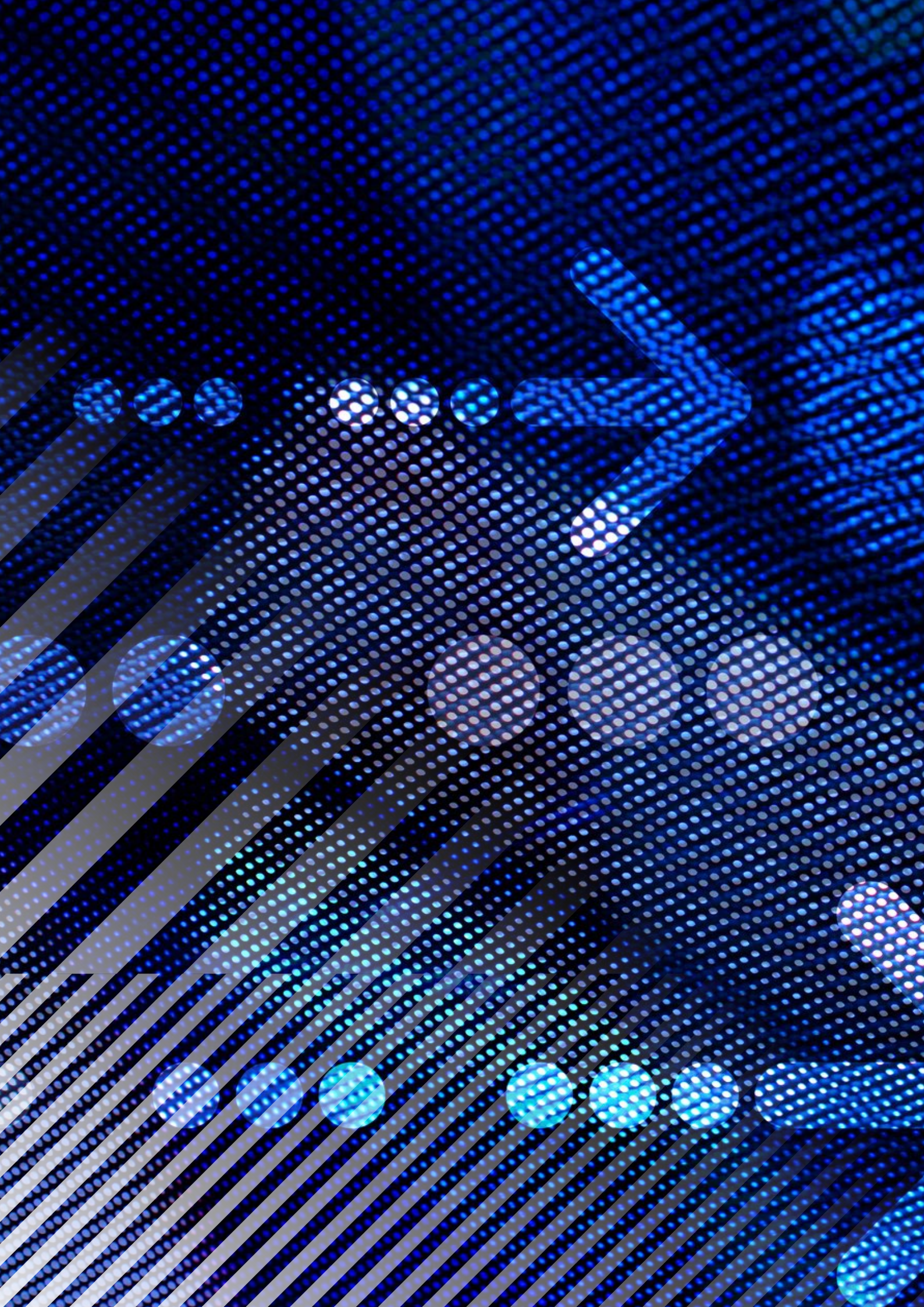


STUDENT CODE OF CONDUCT AND DISCIPLINARY PROCEDURE





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1. Preamble

Gisma University of Applied Sciences (Hereinafter University) aims to foster a community with an atmosphere of trust, harmony, integrity and mutual respect ('One Gisma' – Everyone Matters). Good standards of communal life need to be maintained for the benefit of all staff and students. Students should also show proper concern in their behaviour generally and in particular where this might reflect on the reputation of the University, and of its staff and fellow students. The University's Student Code of Conduct underpins this policy.

