

## By-laws relating to Student Discipline

By-laws made under section 29 (n) read with section 135 (1) (d) of the Universities Act No. 16 of 1978 as amended by Acts No. 7 of 1985 and Act No. 26 of 1988). This By-laws was approved by the Council of the University (*hereinafter referred to as "the Council"*) at its 455<sup>th</sup> Meeting held on 31<sup>st</sup> July 2021 and enforced from the 31<sup>st</sup> July 2021.

### PART I: General

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| 1. | These By-laws may be cited as the By-laws relating to Student Discipline No.07 of 2021 of University of Jaffna and shall come into operation on 31 <sup>st</sup> July 2021.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Short Title                                 |
| 2. | Without prejudice to the generality of the powers, duties and functions conferred upon the Council by the Universities Act No.16 of 1978 ( <i>hereinafter referred to as the "Act"</i> ) or by any other instrument, the Council shall be responsible for the administration and implementation of these By-laws.                                                                                                                                                                                                                                                                                                                                                                           | Responsibilities of the Council             |
| 3. | The Student Disciplinary System of the University shall be maintained by the Vice Chancellor, Deans of each Faculty, Proctor, and Deputy Proctors at Faculty level and Wardens in liaison with the Marshal and Security officers across faculties. The First and Second degree offences as specified under these By-laws shall be inquired into by committees of inquiry at the Faculty level. There shall be a Board of Student Discipline established under these By-laws to inquire into commission of serious offences as defined under Third degree offences. An impartial decision shall be necessary to impose a severe punishment upon proving the offence beyond reasonable doubt. | Student Disciplinary System                 |
| 4. | Notwithstanding anything to the contrary in any of the provisions of these By-laws, the Vice Chancellor shall take appropriate action that he/she deems necessary to maintain discipline in the University and nothing in these By-laws shall be construed in a manner to detract from the powers, duties and functions conferred on or imposed upon the Vice Chancellor by the Act or by any other instrument.                                                                                                                                                                                                                                                                             | Powers and functions of the Vice Chancellor |
| 5. | (1) The Dean of each faculty of the University shall have full power and authority to exercise supervisory control over the discipline of all students within the Faculty and to conduct preliminary inquiry over any act of student indiscipline or misconduct.                                                                                                                                                                                                                                                                                                                                                                                                                            | Powers, duties and functions of the Dean    |

- (2) Where the Dean of a Faculty of the University is satisfied that there is likelihood of a breakdown of the smooth functioning of the Faculty owing to indiscipline or disorderly conduct of one or several students, the Dean may initiate a preliminary inquiry and take immediate remedial measures within two weeks with the assistance of the Proctor and Deputy Proctors to prevent such breakdown by
    - (a) warning such student or students for disorderly conduct, or
    - (b) suspension of such student or students from the University or from attending lectures or courses etc. for a period not exceeding two weeks, or
    - (c) reporting to the Vice Chancellor for action on such conduct of a student or students where the Dean is of the opinion that the incident requires the intervention of the University authorities for appropriate action under the By-laws of the University.
    - (d) The Dean shall forward a copy of a report of the preliminary inquiry into the said disorderly conduct to the Vice Chancellor under these By-laws.
6. The Proctor shall be appointed by the Vice Chancellor for a period of three years and shall have the following responsibilities:
 

Powers, duties and functions of the Proctor

  - (1) Handling all matters concerning student discipline in the University;
  - (2) Conducting preliminary inquiries, together with Deputy Proctor(s), when student indiscipline or disorderly conduct is observed/reported, and concluding the inquiry within 5 working days;
  - (3) Preparing reports or recommendations based on preliminary inquiries, in consultation with the Deputy Proctors and Student Counsellors, and submitting same to the Dean concerned and to the Vice Chancellor;
  - (4) Maintaining records of all preliminary inquiries;
  - (5) Ensuring the attendance of at least 3 Deputy Proctors in preliminary inquiries;
  - (6) Coordinating all activities with the Dean of each Faculty to which any student concerned belongs;
  - (7) Liaising with the respective wardens in instances of student misconduct at hostels.

