

# Official Announcement

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## **Regulations of Karlsruhe Institute of Technology (KIT) Governing Disciplinary Measures**

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# **Regulations of Karlsruhe Institute of Technology (KIT)**

## **Governing Disciplinary Measures**

April 12, 2022

Pursuant to Article 10, par. 1 of the Act on Karlsruhe Institute of Technology (KIT Act – KITG) of July 14, 2009 (Bulletin, 2009, pp. 317), last amended by Article 2 of the Act on the Amendment of the Act of Baden-Württemberg on Universities and Colleges and Other Acts (Gesetz zur Änderung des Landeshochschulgesetzes und anderer Gesetze) of October 26, 2021 (Bulletin, p. 941) and Article 62 a, par. 3, cl. 2 and Article 12, par. 3 of the Act of Baden-Württemberg on Universities and Colleges (Landeshochschulgesetz, LHG) of January 1, 2005 (Bulletin, pp. 1), last amended by Article 7 of the 10<sup>th</sup> Ordinance of the Ministry of the Interior on the Adaptation of State Law to Changed Departments and Designations of Ministries (10. Anpassungsverordnung) of December 21, 2021 (Bulletin, 2022, pp. 1, 2), the KIT Senate adopted the following regulations in its meeting on March 21, 2022.

The Executive Board of KIT approved these regulations on April 4, 2022.

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## **Article 1 Scope of Application and Validity**

(1) The present regulations cover disciplinary proceedings and measures against students according to Article 60, par. 1 LHG (including doctoral researchers enrolled at KIT) based on Article 62 a, par. 3, cl. 2 LHG, as amended.

(2) The possibility of taking measures according to the Statutes on House Rules of KIT of May 27, 2021 (Official Announcement No. 27 of July 7, 2021), as amended, is not affected by disciplinary measures imposed.

## **Article 2 Breach of Regulations**

A student does not comply with the regulations, if she or he

1. uses force, incites violence, threatens to use violence, or severely or repeatedly violates a legal order in accordance with the house rules
  - a) to disturb, prevent or attempt to prevent proper operation of a university facility, the activity of a university body, the organization of a university event, or studies in any other way or
  - b) to significantly impede a member or affiliate of the university in exercising her or his rights or obligations or to prevent or try to prevent them from doing so,
2. has been issued with a final sentence for an intentional crime according to German criminal law against a member or affiliate of the university and the nature of the crime threatens to impede studies or other activities of this member or affiliate,
3. intentionally violates the dignity of another person at the university by sexual harassment as specified in Article 3, par. 4 of the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz, AGG).

## **Article 3 Composition of the Regulatory Committee**

(1) For decisions on disciplinary measures according to Article 62 a LHG, a Regulatory Committee is established. It consists of the following members having the right to vote:

1. An external person with the qualification for judicial office as chairperson,
2. a member of the group of university professors of KIT according to Article 10, par. 1, No. 1 LHG,
3. a member of the group of academic employees of KIT according to Article 10, par. 1, No. 2 LHG,
4. a member of the group of other employees of KIT according to Article 10, par. 1, No. 5 LHG,
5. a member of the group of doctoral candidates of KIT according to Article 10, par. 1, No. 4 LHG, and
6. two members of the group of students of KIT according to Article 10, par. 1, No. 3 LHG.

The KIT Equal Opportunities Commissioner and an employee of KIT with the qualification for judicial office will take part in the meetings of the Regulatory Committee as guests with an advisory vote.

(2) The members of the Regulatory Committee are appointed by the KIT Senate upon proposal by the Senate members for the status groups defined; as regards the appointment of the chairperson, the Executive Board has right of proposal. The term of office of members specified in clause 2, Nos. 1 to 3 is two years, that of members defined in clause 2, Nos. 4 and 5 one year.

As a rule, the terms of office start on October 1 of a year. A second term of office is possible; in case of par. 1, Nos. 4 and 5, up to three additional terms of office are possible. For every member, a deputy from the same group is appointed, who will assume the member's rights and obligations, if the latter is absent; for the chairperson, the KIT Senate designates a permanent deputy from the members appointed according to par. 1, who will replace the chairperson, if she or he is absent. Clauses 1 through 4 apply accordingly to deputy members. When appointing the Committee members, the KIT Senate should act to ensure diversity; Committee members should also work in different professional areas. When appointing Committee members, attention should be paid to the fact that the members do not have any dependent relationships, in particular relationships of economic or administrative character, with each other.