2. Other Regulations and Policies

Breaches of other University Regulations (including Codes, Policies and Procedures) may be dealt with under the Student Code of Conduct where stated in those Regulations or where the University considers the gravity of the misconduct requires such action. A student may not be disciplined more than once by the University in relation to the same incident.

In the event of any accepted conflict between the provisions of this Code and any other of the University's Regulations, with regard to the conduct and discipline of students, the provisions of this Code shall prevail.

3. Definition of Terms

Conduct: Conduct in relation to this Code means the conduct of any student or students on University premises, or during University activities elsewhere. This code also applies to conduct that takes place away from University premises to the extent that it has a detrimental impact on the University or any of the University's members.

Discrimination: The act of disadvantaging individuals or groups of individuals in the enjoyment of their human rights. Can be further classified as direct, indirect or intersectional.

Direct Discrimination: Occurs if a person is or has been treated less favourably than another in a comparable situation on the grounds of ethnic, national or regional origin; sex; gender identity; sexual orientation; religion or religious beliefs; political views; disability, impairment or illness; social background; age.

Indirect Discrimination: Occurs when an apparently neutral law, policy or practice puts a person or persons at a particular disadvantage compared with other person on any of the grounds referred to above. What is relevant here is the result, not intention/motive.

Intersectional Discrimination: Occurs when several forms of discrimination combine to leave a person or persons/groups at a greater disadvantage.

Harassment: Acts that create an unpleasant or hostile situation for someone especially by uninvited or unwelcome verbal/physical conduct.

Gender-based violence: a type of violence directed against a person because of that person's gender or violence that affects persons of a particular gender disproportionately.

Conflict and conflict types: A conflict is an interaction that is perceived by at least once side as emotionally stressful and/or factually unacceptable and is characterized by an incompatibility of behaviours, interests and goals as well as assumptions/ attitudes of the participants.

Sexual Harassment: unwanted verbal or non-verbal sexual behaviours, such as sexual comments about the body of a person or sending them unwanted sexual pictures. They do not involve any physical contact.

Sexual Assault: non-consensual sexual behaviours that involve physical contact. They are divided into Sexual Battery (where there is touching but no penetration) and rape (where there is penetration)

Stalking: repeatedly and continuously contacting a person who does not wish the contact or its intensity. The contact can be via e-mail, social media, phone calls, physically following, and means of surveillance or monitoring. Such behaviours cause victims to fear for their personal safety, as they often embody implicit or explicit threats.

Bullying/Mobbing: forms of abuse which are typically characterized by repeated harassing, offending, or socially excluding someone, negatively affecting someone's performance at a place of study/work. These behaviours persist over time and may include verbal, relational, cyber and physical aggression.

4. The Student Code of Conduct: Expectations about student behaviour

Students are expected to be considerate to the needs of fellow students, staff and any authorised visitors to the University. Students are expected not to engage in any conduct which is intended or is likely to disrupt teaching, learning, study, research, ceremonies, recreational activities, meetings, examinations, administration or other activities undertaken by or within the University or organised as part of its approved activities. Students are expected to respect the property of the University and not to use it for unapproved purposes.

Students are expected to treat fellow students, staff and any authorised visitors to the University with courtesy and respect. The University does not tolerate harassment or abusive, offensive or threatening conduct, in person or through the use of website, social networking sites or other forms of electronic media and communication.

Students are expected to raise concerns or complaints in an appropriate manner using the relevant procedures.

Whilst students' behaviour within campus accommodation will be subject to the specific terms of the accommodation contract, behaviour within campus accommodation that represents misconduct as defined in this Code will be dealt with under the provisions of this Code.

Students will be expected to produce their ID cards at the reasonable request of any member of staff of the University. If a student is not carrying their ID card with them at the time of the request, the University reserves the right to refuse admission to all or any part of the University's premises.

Students are expected to disclose their full name and other relevant details to staff in circumstances where it is reasonable to require such information.

Students are expected to behave lawfully on University premises and the possession of illegal substances or offensive weapons is subject to the provisions of this Code.

Students should be aware that the University maintains a positive relationship with the Police and will cooperate with Police inquiries. The University will report, directly to the Police, any matter that appears to constitute a serious criminal offence or where the University judges it appropriate to do so.

Students are expected to comply with the Student Code of Conduct and Disciplinary Procedures at all times and are expected to respond to correspondence as appropriate and to attend disciplinary hearings where required.