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| <p>7. Each Faculty Board shall nominate two Deputy Proctors (one male and one female) for a period of one year and appointment shall be given by the Vice Chancellor. The Deputy Proctor shall act under the direction of the Dean of the Faculty that nominated him/her and work with the Proctor on issues of student discipline. The main responsibilities of Deputy Proctor shall be:</p> <ul style="list-style-type: none"> <li>(1) Assisting the Dean of the Faculty to maintain student discipline within the Faculty and acting under the direction of the Dean in matters of student discipline;</li> <li>(2) Working with the Proctor as a team;</li> <li>(3) Where necessary, assisting the Dean to decide on imposing sanctions on students who have misbehaved;</li> <li>(4) Submitting reports on matters of student misconduct to the Vice Chancellor through the Dean and the Proctor;</li> <li>(5) Attending meetings, investigations and inquiries when required by the Proctor.</li> </ul>                                                                                                                                                                                             | <p>Powers, duties and functions of a Deputy Proctor</p> |
| <p>8. Marshals shall come under the direct purview of the Director/Student Welfare Division and function in liaison with the Proctor, Deans, Deputy Proctors, Wardens, Student Discipline Division and Security Services Unit. The responsibilities of the Marshal shall be:</p> <ul style="list-style-type: none"> <li>(1) Maintaining student discipline by keeping vigilance on the activities and conduct of students within the university premises, under the direction of the Vice Chancellor and the Proctor;</li> <li>(2) Assisting Deans of faculties, Proctor, Deputy Proctors and Wardens in maintaining student discipline and providing necessary logistic support including secretarial assistance in conducting disciplinary inquiries;</li> <li>(3) Attending to all matters concerning student discipline from time to time as directed by the Vice Chancellor, Registrar and Proctor;</li> <li>(4) Assisting the Proctor and Deputy Proctors to conduct preliminary inquiries on incident(s) of ragging and other student misconducts;</li> <li>(5) Providing assistance to conduct investigations and formal inquiries into incident(s) of ragging and student misconduct.</li> </ul> | <p>Responsibilities of the Marshal</p>                  |
| <p>9.</p> <ul style="list-style-type: none"> <li>(1) Conducting preliminary inquiries into serious breaches of discipline committed in the Hostel and reporting the same to the Proctor and/or Vice Chancellor;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Powers, duties and functions of the Warden</p>       |

- (2) Performing such other duties as may be assigned to him/her from time to time.
10. The Security Officers shall come under the direct supervision of the Vice Chancellor and the Registrar or his/her nominee. The functions of the Chief Security Officer are:
- Responsibilities of the Security Officers
- (1) Assisting the Marshal Unit and Student Discipline Division to maintain student discipline, deal with student unrest, handle instances where breach of discipline is detected, diffuse tension, settle minor disputes, and report such incidents to the Vice Chancellor and/or Registrar and/or Proctor as required;
  - (2) Assisting the Student Discipline Division in conducting disciplinary inquiries; and
  - (3) Acting as directed by the Vice Chancellor and/or the Registrar or his/her nominee.
11. There shall be a Board of Student Discipline which will be a Sub-committee of the University Council (*hereinafter referred to as the "Board"*) established under these By-laws constituted as provided in Sub-section (2)
- Board of Student Discipline
- (1) Subject to the provisions of the By-law, the Board shall have the following functions.
- Role of the Board
- (a) Review and assess merit of the evidences presented in a report forwarded by the Vice Chancellor, following a formal inquiry pertaining to student misconduct, conducted at Faculty level in terms of these By-laws;
  - (b) Recommend to the Vice Chancellor the course of action to be taken;
  - (c) Revisit the recommendations made in the formal inquiry report, if it is referred by the Vice Chancellor for further deliberation;
  - (d) Make recommendations as the Board shall think appropriate to prevent such problems in future.
- (2)
- Composition of the Board
- (1) The Board shall comprise:
- (a) Two members appointed by the Council from among the UGC appointed members of whom one member must be conversant with legal proceedings
  - (b) Deans of Faculties
  - (c) Two Deputy Proctors appointed by the Vice Chancellor (one male and one female)

- (d) Two Student Counsellors appointed by the Vice Chancellor (one male and one female)
  - (e) Two Wardens appointed by the Vice Chancellor (one male and one female)
  - (f) Registrar or his/her representative (Convener/Secretary)
- (3) The members of the Board shall elect the Chairperson from among the Council members of the Board.
  - (4) The non ex-officio members shall hold office for a period of one year, except the Council appointed members who shall hold office for three years with effect from the date of appointment or until their resignation or termination from the membership at the Council.
  - (5) Both Council appointees shall be present at the meetings. In the event that neither Council appointee is able to attend a meeting the meeting shall be adjourned, except under special circumstances where an urgent decision is required, when the members shall elect one of the Deans present as Chairperson for the meeting, subject to the condition that Dean of a Faculty shall not chair the meeting if the incident inquired into had occurred within the premises coming under his/her purview or the student(s) whose alleged indiscipline or misconduct is inquired into belongs to his/her faculty.
  - (6) The quorum for the meeting of the Board shall be Eight (8) members.
12. The Dean of a Faculty and the Proctor in liaison with the Deputy Proctor, Marshal, Wardens and Chief Security Officer shall be empowered by these By-laws to hold a preliminary inquiry at the Faculty level.