#### **Article 4 Initiating Disciplinary Proceedings**

(1) The chairperson of the Regulatory Committee will act

1. on request of a person possibly affected by a violation of regulations according to Article 62 a, par. 1 LHG or
2. ex officio, if she/he obtains knowledge in another way of sufficient reasonable indications of a violation of regulations as specified in Article 62 a, par. 1 LHG.

The request must be submitted in writing to the chairperson of the Regulatory Committee.

(2) The chairperson must examine the matter at her/his due discretion. If she or he finds that sufficient indications of a violation of regulations exist, she or he will initiate proceedings according to the present regulations against the accused person. In case the chairperson finds that indications of a violation of a regulation do not exist, she or he will inform the applicant according to par. 1, cl. 1, No. 1 accordingly. If the applicant does not agree with this finding, she or he can request, within a period of one week, examination of this finding by the Regulatory Committee.

#### **Article 5 General Principles of Proceedings**

(1) All stages of the proceedings must be executed in a simple, expedient, and quick way.

(2) Before imposing a disciplinary measure, the accused person and the injured person must be given the opportunity to comment. Until completion of the proceedings, the accused person has the right to inspect the files according to the present regulations. The right to inspect the files must be granted to the extent envisaged by Article 29 of the Baden-Württemberg Administrative Procedure Act (Landesverwaltungsverfahrensgesetz, LVwVfG). The Regulatory Committee may refuse the inspection of the files completely or partly, if this is required for

1. tactical reasons relating to the ongoing investigation or for
2. the protection of injured persons or whistleblowers.

(3) During interrogations and hearings, every member of the Regulatory Committee has the right to ask relevant questions. The members of the Regulatory Committee have the right to inspect the case file; the corresponding request must be addressed to the chairperson.

(4) The Regulatory Committee may delegate individual activities relating to the proceedings, in particular the taking of evidence, such as hearing of witnesses, to individual members. It must be ensured that two persons at least participate in the taking of evidence; the accordingly authorized members can ask for support by other members of KIT, provided that the latter and the Regulatory Committee agree.

(5) The members of the Regulatory Committee, consulted experts, guests, and persons as defined in par. 4, cl. 2 are obliged not to disclose any and all matters and facts,

1. which have become known to them in the closed session,
2. the confidentiality of which is required by law or ordered by the chairperson or agreed upon by the Regulatory Committee for reasons of the public good or for the protection of the justified interests of individuals,
3. the confidentiality of which is required due to their nature.

This obligation also covers consultation materials and will remain valid even after completion of the activity. The notification required according to Article 7, par. 6, cl. 4 does not represent any violation of this confidentiality obligation. Regulations on permissions to give evidence, in particular in investigation proceedings of prosecution authorities or in court proceedings, remain unaffected.

(6) Unless final regulations are included in these regulations, the provisions of the Baden-Württemberg Administrative Procedure Act, as amended, and in particular of pars. 20, 21, 23 through 26, 28, and 29 LVwVfG will apply in addition. The rules of procedure of the KIT bodies apply to the proceedings held by the Regulatory Committee, if they are referred to expressly.

(7) Data, minutes, the records according to Article 8, and other documents relating to the disciplinary proceeding under the present regulations must be kept in a separate file. Access to this file may be given to those persons only, who have been commissioned to process the matter, and to the extent required only. Paragraph 2 remains unaffected. The files are maintained by the chairperson of the Regulatory Committee. The data must be deleted promptly, one year upon the completion of the proceedings at the latest. The Regulatory Committee may request the student's file, if this is required for the execution of the disciplinary proceeding.

## **Article 6 Meetings**

(1) The Regulatory Committee is summoned by its chairperson. This is done in writing and immediately upon the completion of the preliminary examination according to Article 4, par. 2, cl. 2 by the Regulatory Committee, with the preliminary agenda being enclosed. A deadline for the invitation to meetings of the Regulatory Committee does not exist. The chairperson determines the venue and time of the meetings. On the request of at least two Committee members or the Executive Board, the chairperson is obliged to summon the Regulatory Committee promptly.

(2) The Committee meetings are not public. The Committee can request administrative employees, who are highly competent in the areas discussed, to contribute to them and to present the facts.

(3) The members of the Regulatory Committee and persons who are given the right to speak by the chairperson have the right to speak exclusively.

(4) The chairperson opens, conducts, and closes the meeting. She or he takes all measures and decisions required for an orderly course of the meeting. Absences from the meeting must be notified in due time to the chairperson.

