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Regulations for Imposing Disciplinary Measures for Violations of Regulations Committed by Students of Rhine-Waal University of Applied Sciences

Dated 10 September 2024
(Official Notice 13/2024)

The following regulations were enacted on the basis of Section 2 (4) sentence 1 and Section 51a (3) of the Higher Education Act of North Rhine-Westphalia (*Hochschulgesetz*, HG NRW), in the version dated 16 September 2014 (GV. NRW. p. 547), which was last amended on 5 December 2023 (GV. NRW. P. 1278) and entered into force on 16 December 2023:

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Section 1

Scope of application

These regulations govern, on the basis of Section 51a (3) sentence 1 HG, the procedure for imposing disciplinary measures against students who have committed a violation of regulations (*Ordnungsverstöße*). The provisions herein applies to all students of Rhine-Waal University of Applied Sciences.

Section 2

Violations

In accordance with Section 51a (1) HG, a student commits a violation of regulations if he or she:

1. by the use of violence, by incitement to violence, by the threat of violence or by serious or repeated violation of a lawful order issued in accordance with domiciliary rights:
 - a) impairs, prevents or seeks to prevent the intended operation of any facility of Rhine-Waal University of Applied Sciences, the activities of a university body, the implementation of a university event, or regular academic operations in any other way, or
 - b) significantly hinders any member of Rhine-Waal University of Applied Sciences in the exercising of their rights and duties, or prevents or tries to deter them from exercising these rights and duties.
2. has been convicted of intentionally committing a crime against another member of Rhine-Waal University of Applied Sciences, or a lawful order of punishment has been issued, and given the nature of the crime the victim could be potentially hindered in their studies or other activities,
3. uses or attempts to use facilities of Rhine-Waal University of Applied Sciences for criminal acts, or
4. intends or is able to:
 - a) violate the dignity of a member of Rhine-Waal University of Applied Sciences with regard to their race or ethnic heritage, gender, religion or belief, disability, age or sexual identity,
 - b) at the same time create an environment of intimidation, hostility, humiliation, degradation or insult, and
 - c) this violation of dignity and hostile environment could potentially hinder the victim's studies or other activities.

Students who have committed a violation of regulations according to Section 51a (1) HG can be subjected to disciplinary measures according to Section 51a (2) HG.

Section 3

Disciplinary measures

- (1) Students who have committed a violation of regulations according to Section 51a (1) HG can be subjected to disciplinary measures.
- (2) In accordance with Section 51a (2) sentence 2 HG, the following disciplinary measures are possible:
 1. an official reprimand
 2. the threat of deregistration
 3. ban from using university facilities
 4. exclusion from specific courses for up to one semester, and
 5. deregistration from the university.
- (3) The disciplinary measure under subsection (2) number 2 can only be issued in conjunction the disciplinary measures defined under subsection (2) numbers 1, 3 and 4. The disciplinary measures defined under subsection (2) numbers 1, 3 and 4 may be imposed simultaneously. The disciplinary measure defined under subsection (2) number 5 cannot be imposed for violations of regulations falling under Section 2 number 4, unless committed in combination with a violation falling under Section 2 numbers 1, 2 or 3.
- (4) Following the disciplinary decision to de-register a student per subsection (2) no. 5, a period of up to two years can also be implemented in which said student is prohibited from re-registering for Rhine-Waal University of Applied Sciences.

Section 4

Disciplinary committee

- (1) The disciplinary committee is responsible for managing the process for imposing disciplinary measures against students.
- (2) The disciplinary committee includes the following members with voting power:
 1. President
 2. Vice-President of Studies, Teaching and Continuing Training
 3. One professor
 4. One academic staff member
 5. One student
 6. One member of the non-academic staff who is generally qualified to hold the office of a judge in Germany.
- (3) The members defined under subsection (2) numbers 3, 4 and 5 will be elected by the Senate based on the recommendation of the Executive Board. The candidate receiving the most votes will be elected. In the event of a tie, the winner will be determined by drawing lots. The member defined under subsection (2) number 6 will be appointed by the Executive Board based on the recommendation of the chancellor. The president chairs the disciplinary committee and is represented by the chancellor when absent.
- (4) The term of office for members defined under subsection (2) numbers 3, 4 and 6 is four years, and one year for the student member. Re-election is possible for all members.

- (5) The disciplinary committee will decide on disciplinary measures set forth in Section 51a (2) HG by simple majority of valid votes. The disciplinary committee has a quorum when a majority of members are present. In the event of a tie, the chairperson has the casting vote.

Section 5

Disciplinary proceedings

- (1) The disciplinary committee convenes upon request. Requests may be submitted by the president and any other member of the Executive Board.
- (2) Requests must include all supporting facts and evidence indicating that a breach of regulations has occurred.
- (3) The disciplinary committee will investigate the facts the matter ex officio in accordance with the Administrative Procedures Act of North Rhine-Westphalia (*VwVfG NRW*). Students accused of committing a violation of regulations according to Section 51a (1) HG will be given the opportunity for a response within the meaning of Section 28 of the Administrative Procedures Act NRW.
- (4) The results of the investigation must be documented. The disciplinary committee will deliberate on the results of the investigation and possible disciplinary measures. If the disciplinary committee concludes that a violation of regulations according to Section 51a (1) HG has occurred, then it will decide, at its own dutiful discretion, on appropriate disciplinary measures in accordance with Section 51a (2) HG. If the disciplinary committee concludes that there was no violation of regulations according to Section 51a (1) HG, then the proceedings will be terminated immediately. The same applies if the disciplinary committee has determined that there was indeed a violation of regulations according to Section 51a (1) HG, but considers the disciplinary measures set forth in Section 51a (2) HG to be disproportionate punishments in this instance. Students who are suspected of committing a violation of regulations according to Section 51a (1) HG will receive official notice from the disciplinary committee about the outcome of their disciplinary proceedings.
- (5) Meetings of the disciplinary committee are not open to the public. Minutes must be kept of both meetings and their outcomes. The disciplinary committee may adopt its own rules of procedure. Otherwise, the rules of procedure for the Senate as well as the framework regulations for digital sessions and procedures for non-public committees at Rhine-Waal University of Applied Sciences (Committee Regulations) apply accordingly.
- (6) For proceedings involving the decision to de-register a student per Section 51a (2) no. 5, the disciplinary committee must apply the rules for formal administrative procedures set forth in Sections 63-71 of the Administrative Procedures Act NRW.

Section 6

Processing of personal data

- (1) Rhine-Waal University of Applied Sciences stores personal data on any disciplinary measures imposed – to the extent necessary for the implementation of said measures – in the student's file. This data include, in particular:
- a) official statements and responses during the investigation;
 - b) the outcome of the disciplinary proceedings and of the investigation; and
 - c) the disciplinary measures imposed.

Beyond this, the processing of personal data is governed by relevant law.

- (2) Data gathered during an investigation may not be disclosed to third parties outside the university, unless this is necessary to enforce the imposed disciplinary measure (e.g. informing Campus Security). If a disciplinary measure defined under Section 3 (2) numbers 3 or 4 is implemented, the affected teaching staff will be informed. The outcome of disciplinary proceedings will be communicated to the parties affected by the violation.
- (3) Should a violation of regulations also constitute a violation of criminal law, the responsible law enforcement authority will be informed as well.

Section 7

Entry into force

These regulations will enter into force on the day after their publication in the Official Notices of Rhine-Waal University of Applied Sciences.

Note: These regulations entered into force in their present version on 2 October 2024.