#### Commencement of Disciplinary Action

In case the Dean or the Proctor thinks that the offence is of a serious nature and hence the preliminary inquiry should be conducted by an independent body to ensure impartial decision, the matter shall be referred to the Vice Chancellor, in the form of a report, under section 5 (2) (c) of this By-law; and upon receiving the report, the Vice Chancellor shall either conclude the matter if he/she thinks that he/she is empowered under these By-laws to decide the punishment, or appoint a Committee of Inquiry within fourteen (14) days of receipt of the report if he/she thinks that it must undergo a formal inquiry.

A charge sheet shall be prepared by the Legal Officer and issued to the student(s) alleged of the offence.

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| 13. | The Vice Chancellor shall appoint a Panel of Inquiry from among the members of the Board to hold an inquiry into the alleged offence and recommend appropriate disciplinary action; and the Board shall ensure that the inquiry is conducted in conformity with natural justice and that the inquiry is concluded within one (01) month from its date of commencement.                                                                            | The Panel of Inquiry      |
|     | No Dean of a Faculty shall be chairperson or member of the Panel of Inquiry if the student(s) whose alleged indiscipline or misconduct is inquired, belong(s) to his/her faculty.                                                                                                                                                                                                                                                                 |                           |
| 14. | The disciplinary inquiry procedure shall be in accordance with the procedure prescribed under the Circular No.946/2011 of the University Grants Commission.                                                                                                                                                                                                                                                                                       | Procedure of the Inquiry  |
|     | Provided that, in the case of a student who has committed an offence which is wholly or partially connected with sexual and gender based violence, the Proctor and the Chairperson of Grievances Committee of the Centre for Gender Equity and Equality shall decide the procedure for inquiry into such offences in line with the procedure as prescribed under the Circular No.946/2011 of the University Grants Commission (see Schedule (I)). |                           |
| 15. | The Board shall forward its recommendation to the Vice Chancellor within five (05) working days from the date of conclusion of the inquiry. The Vice Chancellor may accept or reject the recommendation of the Board or refer back the recommendation with his/her observations to the Board for reconsideration.                                                                                                                                 | Conclusion of the Inquiry |
|     | The Vice Chancellor shall place the decision before the immediately following meeting of the Council.                                                                                                                                                                                                                                                                                                                                             |                           |
| 16. | The penalty as prescribed in Schedule (II) of this By-law shall be imposed by the Vice Chancellor.                                                                                                                                                                                                                                                                                                                                                | Penalty                   |

## PART II: Offences and Punishment

(The offences and punishment prescribed below are in accordance with Circular No. 946/2011 of University Grants Commission)

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| 17. | These By-laws shall apply to every Registered Student of the University of Jaffna, Sri Lanka ( <i>hereinafter referred to as the "University"</i> ). | Applicability of<br>the By-laws |
|     | (a) For the purpose of these By-laws, Registered Student means any student who has already been duly admitted and                                    |                                 |

registered at the University for any academic year or any student who is duly admitted and registered from time to time in respect of any academic year or other period of study.

“Academic Year” for the purpose of these By-laws, shall be construed to mean the academic year as decided by the Senate from time to time.

- (b) Every student of the University shall be of good conduct and shall at all times conduct himself/herself in a disciplined manner befitting an undergraduate or postgraduate student.

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| <p>18. Students are admitted and registered as undergraduate or postgraduate students of the University and shall at all times endeavour to safeguard the dignity, good name and reputation of the University.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Duty of registered students'</p> |
| <p>19. The students who are enrolled to the university shall be registered in accordance with the provisions as follows:</p> <ul style="list-style-type: none"> <li>(a) On admission to the university, no student shall be duly registered as a student on admission to the University until such student provides an application on the prescribed form for registration together with a declaration duly signed by him/her as instructed by the Registrar and any such document as may be necessary for the purpose. Upon receipt of such application, the Registrar or an officer nominated by him for the purpose shall register such student and issue to the student so registered an Identity Card and Student's Record Book bearing a photograph of the student duly embossed with the Seal of the University which shall be final and conclusive evidence pertaining to the identity of the student and to the accuracy of the particulars stated therein.</li> <li>(b) Renewal of Student Registration is needed for each academic year and the Record Book shall be revalidated after each registration.</li> <li>(c) Where a student fails to complete his or her study within the relevant academic year or other period of study, he or she shall be required to re-register in the University for the purpose of this By-law.</li> </ul> | <p>Registration of students</p>     |
| <p>20. Every Registered Student of the University shall be issued with a copy of Student's Charter together with a copy of these By-laws, the provisions of which will be binding on him/ her in conformity with the declaration made by him/her in terms of Section 17(b) of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Issue of Students' Charter</p>   |

the application for University admission submitted by him/her to the University Grants Commission