5. The Disciplinary Procedure

5.1 Temporary Suspension

There are occasions when it is in the interests of an individual student, a group of students or the University generally, that a student should be suspended from the University.

In these circumstances the Director of Quality Management and Compliance shall be notified as soon as possible of the incident and if she/he considers the circumstances warrant it, may authorize the immediate suspension of a student. The student will be notified in writing of the suspension and the reasons for it. Whilst such a suspension is not to be regarded as a disciplinary penalty, and may be imposed without prejudice to the instigation of disciplinary proceedings set out below, any person who has been suspended shall have a right to make representations against the suspension in writing to Director of Quality Management and Compliance. The decision on the issue of continued suspension taken by Director of Quality Management and Compliance following such representations shall be final and shall be without prejudice to any subsequent disciplinary proceedings arising from the alleged incident(s) in respect of which the suspension was imposed. A suspension, authorised by the Director of Quality Management and Compliance, advised by the Equal Opportunities Officer, shall be reviewed at intervals of one month or at the request of the student if relevant circumstances change.

5.2 Investigation

Whenever the use of the Student Code of Conduct and Disciplinary Procedure is contemplated the identity of the student involved will be notified to Director of Quality Management and Compliance who, in consultation with the Head of Student Services to which the student belongs, will jointly determine on the evidence presented whether the matter shall be dealt with as a minor or serious breach of the Student Code of Conduct and/or whether further investigation/evidence is required.

6. Minor Breaches of the Student Code of Conduct

Minor Breaches may include but are not limited to the following misconduct:

- Addressing staff or fellow students in an inappropriate or offensive manner.
- Disruption of or improper interference with academic, administrative, sporting, social or other activities of the University.
- Failure to respect the rights of others to freedom of belief and freedom of speech.
- Breaches of the provisions of University rules, regulations, policies, procedures or codes of practice.
- Infringement of University Health and Safety rules.
- Refusal to respond to reasonable requests by relevant University staff; for example, refusing to confirm identity when requested during the normal course of their duties.
- Causing distress to others through excessive and unacceptable levels of noise.
- Causing minor damage to property.
- Anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the University's relationship with the local community.
- Creating or maintaining a hostile environment for staff or fellow students, including through the use of social networking sites, other websites or any other forms of electronic media and communication.

Such misconduct, if severe in nature or impact may also be classified as a Serious Breach of the Student Code of Conduct.

6.1 Procedure

The Head of Student Services will write to the students inviting them to a hearing. The student will be given at least 7 working days' notice of the hearing. The letter will clearly state the allegation that is being made. The hearing will normally be conducted within 28 working days of the alleged misconduct having been notified. The letter should contain a statement in relation to the standard of proof to be applied. The standard and burden of proof for the University to prove the allegation is if, on the available evidence, it is more likely than not that a breach of the Student Code of Conduct has occurred. If the standard and burden of proof is fulfilled, a penalty will be imposed as appropriate. The letter will inform the student that they have the right to present evidence in person, and provide written statements if they are unwilling or unable to attend the meeting.

It must be made clear to the student that if they fail to attend the meeting without a valid reason then a decision may be taken in their absence.

The student will be informed that they can be accompanied by a "friend". This will normally be a fellow student, or an Officer of the Students' Council.

Under no circumstances will it be appropriate to bring a member of University staff as a "friend".

6.2 Minor Misconduct Disciplinary Hearing

The panel shall consist of no fewer than 2 people, normally:

- The Head of Student Services to which the student belongs or his/her designated deputy.
- The Director of Quality Management and Compliance.
- If appropriate, a representative of the area where the alleged misconduct occurred.

A note-taker will be in attendance. An audio recording may also be taken

The student will normally be expected to attend the hearing. If they fail to attend without a valid reason then a decision may be taken in their absence or the matter may be referred to a Serious Misconduct Disciplinary Hearing.

Following the hearing, which may be adjourned for the gathering of further evidence if necessary, the Panel will notify the student of the outcome in writing (including details of any penalty), within 5 working days of the hearing.

A copy of the outcome letter will be retained within the Student file for a period to be determined by the Panel. The letter will set out the student's right of appeal. Grounds for appeal are limited to:

- Procedural irregularity at the hearing; and
- New and relevant evidence which could not have been made available to the hearing.
- That the severity of the penalty imposed was in the circumstances unreasonable and/or disproportionate.

