

The Jerusalem Academy of Music & Dance

Students' Disciplinary Code

1. Definitions

"The Academy" – The Jerusalem Academy of Music & Dance

"Lecturer" – anyone who performs a teaching or training role for the Academy

"Employee" – anyone employed by the Academy or in its service who is not a Lecturer.

"Student" – anyone registered for studies at the Academy and accepted by it, including anyone who received a diploma, who was a student and/or applied to be a student, even after completing and/or stopping their studies and/or being rejected – for actions done during the period of being a student or applicant.

"Disciplinary offense" – the offenses specified in Clauses 3 and 5 of this code including an attempt, or pressuring or assisting others to commit these offenses, and also offenses against the disciplinary rules defined from time to time by the academic authorities.

"Disqualification of exam, paper or exercise" – disqualification is equal to a fail and a grade of zero (0).

"The Disciplinary Officer" – one of the faculty deans/ member of the staff at senior lecturer level who is appointed by the Academy President to this role.

"Prosecutor" – holder of a senior academic position and/or anyone appointed to this role by the Academy President, who acts as prosecutor in proceedings of the Disciplinary Committee and the Appeals Committee.

"Legal Counsel" - proceedings of the Disciplinary Committee and the Appeals Committee will be assisted, as necessary, by Legal Counsel for the Academy.

"Disciplinary Committee" – consisting of 3 members: the Disciplinary Officer (chair), a member of the faculty and a student representative. The faculty member will be appointed by the Academy President. The student representative will be the chair or deputy chair of the Students' Union or other representative selected by the Students' Union. The Disciplinary Officer may change this composition if circumstances justify such change.

"Appeals Committee" - consisting of 4 members: 3 members of the faculty at lecturer grade at least, including the Committee chair, and a student representative. The chairperson will be appointed by the Academy President and/or the Academy Director General. The student representative will be the chair or deputy chair of the Students' Union or other representative selected by the Students' Union, providing that this is not the same as the representative participating in the Disciplinary Committee proceedings.

The faculty members will be appointed by the Academy President. The chairperson of the Committee may change this composition if circumstances justify such change.

2. Judicial authorities

The following are qualified to discuss and decide on students' disciplinary offenses.

- The Disciplinary Officer
- The Disciplinary Committee
- The Appeals Committee.

3. Disciplinary Offenses

A disciplinary offense is one of the following committed by a student:

- 3.1. Failure to comply with the instructions of the Academy's authorities, teachers or employees, given in the course of performing their duties.
- 3.2. Giving false information to the Academy, its authorities, teachers or employees, or committing a fraudulent action or knowingly concealing information in order to obtain rights at the Academy whether in connection with studies at the Academy or in connection with any benefits obtained from or through it.
- 3.3. Breaches of copyright and the intellectual and other rights of other people.
- 3.4. Cheating in an exam, copying from another student, helping or allowing another student to copy, including breach of instructions regarding conduct in exams, or contrary to the instructions of invigilators, or conduct that harms them. On this matter, a student who is found to have in his possession or closely available to him material that is forbidden during exams shall be deemed to have breached this clause, unless proven otherwise.
- 3.5. Any other fraud relating to studies, exams, exercises, papers and other assignments imposed on students, whether in writing or in the framework of a test or other assignment presented orally, or in any other way, including assisting others to commit such actions.
- 3.6. Breach of regulations or instructions referring to the use of the Academy's equipment and/or facilities on its behalf and in its name, including halls, study and practice rooms, instruments, offices and any other facility.
- 3.7. Breach or failure to observe or take steps or uphold safety instructions and/or guidelines and/or procedures required to be observed or upheld in the Academy, including in connection with the use, care and maintenance of equipment, materials, facilities and other property of the Academy and others, whether or not any damage is caused to them.
- 3.8. Causing damage, whether deliberately or negligently, to Academy property, including books, equipment, computers, classrooms, halls, study and practice rooms, instruments, offices and any other facility and open area.
- 3.9. Deliberate or negligent damage to Academy property or property used for its needs, including careless use and breach of safety or other instructions.
- 3.10. Damage to the environment within the Academy facilities or anywhere else if the student is present using them in his/her capacity as a student at the Academy.

