the verdict and the a copy of the sentence shall be delivered to the heads of the units to which the defendant and the complainant belong, to the dean of students, to the dean of the undergraduate studies, to the students union, to the complainant, and in the event of an academic offense, also to the teacher responsible for the profession in which the offense was committed.
- 11.17. The details of the offense and the decisions of the court will be published, unless otherwise instructed by the court in its decision. In addition, in its decision the court shall be entitled to instruct also the publication of the name of the defendant. However, a decision in respect of which a right of appeal is granted shall be published only after the appeal ended or after the legal date for its submission expired.

## 12. THE PUNISHMENTS

The court shall be entitled to impose on the defendant one or more of the punishments specified in this chapter.

- 12.1. Reprimand.
- 12.2. Determining a grade of "0" in an examination, test, assignment, project, laboratory, tutorial or any other academic task.
- 12.3. Determining a grade of "0" in a certain component when deciding on the final grade in the profession, such as the homework component or the laboratory reports component.
- 12.4. Determining a grade of "0" in a profession.
- 12.5. Canceling the right to receive: an academic prize, an excellence scholarship, including an "excellent student" status in the course of the studies or upon completion of the studies, according to scholarships, housing in the dormitories, to use sports facilities, or permission for a vehicle to have access to the Technion; to participate in student exchanges or to study abroad as part of the student exchange center and other permits, benefits or privileges, revocation or delay of

certificates regarding the status of the student or his achievements, or any combination thereof, and for a period to be determined by the court.

- 12.6. Canceling the student's studies at the Technion, including courses that he was exempted from, in effect as of the semester in which the offense was committed, in whole or in part.
- 12.7. Expelling the student from his studies at the Technion for a limited number of semesters, one or more, including expulsion of the student from studies during the semester in which the sentence was rendered, including prevention of his registration or renewal of his studies.
- 12.8. Permanently expelling the student from studying at the Technion.
- 12.9. Prohibiting entry to the Technion grounds or any part of them for a limited period or permanently.
- 12.10. Community service, such as: guard duty, assisting in the libraries, laboratories or sports facilities. The duration and scheduling of the service will be determined in the sentence and will be coordinated with the entity receiving the community service.
- 12.11. Compensation for material damages that were caused to Technion property and/or to a Technion Person, up to 3 times the value of the damage caused.
- 12.12. A monetary fine not to exceed one-half of a student's annual tuition fees.
- 12.13. Returning scholarship(s), or any part thereof, that the student received from the graduate school or from any other Technion authority.
- 12.14. Retroactive revocation of a certificate regarding graduation or a certificate of completion or a diploma that were provided by the Technion provided that the court reached the conclusion that the offense was committed under aggravating circumstances and that its commission resulted in circumstances in which the academic achievement subject matter of the certificate, diploma or the degree were obtained fraudulently.
- 12.15. Any punishment or demand to perform an action that the court deems fit and reasonable under the circumstances of the case.

**General provisions regarding imposition of punishments:**

- 12.16. The punishments specified in sections 12.5, 12.6, 12.7, 12.9, 12.10, 12.12 and 12.13 may be imposed in fact or on probation.
- 12.17. A single judge shall be entitled to impose all the punishments, except for the punishments set forth in sections 12.6, 12.8, 12.14 and 12.15. However expulsion (section 12.7) may be conditional and imposed only for one semester, and prohibition on entry (section 12.9) may be imposed solely for a limited period that shall not be greater than one semester. A single judge may not impose a punishment of a fine, compensation, denial of entitlement to a prize or scholarship and the like whose amount is greater than half of the year's tuition.
- 12.18. In case a student was convicted of an act that might improve a grade or gain an academic advantage for him or for another student in an improper manner and the act that was committed might affect the grade in the examination or a test or a semester paper, the minimal punishment imposed on such an offense shall be the minimum punishment as stated in sections 12.2 or 12.3 (as the case may be) and 12.7, unless the court states, for special reasons that shall be noted, that the aforesaid minimum punishment should not be imposed.

- 12.19.** The punishments as stated in sections 12.6, 12.7 and 12.8 shall apply to the studies of the student in any framework, whether inside or outside the Technion, unless the court instructed otherwise.
- 12.20.** A student that was convicted and that received a punishment other than a conditional punishment as stated in sections 12.6, 12.7 and 12.8, shall not be listed in the list of the dean excellent students or the president excellent students in one semester or a number of semesters as stated in the sentence, even if his academic achievements entitle him to be included in such a list.
- 12.21.** During the period in which a student is expelled from the Technion, the student may not accumulate points for his studies in the Technion in any framework, whether in or outside the Technion.
- 12.22.** In case the Technion incurred damage in any manner by the act that the defendant committed and for which he was convicted, the court may impose on the defendant, in addition to any punishment, also the performance of a certain action or to incur a certain payment for the purpose of rectifying the wrong and set the dates for the purpose of performing the action or making the payment. In case any payment was imposed on the defendant, this shall constitute a debt of the defendant to the Technion and shall be treated as tuition. The provisions set forth in this subsection shall not derogate from the right of the Technion to collect full or partial consideration for damage that was caused to the property of the Technion, to laboratories and the like without approaching the court, and to initiate any additional or other proceeding for that purpose, including filing civil suit against the defendant.
- 12.23.** In any event in which a monetary fine or compensation was imposed on the defendant, payment shall be made in 30 days as of the date of rendering the sentence, unless otherwise stated expressly in the sentence. Payment shall be linked to the consumer price index 30 days as of the date of rendering the sentence and until the actual payment date. The court may instruct that the payment shall be paid in installments as determined by the court.