Appeals must be made within 20 working days of the receipt of the outcome letter and should be made in writing to:

Chancellor
Gisma university of Applied Sciences Potsdam and Berlin Campus

(See Appendix 1 for contact information)

The Chancellor will review the request for an appeal to determine whether or not the student has demonstrated valid grounds for an appeal to proceed. If it is determined that the student has demonstrated a valid case for an appeal to proceed then the case will be referred to a Disciplinary Appeal (Minor Misconduct) Hearing. If the Chancellor finds the appeal has not demonstrated a valid case then the student will be communicated with.

An appeal review by the Chancellor should normally be completed in no more than 30 working days.

6.3 Disciplinary Appeal (Minor Misconduct)

6.4 Procedure

The organisation of a Disciplinary Appeal (Minor Misconduct) hearing and presentation of the case in response to the appeal will be undertaken by the appeals committee, who will write to the student inviting them to the hearing. The hearing will normally be conducted within 30 working days of receipt of the referral from the Chancellor.

The student will be given written notice, at least 7 working days prior to the hearing, of the date and place of the hearing, and a copy of the University's Student Code of Conduct and Disciplinary procedure, drawing attention to their rights under the procedure. The standard and burden of proof applied will be the same as at the Minor Misconduct Disciplinary Hearing.

At least 5 working days before the hearing, members of the panel and the student will be provided with the appropriate documentation. The student may also provide an additional written statement to the panel.

The student has the right to appear before and be heard by the Appeals Panel. They may be accompanied by a friend. The student shall be responsible for notifying the Conduct and Appeals Unit of the identity of the friend and of any witnesses to be called, not less than 2 working days prior to the hearing.

Under no circumstances will it be appropriate to bring a member of University staff as a "friend".

The student will normally be expected to attend the appeal hearing. If they fail to attend the meeting without a valid reason, supported by documentary evidence, a decision may be taken in their absence.

At the appeal hearing, the student and the member of the Conduct and Appeals Unit may call witnesses and present evidence. The student shall have the last word.

6.5 Disciplinary Appeal (Minor Misconduct) – Appeal Hearing

Members of the appeal panel shall not have been involved in the original Minor Misconduct Disciplinary Hearing.

- The Chancellor/The Director of Quality Management and Compliance.
- Two senior members of staff from the faculty to which the student belongs and/or a Services Department.

A note-taker will be in attendance. An audio recording may also be taken.

The Chair of the panel shall have discretion to manage the conduct of the hearing including to adjourn, continue or postpone a hearing and to limit the length of the hearing, the questioning of witnesses, and the number of witnesses called.

The student may present evidence and call witnesses who may be questioned by the Panel. The student will always be afforded the opportunity to make a final closing statement.

The Panel will consider its decision in private. The Panel shall have the power to increase as well as to remove, amend or uphold the original penalty imposed. The decision taken by this panel will be final.

At this stage a letter will be issued to the student by the committee, confirming the outcome. This should normally be sent within 5 working days of the hearing.

7. Serious Breaches of the Student Code of Conduct

Serious Breaches may include but are not limited to the following misconduct:

- Assault or behaviour of threatening, hostile, indecent or intimidating nature.
- Riotous or disorderly conduct on University premises or whilst engaged in any University activity.
- Theft of, damage to or misapplication of University property.
- Criminal offences or gross negligence which affects University interests, students or staff.
- Conduct bringing the University into disrepute, or seriously prejudicing or disrupting the work of the University or of its students, staff or businesses.
- Serious Breach of Safety Regulations.
- Fraudulent activity in connection with seeking or obtaining financial or other advantage from the University or from other agencies. This may include, but is not limited to, the falsification of documentation, false pretences or impersonation.
- Racial and Sexual Discrimination and Harassment.
- Any matter which may have been referred to the University by an executive officer of Gisma University of Applied Sciences Students' Council, and which the University considers warrants disciplinary proceedings.
- Possession or use of offensive weapons on University premises.
- Supplying or dealing in illegal substances on University premises.
- Failure or refusal to pay a fine or comply with requirements issued by a Minor Misconduct Disciplinary Panel.
- Repeated or persistent minor breaches of the Student Code of Conduct or multiple concurrent minor breaches of the Student Code of Conduct.
- False or malicious allegations against fellow students or members of University staff.
- Failure to co-operate with a disciplinary investigation

(This shall not be interpreted as an exhaustive or inclusive list).