- 3.11. Malicious disturbance to the orderly conduct of the Academy and its activities.
- 3.12. Lateness and/or absence to an unreasonable extent without justification, and contrary to the Academy's regulations.
- 3.13. Conduct that amounts to violence (verbal and/or physical), whether within the Academy premises or nearby, whether towards the Academy, its employees, teaching staff and students, or towards third parties.
- 3.14. Conduct that amounts to injury to the dignity of the Academy's teachers or employees and of other students, or disruption in the performance of their jobs if done in the context of their status and/or their positions as teachers or employees, whether within the Academy premises or anywhere else where the student is present by virtue of his status as an Academy student.

With respect to this clause, incitement based on religion, sex or race towards the Academy's faculty, employees and students shall be deemed conduct incompatible with the Academy's dignity or the status of its students.
- 3.15. Political activity constituting incitement against the state or against any other movement, or any other political activity or organizing for demonstrations or holding demonstrations whether or not with a political background within or adjacent to the premises of the Academy without permission from the Academy management (if permission is given, it must be in writing).
- 3.16. Giving false testimony or hiding facts in a hearing before the disciplinary authorities, or failing to obey the disciplinary authorities, or failing to appear before the disciplinary authorities when asked.
- 3.17. Conduct not suitable for a student of the Academy, in connection with his status as a student of the Academy.
- 3.18. Sexual harassment and/or nuisance, as defined in the Prevention of Sexual Harassment Law, 5758-1998.
- 3.19. Any other conduct by a student amounting to a criminal offense according to the Penal Code of the State of Israel, committed in connection with his status as a student of the Academy.
- 3.20. Any attempt, assistance or pressuring another, by action or failure to act, to conduct constituting a disciplinary offense.

4. Penalties

A student found guilty of a disciplinary offense shall be liable for one of the following penalties:

- 4.1. Written warning with a copy in his personal file.
- 4.2. Reprimand or severe reprimand in writing with a copy in his personal file.
- 4.3. The Committee may require the student to apologize to anyone whose dignity, person or property was harmed by him, and it may also determine the form and content of such apology.

- 4.4. Termination (in full or in part) of any discount on tuition fees, award or scholarship for studies, or the right to receive them for a specific period or in general.
- 4.5. A financial penalty for an amount not exceeding the full tuition fees for a regular student that year.
- 4.6. Community service in the form of volunteer work whose purpose is to contribute to the community. The Assistance Department will submit a list of institutions where volunteer work can be done. To remove any doubt, the student cannot do the community service in the same institution where he volunteers for the purpose of receiving a scholarship, or set off any hours of volunteer work for scholarship purposes against the penalty.
- 4.7. Disqualification of an exam, paper or exercise, or imposition of additional work in addition to his academic obligation, on a subject determined by the Committee. It is clarified that in any case where a student is convicted of cheating in an exam or paper, the exam or paper concerned will be disqualified, without affecting any other penalty imposed on the student for that offense.
- 4.8. Cancellation of rights or recognition of study achievements, including termination of a course plus withdrawal of the right to receive a diploma or confirmation of such studies.
- 4.9. Suspension from the Academy, including physical and/or academic suspension, in full or in part, including removal from all or some of the Academy's facilities and/or a ban on use and/or participation in studies and exams. Such suspension may be temporary or permanent. To remove all doubt, unless otherwise stated, a student's suspension will be sweeping and full. Any studies taken in any framework at the Academy during a period of suspension may or may not be recognized or partially recognized for study credits, at the discretion of the Disciplinary Committee.
- 4.10. Any penalty imposed on a student may be given in full or in part, suspended, permanent or for a specified period, all at the discretion of the appropriate disciplinary authority. The penalty will come into force as soon as the convicted student is notified, excluding any suspended penalty, which comes into force on the day of the decision.
- 4.11. Exercise of a suspended penalty is subject to the discretion of the relevant disciplinary authorities, and in any case, such exercise of a suspended penalty shall not detract from the imposition of additional penalties.

