



## CENIL — CENTRO DE LÍNGUAS, L.<sup>DA</sup>

### Regulation No. 248/2021

*Summary:* Disciplinary Regulation of the Higher Institute of Administration and Languages (ISAL).

Under the terms of Law No. 62/2007 of 10 September, as amended and approving the Legal Regime of Higher Education Institutions, in its article 75 establishes the disciplinary autonomy of Higher Education Institutions, which have autonomy, within the limits of the law and its Statutes, to define its disciplinary regime.

Thus, after hearing the competent bodies, and under the terms of Law No. 62/2007 of 10 September, the amendment of the "Disciplinary Regulation of the Higher Institute of Administration and Languages" is approved, which was approved by the founding body, the Board of Directors and the Scientific-Technical Council on 25 February 2021, and will be published in the 2nd Series of *Diário da República*, as an appendix hereto.

2 March 2021. — Director-General, *José Manuel Mendes Quaresma*.

#### CHAPTER I

##### Fundamental Principles

###### Article 1

###### Scope of application

1 - The present Disciplinary Regulation is applicable to students, lecturers and researchers of the Higher Institute of Administration and Languages (ISAL).

2 - Temporary loss of status as student, lecturer or researcher shall not prevent punishment for infractions previously committed; the sanction shall be enforced when the agent regains that status.

###### Article 2

###### Aims

1 - The purposes of the Regulation are to defend the freedoms to learn and teach, ensure the moral and physical integrity of students, faculty and staff, ethics, and preserve the normal functioning of the Institute and its property.

#### CHAPTER II

##### Infringements and disciplinary sanctions

###### Article 3

###### Disciplinary Offences

1 - A disciplinary offence is committed by the student, lecturer or researcher who, acting unlawfully, violates ISAL Statutes, as well as the values referred to in Article 2 of the present regulations, namely when

a) Impeding or constraining, through violence or threat of violence, the normal course of classes, academic tests or research activities;



- b) Preventing or hindering, through violence or threat of violence, the normal functioning of ISAL bodies or services;
- c) Offending the honour, freedom, physical integrity or the privacy of colleagues, lecturers and employees
- d) Falsifying the results of academic examinations, namely by fraudulently obtaining the answers, fraudulently substituting answers, simulating personal identity or falsifying scores, terms and statements
- e) Damaging or unlawfully take possession of property belonging to ISAL
- f) Engaging in acts of violence or physical or psychological coercion on other students, namely in the framework of "academic hazing".
- g) Failing to comply with the suspension sanction and the preventive suspension.

#### Article 5

##### Disciplinary sanctions

1 - Under the terms of these Regulations, disciplinary sanctions are applicable for the infractions described in the previous article

- a) Warning
- b) Fine
- c) Temporary suspension from school activities
- d) Suspension from school evaluation for one year;
- e) Prohibition to attend, teach or research in the institution up to five years.

2 - Oral or written warning consists of a mere call of attention for the offence committed.

3 - The fine consists of making the student, lecturer or researcher fully compensate the Institute for the material and non-material damages, namely those caused by insults. The amount of the fine shall be set by the Board of Directors after hearing the other Boards and may be replaced by work in favour of the academic community.

4 - Temporary suspension from school activities consists of prohibition to attend classes, teaching or research, giving rise to registering the absences and provision of academic tests. It prevents the student, lecturer or researcher from entering the Institute's premises. This suspension has a minimum duration of 3 working days and a maximum duration of 30 working days.

5 - Suspension of school evaluation for one year prevents the student from being evaluated during one academic year. This suspension implies retention of the student during the academic year in which the measure is applied and no academic act performed in a public, private or cooperative educational establishment during the same period shall be recognised.

6 - Prohibition from attending the institution for up to five years prevents the student from entering the Institute's premises, implying the loss of the student status and from attending its activities for a period of up to five years.

#### Article 5

##### Determining the disciplinary sanction

1 —The disciplinary sanction is determined according to the guilt of the student, lecturer or researcher and the requirements of prevention, taking into account, namely:

- a) The number of infractions committed;
- b) The manner of execution and the consequences of each infraction
- c) The degree of participation of the student in each infraction
- d) The intensity of the intention
- e) The motivations and aims of the student
- f) The conduct before and after the commission of the infraction.



2 - The decision to apply a disciplinary sanction shall expressly state the grounds for its determination.

3 - The sanction of prohibition to attend the institution for up to five years shall only be applied when the other sanctions prove to be insufficient or inadequate in the case, and the decision to apply that sanction shall expressly contain the reasons for non-application of the other disciplinary sanctions.

### CHAPTER III

#### Disciplinary procedure

##### Article 6

###### Disciplinary competence

1 - The exercise of disciplinary power belongs, with the restrictions provided in article 7, to the Board of Directors, which may delegate it to the Director-General, Vice-Director General or Course Directors.

##### Article 7

###### Necessity of complaint

1 - If the disciplinary offence consists of insulting, defamation, threatening, coercion or simple bodily injury, promotion of the disciplinary process depends on submission of complaint in writing by the offended to the institution.

2 - The complaint may be withdrawn at any stage of the disciplinary process before application of sanction to the student by submission of withdrawal, in writing, by the offended party to the institution.