7.1 Procedure

The organisation of a Serious Misconduct Disciplinary hearing and presentation of the case against the student in relation to the misconduct will be undertaken by the University Student Disciplinary Committee.

The student will be given written notice, at least 7 working days prior to the hearing, of the date and place of the hearing, along with a copy of the University's Student Code of Conduct and Disciplinary procedure, drawing attention to the appellant's rights under the procedure.

The letter should contain a statement in relation to the standard of proof to be applied. The standard and burden of proof for the University to prove the allegation is if, on the available evidence, it is more likely than not that a breach of the Student Code of Conduct has occurred. If the standard and burden of proof is fulfilled, a penalty will be imposed as appropriate. The letter will inform the student that they have the right to present evidence in person and provide written statements if they are unwilling or unable to attend the meeting.

At least 5 working days before the hearing, members of the Panel and the student will be provided with the appropriate documentation. The student may also provide an additional written statement to the Panel.

The student has the right to appear before and be heard by the Panel. They may be accompanied by a friend. (The student shall be responsible for notifying the Conduct and Appeals Unit of the identity of the friend and of any witnesses to be called not less than 2 working days prior to the hearing).

Under no circumstances will it be appropriate to bring a member of University staff as a "friend".

The student will normally be expected to attend the appeal hearing. If they fail to attend the meeting without a valid reason, supported by documentary evidence, then a decision may be taken in their absence.

7.2 Serious Misconduct Disciplinary Hearing

The panel shall consist of no fewer than 3 people, normally:

- Director of Quality Management and compliance or his/her designated deputy (Chair)
 - The Head of Student Services of the campus where the misconduct occurred
 - If appropriate, a senior representative of the area where the misconduct occurred e.g. Registry, Careers, student Services;
- and
- A Senior member of staff from a Faculty to which the student belongs.

A note-taker will be in attendance. An audio recording may also be taken.

The Head of Student Services will present the case.

The Chair of the panel shall have discretion to manage the conduct of the hearing including to adjourn, continue or postpone a hearing and to limit the length of the hearing, the questioning of witnesses, and the number of witnesses called.

The student and The Head of Student Services may present evidence and call witnesses, who may be questioned by the other party and by the Panel. The student will always be afforded the opportunity to make a final closing statement.

The Panel will consider its decision in private. The student will be informed of the outcome and reasons in writing within 5 working days of the hearing, this will include particulars of the right to appeal.

Grounds for appeal are limited to:

- Procedural irregularity at the original hearing; and
- New and relevant evidence which could not have been made available at original hearing
- That the severity of the penalty imposed was, in the circumstances, unreasonable and/or disproportionate.

Appeals must be made within 20 working days of the receipt of the outcome letter and should be made in writing to:

The Chancellor
Gisma University of Applied Sciences
Potsdam and Berlin Campus

(See Appendix 1 for contact information)

The Chancellor will review the request for an appeal to determine whether or not the student has demonstrated valid grounds for an appeal to proceed. If it is determined that the student has demonstrated a valid case for an appeal to proceed then the case will be referred to a Disciplinary Appeal Hearing (Serious Misconduct). If the Chancellor does not find the student has demonstrated valid grounds for an appeal a letter will be issued notifying the student of the decision.

An appeal review by the Chancellor should normally be completed in no more than 30 working days.

7.3 Disciplinary Appeal (Serious Misconduct) – Appeal Panel

7.4 Procedure

The organisation of a Disciplinary Appeal (Serious Misconduct) hearing will be undertaken by the Chancellor, who will write to the student inviting them to the hearing. The hearing will normally be conducted within 30 working days.

The student will be given written notice, at least 7 working days prior to the hearing, of the date and place of the hearing, along with a copy of the University's Student Code of Conduct and Disciplinary procedure, drawing attention to their rights under the procedure. The standard and burden of proof applied will be the same as at the Serious Misconduct Disciplinary Hearing.

At least 5 working days before the hearing, members of the panel and the student will be provided with the appropriate documentation. The student may also provide an additional written statement to the panel.

The student has the right to appear before and be heard by the Panel. They may be accompanied by a friend. (The student shall be responsible for notifying the Conduct and Appeals Unit of the identity of the friend and of any witnesses to be called not less than 2 working days prior to the hearing).

Under no circumstances will it be appropriate to bring a member of University staff as a "friend".

The student will normally be expected to attend the appeal hearing. If they fail to attend the meeting without a valid reason, supported by documentary evidence, then a decision may be taken in their absence.