5. Fines and charges for compensation

In this section, the following terms shall have the meanings given:

- 5.1. "Offense subject to fines": any of the following offenses and any offense added by the Disciplinary Committee:
 - a. Smoking contrary to the provisions of the Restriction on Smoking in Public Places Law, 5741-1983, or contrary to the Academy's instructions.

- b. Use of a mobile phone in the library, classrooms during academic activity or anywhere else where the use of mobile phones is forbidden by the Academy.
 - c. Putting up notices in places where forbidden.
 - d. Leaving bags or other objects without supervision, contrary to the Academy's instructions.
 - e. Eating or drinking in the library, classrooms or any other place where eating and/or drinking are forbidden by the Academy.
- 5.2. The responsible person under this clause is as follows:
- For sub-clauses 5.1 a, b, c, d and e: the Academy's security officer or anyone appointed for this purpose by the Director General of the Academy, excluding offenses under these sub-clauses committed in the library area.
- For sub-clauses b and e with reference to offenses committed in the library area only: the library manager.
- For sub-clauses b and e, with reference to offenses committed in the course of an exam: the exam invigilator and/or the person responsible for invigilators.
- 5.3. a. The Disciplinary Committee will determine from time to time offenses to be defined as offenses subject to fines.
- b. The fine will be set at NIS 200. The Disciplinary Committee has the authority to change or update this amount.
- 5.4. If the person responsible has reasonable grounds for assuming that the student has committed an offense subject to a fine, he may give the student notice of the fine. Such notice will be given on a form that specifies the nature of the offense, the time, the amount of the fine, details of the responsible person, and the student's right to a hearing before the Disciplinary Officer.
- 5.5. If the student notifies his wish for a hearing before the Disciplinary Officer, such hearing will be held pursuant to the provisions of clause 7.7 below, and the notice of the fine shall be deemed the complaint.
- 5.6. If the student does not notify the Prosecutor of his wish for a hearing before the Disciplinary Officer, he shall be deemed to have confessed to the offense to the Disciplinary Officer.
- 5.7. A student who has paid a fine is deemed to have confessed to the offense to the Disciplinary Officer and have been convicted and punished.
- 5.8. If the student does not notify the Prosecutor of his wish for a hearing before the Disciplinary Officer and does not pay the fine, the fine shall be deemed the penalty imposed by the Disciplinary Officer and a debt of the student to the Academy.

- 5.9. In addition to the foregoing, if the student is found guilty of a disciplinary offense, and such offense has caused material damage to the Academy, the Disciplinary Committee may require him, in addition to or instead of any penalty imposed on him, to pay monetary compensation to the Academy at a rate not exceeding the damage caused by the offense.