(5) Before opening the meeting and on request, the chairperson establishes the quorum anytime.

(6) The chairperson prepares the agenda and sends it to the members of the Committee and their deputies, if members have notified their absence in due time. Together with the agenda, written submissions and, to the extent possible, proposed resolutions must be communicated.

## **Article 7 Decision-making**

(1) The Regulatory Committee discusses and decides in the course of in-person meetings. Online meetings and video and audio transmissions of meetings are permitted to the extent outlined in the Baden-Württemberg Act on Universities and Colleges only; Article 18 a of KIT's Rules of Procedure, as amended, applies accordingly to meetings of the Regulatory Committee. In the exceptional case, decisions can also be made by written procedure, if no member objects and the matters decided upon are of simple character or have already been discussed exhaustively; this also applies, if no decision was taken due to the disturbance of a meeting. The confidentiality regulations as specified in Article 5, par. 5 remain unaffected.

(2) The Regulatory Committee has a quorum, when all members have been invited and more than half of them are present.

(3) If a matter has been postponed due to the absence of a quorum and if the Regulatory Committee is invited again to discuss the same matter, it will have a quorum irrespective of the number of members present, provided that this fact was mentioned in the invitation.

(4) As a rule, voting takes place by show of hands; at a member's request, secret voting takes place. Decisions are made with the majority of the votes of the members of the Regulatory Committee. Abstentions are not permitted; if a member does not cast a vote in spite of the chairperson's request, the vote is counted as dissenting vote.

(5) The Regulatory Committee decides based on the overall result of the proceeding.

(6) In case the Regulatory Committee establishes a violation according to Article 2, disciplinary measures are taken by notification in writing to the accused, with the reasons and information on the rights to appeal being indicated. The notification is set up based on the decision taken by the Regulatory Committee and signed by the chairperson. In case the accused leaves the university before the notification is issued, the proceeding must be continued when a deadline is expected to be set according to Article 62 a, par. 3, cl. 3 LHG. The chairperson immediately informs the Executive Board and the offices responsible for the implementation of the disciplinary measures agreed upon about the decisions concluding the proceedings.

## **Article 8 Records**

(1) Records must be set up about the meetings of the Regulatory Committee and must be signed by all members.

(2) The records must contain the following details:

1. Venue and date of the meeting,
2. name of the chairperson and names of the members present and absent,
3. matters discussed and the applications submitted,
4. major contents and the results of the taking of evidence, if this was done during the meeting,
5. decisions taken,
7. the result of votings made during the meeting.

## **Article 9 Preliminary Measures**

In case of a serious violation, the chairperson can order a measure as specified in Article 10 on a provisional basis, if the decision on the measure cannot be postponed until the next meeting of the Regulatory Committee. The measure must be considered necessary to ensure the proper execution of teaching and research operations or to maintain law and order. The duration of the

provisional measure must not exceed six weeks. The reasons for the order on a provisional basis and the type of measure must be notified promptly to the members of the Regulatory Committee.

### **Article 10 Disciplinary Measures**

The following disciplinary measures may be imposed against students who have violated the regulations according to Article 2:

1. Threat of exmatriculation,
2. exclusion from the use of university facilities,
3. exclusion from participation in certain courses for up to one semester,
4. exmatriculation.

In case of an exmatriculation, a deadline of up to two years' duration must be imposed, within which renewed enrollment at the university is excluded.

### **Article 11 Enforcement of Measures**

The measures imposed by the Regulatory Committee according to the present regulations may be enforced in accordance with the Baden-Württemberg State Administrative Enforcement Act.

### **Article 12 Reports to the KIT Senate**

The Regulatory Committee annually reports the number of proceedings, the types of violation of regulations, and the disciplinary measures taken to the KIT Senate. The report must not allow any conclusions to be drawn with respect to single proceedings.

### **Article 13 Establishment of the Regulatory Committee; First Term of Office**

After the present regulations have entered into force, the members of the Regulatory Committee must be appointed promptly. Notwithstanding Article 3, par. 1, cl. 5, the term of office of the first members of the Regulatory Committee begins on the day of their appointment and ends upon expiry of September 30, 2024 for members according to Article 3, par. 1, Nos. 1-3 and upon the expiry of September 30, 2023 for members according to Article 3, par. 1, Nos. 4 and 5.

### **Article 14 Entry into Force**

The present regulations enter into force on the day after their publication in the Official Announcements of KIT.

Karlsruhe, April 12, 2022

*signed Professor Dr.-Ing. Holger Hanselka*  
(President)