7.5 Disciplinary Appeal (Serious Misconduct) – Appeal Hearing

Members of the appeal panel shall not have been involved in the original Disciplinary hearing.

The appeal panel shall consist of no fewer than 3 people, normally:

- The Chancellor; and
- The Head of Student Services or Vice President or Director of Quality Management and Compliance
- A Students' Council representative.

A note-taker will be in attendance. An audio recording may also be taken. The head of Student Services may also be present to provide regulatory and procedural advice to the Panel.

The Chair of the Serious Misconduct Disciplinary Panel will present the case in response to the student's appeal.

The Chair of the panel shall have discretion to manage the conduct of the hearing including to adjourn, continue or postpone a hearing and to limit the length of the hearing, the questioning of witnesses, and the number of witnesses called.

The student and the Chair of the Serious Misconduct Disciplinary Panel may present evidence and call witnesses, who may be questioned by the other party and by the Panel. The student will always be afforded the opportunity to make a final closing statement.

The appeal panel will consider its decision in private. The appeal panel shall have the power to increase as well as to remove, amend or uphold the original penalty imposed. The decision taken by this panel will be final.

At this stage a letter will be issued to the student by the Chancellor, confirming the outcome. This should normally be sent within 5 working days of the hearing.

8. Penalties

8.1 Minor and Serious Misconduct

- A formal written warning which will stay on the record for a period to be determined by the panel.
- A behavioural contract – which will require the student to give a written undertaking, as stipulated by the panel, as to future conduct within the University. This may include the requirement to provide a written apology to affected parties and/or a piece of reflective written work.
- A withdrawal of facilities as appropriate (specified in terms of scope and length of time).
- Suspension from the University for a semester (minimum) to an academic year (maximum). This is a not related to the temporary initial suspension, as outlined in section 5.1.
- For property related incidents, a requirement for reimbursement for the cost of any damage/loss caused, plus a fine proportionate to the misconduct of up to €250 for minor breaches of the Student Code of Conduct and €500 for more serious breaches of the Student Code of Conduct.

8.2 Serious Misconduct Only

The Serious Misconduct Disciplinary Panel may determine that the nature of the student's conduct warrants permanent exclusion from the University.

8.3 Criminal Proceedings

The fact that criminal proceedings have been instituted against a student will not preclude the University from taking its own disciplinary action, if it is thought appropriate or necessary to do so. Disciplinary proceedings may or may not be postponed until the outcome of the criminal proceedings, at the University's discretion. The University may suspend a student pending a criminal trial for a serious criminal offence (see previous section on suspension).



9. Students with Disabilities or Mental Health Difficulties

If it appears, to those investigating an allegation of misconduct, that the student in question may have a disability or mental health difficulty, then the advice of the University Psychologist will be sought.

Where there is medical evidence that a disability or mental health difficulty significantly contributed to the alleged breach of the Student Code of Conduct, the disciplinary process may be suspended or terminated by the Hed of Student Services, as appropriate.

It may be made a condition of suspension or termination of the proceedings, that the student seeks medical advice. If the student does not cooperate with the University in relation to the investigation of health matters (e.g. by refusing to obtain medical reports or refusing to seek medical advice) the matter may be reconsidered under the Student Code of Conduct and Disciplinary Procedure.



Appendix 1: Internal and External points of contact for students

Internal Points of Contact:

Student Support Team – visastudentsupport@gisma.com

Chancellor's office – Nigina.Tawakalsada@gisma.com

External Points of Contact:

Police: 110 (in case of immediate danger or emergency; (24/7) or 030 4664-4664 (Hotline Service; 24/7)

Federal Anti-Discrimination Agency – <https://www.antidiskriminierungsstelle.de/EN/we-offer-advice-to-you/we-offer-advice-to-you-node.html> (For cases of Discrimination)

Mobile Counselling Team on right-wing extremism, xenophobia and violence prevention in Brandenburg (only available in German) – <https://www.gemeinwesenberatung-demos.de/mobile-beratungsteams/>

(Counseling is free of charge, confidential and takes place when and where it suits you; hotline for Potsdam: 0331 505 88 83)

LesMigraS – <https://lesmigras.de/en/what-we-offer>

Advises in cases of (multiple) discrimination; hotline: **030 21 91 50 90**;

Office hours: Mon. 14:00–17:00, Thurs. 10:00–16:00, Wed. 14:00–17:00, Thurs. 15:00–18:00

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