### **13. APPEAL**

- 13.1.** The prosecutor or the defendant may file an appeal on the verdict or the sentence in 14 days as of the date the sentence was delivered. The reasoned appeal shall be submitted in writing, in two copies to the court secretary who will deliver a copy of the appeal, upon its receipt, to the other party.
- 13.2.** The appellate court shall comprise of three judges. The chairman of the appellate court shall appoint the panel of judges in accordance with the provisions set forth in section 10.1 above. A judge that presided in the first instance in the matter for which the appeal was filed shall not preside in the appellate court. The chairman of the appellate court shall request from the court secretary to coordinate a date and place to hear the appeal and shall issue notices to the parties and to the observers as stated in section 10.7.
- 13.3.** The appellate court shall conduct its hearings in general based on the materials that were used by the disciplinary court and a party may not bring any additional evidence unless it obtained the approval of the appellate court in connection therewith and for special reasons that shall be noted. The appellate court shall also be entitled, following its initiative, to summon any witness that it deems fit.

- 13.4.** The appellate shall not be subject to formal procedures of the law and shall not be subject to the laws of evidence applicable in the court. The course of the trial shall be set to the best of understanding of the court so as to assure that the case will be heard fully. For the purpose of accomplishing this objective the court may rectify any defect or mistake in any proceeding and give instructions regarding any other matter, including extensions, to the extent that it deems fit, and provided that it conducts according to the laws of natural justice and that this shall not cause disproportionate valuation of the rights of the defendant.
- 13.5.** The appellate court shall be entitled to decide that the hearings will be held before the parties, when each party shall present its arguments to the court, the appellant first and the respondent afterwards – or instruct that the hearing will be held by way of submitting written pleadings.
- 13.6.** The appellate shall be entitled not to intervene in decisions or change or reverse decisions, impose a more lenient or stricter sentence in accordance with the punishments set forth in chapter 12 above. The court shall be entitled to impose a stricter punishment only when the prosecutor appealed the leniency of the punishment.
- 13.7.** The decisions of the appellate shall be unanimous or in a majority of votes and shall be reasoned.
- 13.8.** The decision of the appellate court in an appeal may be delivered in the presence of the parties and may be delivered later by its delivery to the parties in registered mail or in any manner as agreed.
- 13.9.** Copies of the decisions of the appellate court shall be delivered to the heads of the units to which the defendant and the complainant belong, to the dean of students, the dean of undergraduate studies, the dean of graduate studies, the students union, the complainant, and in the event of an academic offense, also to the teacher responsible for the profession in respect of which the offense was committed.
- 13.10.** The decision of the appellate court shall be final and shall take effect immediately upon its delivery in person, in registered mail or in any other manner as agreed, except for circumstances in which the defendant was granted leave to submit a request for pardon to the President in accordance with the provisions set forth in section 15.1 and then the rules set forth in section 15.2 shall apply.

#### **14. REPEATED DISCIPLINARY HEARING**

- 14.1.** The chairman of the disciplinary court shall be entitled to instruct, at the request of the prosecutor or the defendant, to conduct a repeated disciplinary hearing, on the condition that all of the following conditions were fulfilled cumulatively:
  - 14.1.1.** New facts or circumstances that were not known and that could not have been obtained during the disciplinary hearing were discovered and the said new facts or circumstances may allegedly have a significant effect on the results of the disciplinary hearing.
  - 14.1.2.** At the time of filing the request the defendant is a student of the Technion, or twelve months from the date of his graduation of the Technion did not pass, however the President shall be entitled, in special cases and after delivering a reasoned decision, to allow the filing of the

request to hold a repeated disciplinary hearing even if twelve months as of the date the convicted student graduated from the Technion passed.

- 14.1.3. The decision of the chairman of the disciplinary court in a request to hold a repeated disciplinary hearing and the decision of the President in the request to allow a repeated hearing shall be final.

