

**DISCIPLINARY CODE  
APPLICANTS, STUDENTS AND GRADUATES**

**UNIVERSITY OF LIECHTENSTEIN**

*Please note that this is a translation. In the event of doubt, the German version is legally binding.*

Vaduz, 18 June 2012

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**In compliance with Art. 31, para. 4 of the law governing the University of Liechtenstein of 25 November 2004, the University Council has issued the following Disciplinary Code and submitted it to the attention of the Government:**

## **I. General**

### **Art. 1**

#### *Scope of application*

This Disciplinary Code applies to:

- a) Applicants for admission to the University of Liechtenstein
- b) Students on programmes at the University of Liechtenstein
- c) Participants in events held by the University of Liechtenstein
- d) Graduates of programmes from the University of Liechtenstein.

### **Art. 2**

#### *Identification*

To the extent that no express differentiation is made, references to people and professional positions made in this Disciplinary Code encompass both genders.

## **II. Organs**

### **Art. 3**

#### *Organs*

The organs responsible for discipline maintenance are:

- a) Rectorate
- b) Administrative Department for Legal Affairs
- c) Disciplinary Commission

### **Art. 4**

#### *Disciplinary commission*

- 1) The University Council appoints the members and any deputies of the Disciplinary Commission on referral by the Rectorate for a length of four years each. A re-election is permitted.
- 2) The Disciplinary Commission is composed of:
  - a) a Chair, who is not contracted to the University to deliver services or provide tuition, nor is registered as a student
  - b) two Professors at the University
  - c) a representative from the Junior Faculty, from the student body and from the University Administration
  - d) the Rector in an advisory role
- 3) On request of the Rectorate, the Disciplinary Commission conducts a disciplinary action in compliance with this code and finalises each action with a directive.

### **III. Breach of discipline**

#### Art. 5

##### *Breach of discipline*

A person has breached discipline in particular when he:

- a) Provides incorrect or incomplete information in his application
- b) Acts in a dishonest way during performance tests
- c) Submits a written paper that was not written by himself or hands in a paper under his name containing results and findings that are not his own
- d) Disturbs lectures or events at the University or hinders operations in any way
- e) Causes material or immaterial damages to the University
- f) Threatens, harasses or prevents University staff, lecturers, students or guests of the University from carrying out their business
- g) Damages the reputation and standing of the University with his behaviour either in or outside the University
- h) Makes fraudulent use of an ID, a certificate or an attestation issued by the University
- i) Makes improper use of protected areas of data or data pooling in an improper way or contrary to their conditions of use
- j) Uses infrastructure of the University in order to store or distribute material or data in a way that runs contrary to the basic principles of the University
- k) Commits any other kind of behaviour that damages the University in a direct or indirect way

#### Art. 6

##### *Limitation*

A breach of discipline lapses twelve months after knowledge of the breach by an organ responsible for discipline maintenance at the University of Liechtenstein.

### **IV. Disciplinary enquiry**

#### **A. Introduction**

#### Art. 7

##### *Investigation*

In the case of sufficient suspicion that a disciplinary enquiry is necessary, the Rectorate assigns the Administrative Department for Legal Affairs to conduct a preliminary investigation of the case and to issue a statement within an appropriate time period.

#### Art. 8

##### *Negligible breach*

- 1) In the case of a negligible breach of discipline, the Rectorate is authorized, after consultation with the Chair of the Disciplinary Commission, to take disciplinary measures pursuant to Art. 15 a-d without conducting a disciplinary enquiry. The accused person is to be questioned in advance by the Rectorate and can insist on an official disciplinary enquiry.

- 2) In particularly mild cases, the Rectorate can, after consultation with the Chair of the Disciplinary Commission, dispense with disciplinary measures.

#### Art. 9

##### *Transfer to the Disciplinary Commission*

When the breach of discipline is not negligible, the Rectorate transfers the enquiry to the Disciplinary Commission by handing over all relevant documents as well as the statement from the Administrative Department for Legal Affairs and requesting a disciplinary enquiry to be conducted. The defendant is to be informed.