6. Submitting a complaint

- 6.1. Complaints of Disciplinary Offenses must be submitted in writing by a lecturer or employee (hereinafter: the Complainant) to the Academic Administration, which will forward it to the Disciplinary Officer, together with any relevant material.
- 6.2. The Disciplinary Officer may ask the Complainant for explanations and clarifications, plus any documents and other evidence.
- 6.3. If the Disciplinary Officer learns of any apparent Disciplinary Offense, he may decide to open a disciplinary process also in the absence of a complaint.
- 6.4. The chairperson of the Disciplinary Committee may issue an interim decision, including but without reducing: rejection of a test or exam, suspension of studies, ban on using Academy facilities, etc. Such interim decisions shall be valid until a ruling is used on a complaint, or until a later date, as determined by the chair of the Disciplinary Committee. If possible, an interim decision shall be issued after the chair of the Disciplinary Committee has enabled the student to state his case. Copies of the interim decision shall be sent to the accused, the Prosecutor and anyone connected to the issue of the interim decision.
- 6.5. If the Disciplinary Officer decides that the complaint is not justified or there is no reason to start Disciplinary Proceedings, he may instruct that the complaint be rejected and notify the Complainant in writing. If the Disciplinary Officer rejects a complaint, such decision shall be final, with no right of appeal.
- 6.6. If the Disciplinary Officer decides that there is cause to start Disciplinary Proceedings against the student, he shall decide whether the hearing will be held before him as "sole judge", or before the Disciplinary Committee. Whether the complaint is heard before him or before the Disciplinary Committee, it will be heard according to the procedures specified in clause 7 below.
- 6.7. The Academic Administration will send the accused, the Prosecutor, members of the Disciplinary Committee and others relevant to the complaint, notice of a summons to the Disciplinary Committee hearing. The date of such hearing shall be no earlier than seven (7) days from the date of sending such notice.
- 6.8. The summons to the hearing before the Disciplinary Officer, the Disciplinary Committee and the Appeals Committee, and any decision by any of them, shall be delivered to the concerned parties electronically (by email and/or SMS to their mobile phones) and/or by personal delivery.
- 6.9. The Prosecutor shall serve as prosecutor at the disciplinary hearing before the Disciplinary Committee and before the Appeals Committee. The student

- on disciplinary trial can be represented in the proceedings at both instances by one counsel. For this matter, counsel may also be an attorney.
- 6.10. The prosecutor (“Prosecutor”) may have assistance from legal counsel for the purposes of preparing the summons and preparing for the hearing. The prosecutor can be represented at the hearing by a lawyer.

7. Hearings proceedings

- 7.1. The Disciplinary Officer or the Disciplinary Committee, as applicable, shall discuss the complaint **within 45 study days** from receiving the complaint; however, failure to hold the Disciplinary Committee at such time shall not constitute grounds for cancellation. In urgent cases (also according to the severity of the offense) an effort will be made to hold the hearing as soon as possible.
- 7.2. The accused may ask for the hearing to be postponed for special reasons and the Disciplinary Officer may accept the request.
- 7.3. Present at the hearing will be the Committee members, the Prosecutor, the accused and the legal counsel. During the hearing, a protocol will be recorded.
- 7.4. The Disciplinary Officer and the Disciplinary Committee may act at their discretion to find the truth, and they are not bound by the legal codes, the rules of evidence or any other procedural law. The Disciplinary Committee may decide by a majority on any matter brought before it.
- 7.5. Without affecting the generality of the foregoing in paragraph 7.4 above, the Disciplinary Officer may clarify the complaint and conduct the hearing in any way he deems right and effective, including clarifying other details and summoning other people to tell of what they know. Without affecting the generality of the foregoing, it is clarified that obtaining the position of the parties in writing and in documents can be deemed hearing in the circumstances.
- 7.6. Subject to the contents of paragraph 7.5 above, the parties may, with the approval of the Disciplinary Officer, bring before the Disciplinary Committee witnesses, however employees of the Academy shall not be summonsed to give evidence and their testimony shall be by way of written documents. Nevertheless, it will be possible to summons Academy employees to give evidence in unusual cases and for special reasons, with the approval of the Disciplinary Officer, and in the case of an exam invigilator – also with the approval of the Academy Secretary.
- 7.7. A request to summons witnesses as stated in paragraph 7.5 above shall be submitted to the Academy Director up to 5 days before the date planned for the Disciplinary Committee and sent to the Disciplinary Officer. The Disciplinary Officer shall decide this request by 4 days from its submission.
- 7.8. The hearing proceeding shall be conducted as stated above, but the Disciplinary Committee may deviate from the order of matters at its discretion and this shall not amount to a defect in the hearing:
- a. The Disciplinary Officer shall read the charges to the accused.