##### Article 8

###### Disciplinary enquiry

1 - The purpose of disciplinary enquiry is to ascertain the existence of a disciplinary infraction and determine its agents; the instructor shall order, unofficially or upon request, the production of all evidence he or she deems necessary to discover the truth.

2 - The instructor shall be appointed from among ISAL faculty members.

3 - The enquiry shall begin within a maximum of three working days from the date of appointment of the instructor and shall be concluded within a maximum of two months from the date of its commencement.

4 - Without prejudice to the time limit stipulated in the previous article, the instructor shall notify the accused to challenge, in writing, within ten working days, the imputation of the practice of disciplinary infraction.

5 - Within a maximum of ten working days from the conclusion of the investigation, the instructor shall prepare a report proposing the dismissal or application of disciplinary sanction to the student.

6 - The report mentioned in the previous number is forwarded to the competent authority and to the student, lecturer or researcher for him or her, within a maximum of five working days, to say what is offered.

##### Article 9

###### Impediment, refusal and exemption of the instructor

1 — A member of the ISAL faculty who is offended by the infraction or a relative in a direct line or up to the third degree of collateral line of the offended or of the agent of the infraction shall not be appointed instructor of the disciplinary enquiry.



2 — Besides the cases provided for in the preceding paragraph and within a maximum of five days from the instructor's appointment, the student, faculty member or researcher may request refusal of the instructor when the instructor's intervention runs the risk of being considered suspicious due to serious grounds that may generate mistrust about his or her impartiality.

3 — When the conditions of the preceding paragraph are met and within a maximum period from the nomination, the instructor may request the instituting body to refrain him or her from intervening.

4 — The Board of Directors shall decide on the application for refusal or request for recusal within a maximum period of ten days.

## Article 10

### Guarantees of defence of the student, lecturer or researcher

1 - The student, lecturer or researcher shall be presumed innocent until the disciplinary sanction is applied or the hierarchical appeal is considered.

2 - The student shall not be held disciplinary responsible more than once for committing the same infraction.

3 - The student, lecturer or researcher shall be notified personally or, if this form of notification is not possible, by registered letter with acknowledgement of receipt of:

- a) The promotion of the disciplinary process and the appointment of the instructor;
- b) The imputation of the practice of a disciplinary infraction
- (c) the report provided for in Article 8(5)
- (d) the imposition of a disciplinary sanction or the closure of the case
- (e) the decision on the appeal.

1 — Together with the contestation of the imputation of disciplinary infraction, the student, faculty member or researcher may present documents and list of witnesses (which number shall not exceed three for each fact) and request any necessary diligence to clarify the truth.

2 - The student, faculty member or researcher may consult the process and request certificates of any elements contained in it during the period established for contesting.

3 - The student, faculty member or researcher has the right to be heard by the instructor at any stage of the proceedings and, in particular, the right of hearing provided for in article 8, paragraph 6.

4 - The student, faculty member or researcher may appoint a lawyer.

5 - During the period fixed for contesting, the representative of the student, lecturer or researcher may request certificates of any elements contained therein and attend the diligences undertaken at the student's request, namely participate in the examination of witnesses.

6 - The deadline set for contesting shall not be less than five working days.

## Article 11

### Disciplinary decision

1 — The Board of Directors shall examine the report drawn up by the instructor and the response of the student, lecturer or researcher within a maximum of 15 days from the date of receipt or the date on which the response can no longer be received, pronouncing a final decision or requesting further diligence.

## Article 12

### Prescription of the disciplinary procedure and sanction

1 — The disciplinary procedure is extinguished by prescription:

- a) Two years from the date of commission of the infraction;
- b) One month from the date of knowing the infraction by the Board of Directors, without the process having been promoted.



2 — The disciplinary sanction shall expire within one year from the date of its application.

3 - Temporary loss of status as student, lecturer or researcher determines suspension of the time limit provided for in the preceding paragraph.

#### Article 13

##### Review of disciplinary procedure

1 — Review of disciplinary procedure shall be admitted at any time and it is based on the emergence of new evidence that raises serious doubts as to the fairness of the decision to apply disciplinary sanction.

2 - Review of disciplinary procedure shall be determined by the Board of Directors on its own initiative or at the request of the student, lecturer or researcher.

3 - While the review process is pending, the academic authority that applied the sanction may suspend its execution upon reasoned proposal by the instructor if there is evidence of injustice of conviction.

4 – The provisions of articles 8, 9, 10 and 11 shall apply correspondingly to the review process.

5 – Review of disciplinary procedure shall not result in aggravation of the student's responsibility.

6 – Should the review of the disciplinary process determine revocation or mitigation of the sanction, the Board of Directors shall make the result of the review public.

#### CHAPTER V

##### Final Provisions

#### Article 14

##### Supplementary application

1 - In all matters not regulated by the present Regulation, the provisions of the Criminal Code and the Code of Criminal Procedure, as well as the Labour Code shall apply.

#### Article 15

##### Entry into force

1 - The present regulation shall enter into force from the date of its approval by the Founding Entity and the Board of Directors.

Approved by the Founding Entity and the Board of Directors on 15th January 2010. Changes  
Approved by:  
Founding Entity and the Board of Directors on 15 February 2021.  
Scientific-Technical Council on 25 February 2021.  
Pedagogical Council on 25 February 2021.

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