#### Art. 10

##### *Immediate measures*

In disciplinary action pursuant to Art. 5b and d, the person at the University of Liechtenstein aware of the breach of discipline is authorised, without previous investigation, to interrupt the performance assessment or immediately put a stop to the disturbance. The Rectorate, the Administrative Department for Legal Affairs as well as the student's Academic Director is then to be informed of this measure without delay.

#### Art. 11

##### *Precautionary measures*

- 1) If in the circumstances it is necessary to protect the peace and order as well as the standing of the University, the Rectorate can exempt the defendant from courses, offers, modules or rooms of the University, or refuse acceptance or admission, with immediate effect until the completion of the disciplinary enquiry.
- 2) If the Rectorate takes precautionary measures, the case is to be investigated immediately by the Administrative Department for Legal Affairs. If the defendant seeks a hearing with the Rectorate, this is to be enabled within a working week from the moment the precautionary measure was taken.
- 3) The Disciplinary Commission finally decides within an appropriate time period on whether the precautionary measure should be continued.

## **B. Implementation**

#### Art. 12

##### *Analysis of the case*

- 1) Any disciplinary enquiry launched is to be conducted quickly. In the case of criminal cases, the organs of the disciplinary enquiry are obliged to bring this to the attention of the state authorities.
- 2) The Administrative Department for Legal Affairs analyses the case in detail. In the process the defendant, as well as other persons involved, are interviewed; files, reports and documents are considered; and other appropriate investigative actions are taken. The refusal to give evidence is valid in accordance with the rules of the Code of Criminal Procedure.
- 3) After completion of the investigation, the Department for Legal Affairs delivers a written statement to the Disciplinary Commission and the Rectorate including the recommended action to be taken.
- 4) The negotiations held by the Disciplinary Commission are principally not public. In special cases the Disciplinary Commission can arrange a verbal negotiation, at which the Department for Legal Affairs and the defendant, as well as other persons with information of relevance are to be heard.

Art. 13

*Defendant's rights*

The defendant has the right to inspect files for information and the right to defend himself. He can send his respective statements and pleadings to the Disciplinary Commission or to the Department for Legal Affairs and have copies made to prove his case.

Art. 14

*Decision*

- 1) The Disciplinary Commission is quorate when all members or their deputies are present. Each member has a vote and the voting takes place in an open environment. In the event of a tie, the Chair has the casting vote.
- 2) The directive is to be issued in written form and to be sent to the defendant, the Rectorate and the Department for Legal Affairs. It must contain a justification and information on rights of appeal.

## **V. Disciplinary measures**

Art. 15

*Disciplinary measures*

- 1) The Disciplinary Commission can take the following disciplinary measures in one or several combined forms:
  - a) Issue a written or verbal reprimand with or without added requirements
  - b) Declare credits or papers as failed;
  - c) Expulsion von modules, courses or other events or from the use of University facilities,
  - d) Threat of expulsion from the University of Liechtenstein
  - e) Expulsion from the University or individual modules and programmes
  - f) Withdrawal of academic title or degree
  - g) Appropriate alternative actions compliant with IIIa. of the main section of the Code of Criminal Procedure.
- 2) The disciplinary measure can also be conditionally suspended and a trial time of maximum two semesters set, if it can be expected that the defendant will not commit any further breaches of discipline.
- 3) The type, length and combination of disciplinary measures must be compatible with the significance of the breach and with the defendant, his motives and his previous behaviour.

## **VI. Legal rights**

Art. 16

*Right to appeal*

- 1) An appeal against the directive issued by the Disciplinary Commission can be made to the University Council within 14 days of issue.
- 2) Complaints against decisions made by the University Council can be filed to the Complaints Commission for Administrative Matters within 14 days of issue.
- 3) Complaints against decisions made by the Complaints Commission for Administrative Matters can be filed to the Supreme Administrative Court within 14 days of issue.
- 4) Complaints can only be made against illegal proceedings and handling or incomplete statements of fact.

## **VII. Final provision**

Art. 17

*Effect*

This Disciplinary Code takes effect on the day of being passed by the University Council.