- b. The Prosecutor shall briefly recount the details of the complaint and the incident it refers to and shall question its witnesses, if any. The accused has the right to cross examine the witnesses.
 - c. The accused will respond to the accusation and present his arguments and those of his witnesses, if any. At this stage the accused can also submit arguments regarding the penalty.
- 7.9. The Disciplinary Officer and the Disciplinary Committee, as applicable, may have the assistance of legal counsel.
- 7.10. The CD may convict the accused of a different offense than the one charged, if his guilt is revealed from the facts and evidence given, on condition that the accused is given a reasonable opportunity to defend himself against such offense.
- 7.11. A member of the Disciplinary Committee, the Prosecutor and the legal counsel shall absent themselves from the Committee hearing where there are circumstances that could, according to objective assessment, create a real fear of bias and/or conflict of interests in the proceedings, amounting to extreme miscarriage of justice, including a real personal interest in the proceedings or the outcome. In such case, the Academy President and/or Director General shall appoint a replacement for such absentee.
- 7.12. Any decision (including interim decisions and other decisions) and verdicts shall be given in writing. A copy of the protocol and any decision and/or verdict shall be given to the accused, the prosecutor, members of the Disciplinary Committee, the Academy President and his deputy, the Dean of Students and the Academy Secretary.
- 7.13. The verdict will come into force from the date of notification to the accused, unless the Disciplinary Officer decides on a later date.
- 7.14. If the accused does not attend the hearing before the Disciplinary Officer or the Disciplinary Committee or the Appeals Committee, at the time determined and without reasonable cause, the Disciplinary Officer or the Disciplinary Committee or the Appeals Committee may decide to hold the hearing in his absence, providing that all reasonable attempts have been made to notify the student of the date, in writing or in any other way.
- 7.15. The Disciplinary Officer and the Disciplinary Committee have the authority to shorten and/or lengthen the above periods of time subject to meticulously delivering summonses to the hearing and other required documents.
- 7.16. The Disciplinary Officer may, at his sole and absolute discretion, delay full or partial implementation of the sentence issued by the Disciplinary Committee, until the hearing and decision of the appeal by the Appeals Committee, if a written appeal request is submitted. Such request may be submitted at any time following the issue of the Disciplinary Committee decision until the end of the appeal hearing, or until the final date for appealing, whichever is the later.

The decision of the Disciplinary Officer regarding an appeal to delay implementation is final and not subject to appeal, and will be given with 7 days of submission of the request. The decision may be given without giving reasons.

A penalty that is delayed as aforesaid, and the appeal is rejected, shall apply retroactively from the date of notice to the student according to paragraph 7.11 above. In such case, any studies, exams, assignments or other actions by the student during the delayed period and conflicting with the penalty imposed on him shall not be recognized.

7.17. The Academic Secretary or his nominee for this purpose is in charge of implementing the verdicts and decisions of the Disciplinary Officer, the Disciplinary Committee and the Appeals Committee, and of ensuring their full enforcement.

7.18. All the Academy's authorities, teachers and employees must comply with the words and spirit of the verdicts and decisions of the Disciplinary Officer, the Disciplinary Committee and the Appeals Committee and assist in their full implementation.

8. The Students Union

8.1. As a rule, a student who is convicted of a Disciplinary Offense, and the penalty prescribed is more severe than a warning or reprimand, may not be a candidate for any position in the elections to the Students Union. Nevertheless, if such student wishes to stand for election, can submit an unusual request to the Disciplinary Committee to approve his candidacy (in this clause: "unusual request").

8.2. The Disciplinary Committee will hold a discussion on the request within 15 days of its submission and the proceedings shall be conducted as specified in clause 7 above, and its sub-clauses.

8.3. The Disciplinary Committee will decide the unusual request at its own discretion, taking account inter alia of the seriousness of the offense, the applicant's academic past, other offenses committed, and the time elapsed since the offense.