## **15. PARDON**

- 15.1.** A request for pardon shall be submitted to the President. A request for pardon may be submitted only when the punishment is one of the following: revocation of a graduation certificate or a diploma or a degree; permanent expulsion or expulsion for a long period, usually two years and above; prohibition on entry permanently or for a long period, usually two years and above – or in case the court made this decision in its sentence.
- 15.2.** A request for pardon may be submitted only after at least one year as of the date the sentence took effect passed, unless the court (or the appellate court) allowed, for special reasons that shall be noted, to file the request immediately after delivering the sentence. In such circumstances as aforesaid the performance of the sentence shall be stayed by 14 days for the purpose of filing the request. From the time the request is filed the sentence shall take effect after the President delivers its decision and according to his answer.
- 15.3.** The pardon may include cancellation or leniency in the sentence, with or without conditions. The decision of the President shall be made after consultation with the dean of undergraduate studies or the dean of graduate studies, as the case may be.

## **16. GENERAL PROVISIONS**

- 16.1.** These Disciplinary Regulations shall not derogate from or affect the liability or an obligation of a student in accordance with the laws of the State of Israel however shall add thereto.
- 16.2.** If, during the inquiry of an accusation or a hearing of a disciplinary proceeding, a suspicion arose regarding the commission of a criminal offense within its meaning in section 268 of the Penal Law 5737-1977, a notice in connection therewith shall be delivered to the Attorney General or his representative. The aforesaid notice or the institution of criminal proceedings (including a decision in such proceedings) against the defendant shall not deny the power to hold a disciplinary proceeding in accordance with these Regulations.
- 16.3.** These Regulations shall not derogate from the academic powers of the teacher or the powers of any other officers in the Technion.
- 16.4.** The provisions set forth in these Regulations shall not derogate from the inherent powers of the court when conducting the proceeding or thereafter, to give any instruction or publish any decision and take any action that is required for the purpose of discovering the truth or holding a trial or making justice, provided that the court gives reasons for its decision. Such a decision as aforesaid, after completion of the proceeding, shall be given for special reasons that shall be noted.

- 16.5.** A mail item delivered in registered mail shall be deemed to have reached its recipient five workdays after its delivery.
- 16.6.** In case a complaint was filed against a student who is in the process of completing his studies, the dean of the undergraduate studies or the dean of the graduate school or the dean of the pre-academic unit shall be entitled to suspend all processes in connection with graduation and the awarding of the degree after conclusion of the trial. The court shall be entitled to allow continuation of the graduation however the decision regarding the awarding of the degree shall be made solely after conclusion of the trial and completion of performance of all obligations due to the trial (such as a monetary fine or community service).

The provisions set forth in this subsection shall not derogate from the power of the dean of the undergraduate studies to suspend or withhold the awarding of prizes for excellence or granting certificates regarding achievements or grades.

A condition for prohibition on issuance of the said certificates is the existence of a connection between the issued certificate and the subject matter of the charges.

## **17. INTERIM PROCEEDINGS**

- 17.1.** From the time a complaint was filed the court may, following its initiative or upon receiving a request that was filed with the court, issue interim decisions and orders. Such decisions shall be made for special reasons that shall be noted, if the court found that there is a concern that the regular activities of the Technion will be affected or that the public order in the Technion area will be compromised or that physical or other harm to a Technion member or members will be caused or in other special circumstances that require such conduct.
- 17.2.** The chairman of the court shall deliver decisions and interim orders prior to the appointment of the panel. From the time the panel of the court is appointed, the said decisions and interim orders shall be delivered by the court in its full panel or solely by the president of the court.
- 17.3.** An interim decision might include, *inter alia*, a prohibition to stay in the area of the Technion or in certain parts thereof, including in the dormitories, even if the expulsion will have an adverse effect on the student's ability to fulfill part of his academic duties.
- 17.4.** The defendant shall deliver his response prior to making the interim decision however a decision shall be made even without receiving his response, according to circumstances.
- 17.5.** Upon a change of circumstances the defendant may approach the court at any time and request the cancellation or amendment of an interim decision.
- 17.6.** An interim decision shall be delivered for a limited period of time or until the verdict takes effect and may include conditions for its termination. An interim decision that was delivered by the panel may authorize the president of the court to cancel it, renew it or change it under circumstances that shall be noted.
- 17.7.** The effect of an interim decision shall expire upon expiration of the period of time set out in the decision or once the verdict takes effect or upon termination of the disciplinary proceeding – whichever is earlier.
- 17.8.** In case an interim decision is delivered – the court shall make effort to complete the disciplinary proceeding in 45 days (except for the summer vacation).

- 17.9.** The provisions set forth in sections 17.1 – 17.8 shall apply also in an appeal conducted in accordance with chapter 13 of the Regulations, *mutatis mutandis*.
- 17.10.** It is clarified that the provisions set forth in this section (17) shall not derogate from the administrative powers of officers, including Technion deans, to institute interim proceedings that are necessary at their discretion.