8.4. The Disciplinary Officer's decision on the unusual request may be appealed to the Appeals Committee.

8.5. A serving student representative who is convicted of a Disciplinary Offense, and the penalty imposed is more severe than a warning or reprimand, may not continue serving as a student representative. However, if he wishes to continue in office, he can submit a request to the Disciplinary Officer to approve his continuation in office. The Disciplinary Officer has sole discretion and his decision on the request will be final.

9. Appeal Proceedings

9.1. The Appeals Committee shall discuss appeals submitted to on the decision of the Disciplinary Officer or the Disciplinary Committee (hereinafter: "Appeal"). An appeal can be submitted by the student or by the prosecutor.

- 9.2. An Appeal must be submitted no later than fifteen (15) days following the day when the appellant received the decision or verdict being appealed. A decision or verdict given in the presence of the appellant shall be deemed delivered to him. The Appeal shall be submitted to the Academic Administration in writing, specifying the reasons for the Appeal.
- 9.3. **The Appeals Committee shall discuss the Appeal within 45 days of receiving it. Failure by the Appeals Committee to comply with the aforesaid date** shall not constitute grounds for cancellation. The chair of the Appeals Committee shall decide a date for hearing the Appeal and notify the appellant, the respondent, and any other concerned parties.
- 9.4. Provisions referring to legal procedures before the Disciplinary Committee, including with respect to verdicts, shall apply mutatis mutandis to the Appeals Committee.
- 9.5. If the chair of the Appeals Committee decides that the request to appeal has no substance and there is no need for a further hearing, the chair of the Appeals Committee may decide to reject the Appeal and so notify the appellant in writing. If the chair of the Appeals Committee rejects the appeal outright, this decision shall be final, with no further right of appeal on the matter.
- 9.6. In any case the appeal is limited to a check of the findings and conclusions of the Disciplinary Committee or the Disciplinary Officer and the appellant may not present new evidence or arguments, unless they were not known at the time of the hearing, or happened after the hearing, or where the Appeals Committee finds there are special circumstances justifying their presentation.
- 9.7. In any event, the Appeals Committee will not interfere with the findings and conclusions of the Disciplinary Committee except in special cases, such as a defect that goes to the root of the matter or apparent failure to establish facts.
- 9.8. The Appeals Committee is competent to receive all or part of an Appeal, to determine or reduce or increase the penalty, to replace it with a different penalty, or reject the Appeal, and also the convict the appellant of a different offense, as stated in paragraph 7.8.
- 9.9. In the event of a disagreement between members of the Appeals Committee and the views are evenly split, the chair has the casting vote.
- 9.10. If appropriate, the Appeals Committee may use the services of a legal counsel for legal questions only.

10. Closed hearing and publication of results

- 10.1. The hearing before the Disciplinary Officer and the Disciplinary Committee and the Appeals Committee shall be held behind closed doors, unless the authority hearing the case decides otherwise, at the request of one of the parties.

- 10.2. The decisions of the Disciplinary Committee and the Appeals Committee shall be made in a forum of committee members only, with the presence of legal counsel if deemed correct.
- 10.3. If the judicial authorities deem it is important to publish a decision or verdict, they may instruct its whole or partial publication, all as the judicial authorities deem correct, providing that the names of the accused and any other identifying detail shall be concealed.

11. Maintaining powers

- 11.1. The powers of the Disciplinary Officer, the Disciplinary Committee and the Appeals Committee to hear and rule on Disciplinary Offenses shall not be denied due to the existence of criminal proceedings in a court against the student, or by delivery of a verdict in such proceedings.

Without affecting the foregoing, if criminal proceedings are opened against a student, the Disciplinary Officer and the Disciplinary Committee and the Appeals Committee may postpone their hearings until such proceedings are finished and/or decide to cancel discussion of the complaint.

12. Extending dates and validity of proceedings

- 12.1. The Disciplinary Officer or the chair of the Appeals Committee, as applicable, may extend any period time specified in this Code.
- 12.2. In any case, a deviation from a period specified in this Code or any other procedural defect shall not be grounds for cancelling the procedure.