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| 21. Every Registered Student, during the period of his/her study at the University, shall have in his/her possession either such Identity Card or Student's Record Book, which he/she shall produce when reasonably required to do so by a member of the academic staff or by any officer authorized by the Vice Chancellor or Registrar. | Possession of Identity card by students |
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### **First Degree Offences**

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| 22. If a Registered Student fails to or wilfully refuses to produce the Student Identity Card when reasonably required to do so by a member of the academic staff or an officer authorized by the Vice Chancellor or Registrar, the student shall be deemed to have committed an offence punishable under these By-laws.                                                               | Refusal to produce Student Identity Card   |
| 23. Upon coming into operation of these By-laws, the University shall have full power and authority to consider and assess the conduct of each student in determining the eligibility of such student for the conferment on him of a degree, diploma, certificate or other academic distinctions.                                                                                      | Confirmation of the degree, diploma & etc. |
| 24. The Student shall endeavour to foster a corporate and community spirit of life and shall always respect the liberty, freedom and personality of every fellow student.                                                                                                                                                                                                              | Duty of a student                          |
| 25. In the event of a student wilfully defying or refusing to follow the Code of Conduct prescribed by the University from time to time, the student shall be deemed to have committed an offence punishable under these By-laws.                                                                                                                                                      | Denial to follow the Code of Conduct       |
| 26. If a student obstructs or harasses any officer, member of the academic or administrative staff or any other employee of the University or any other person authorized by the University in the course of performance of duty, the student shall be deemed to have committed an offence punishable under these By-laws.                                                             | Obstruction or harassment                  |
| 27. If a student refuses to carry out any lawful instruction by the Vice Chancellor, Deputy Vice Chancellor or Rector, any other officer, a member of the Academic or Administrative or Security Staff or any other employee or any other person authorized by the Vice Chancellor or Rector, the student shall be deemed to have committed an offence punishable under these By-laws. | Refusal to carry out any lawful order      |

### **Second Degree Offences**



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| 28. Every registered student shall be obliged to protect and safeguard property of the University. "Property" for this purpose includes buildings, libraries, lecture halls, furniture, equipment, hostels, playground and all other movable and immovable assets of the University.                                                                                                                                                                                                                                                                                                                                                   | Protection of the university property                        |
| 29. In the event of any student being found guilty of destroying, damaging, defacing, alienating, misusing or unlawfully appropriating to himself/herself any University property or property in the custody of the University or Campus or held temporarily by the University/Campus, the student shall be deemed to have committed an offence punishable under these By-laws.                                                                                                                                                                                                                                                        |                                                              |
| 30. Any student who has stolen or attempted theft of property within the University/Campus premises or has retained stolen property belonging to the University/Campus or has caused wilful damage to the University/Campus property or to property of an officer, a member of the academic or administrative staff, an employee or a student of the University/Campus of any other person authorized to be in the premises of the University/Campus or at an event organized with the authority of the University/Campus within or outside its premises, shall be deemed to have committed an offence punishable under these By-laws. | Theft of any university property                             |
| 31. In the event of a student convening meeting(s) of a group of students, any society or association or union which has not been recognized by the University/Campus or convening such meetings without prior approval of the University/Campus or displaying/ distributing publications/posters at the University/ Campus without the authorization of the Vice Chancellor/Rector or any other person authorized by the Vice Chancellor/Rector, the student shall be deemed to have committed an offence punishable under these By-laws.                                                                                             | Convening meeting without prior approval                     |
| 32. Any student found to have been establishing or assisting in establishing any society or association or union except as provided for in the relevant Section of the Universities Act No 16 of 1978 as amended and/or without following the authorized procedure in that regard, shall be deemed to have committed an offence punishable under these By-laws.                                                                                                                                                                                                                                                                        | Establishing any association in contrary to Universities Act |
| 33. No student shall invite from outside the University/Campus in his/her capacity as a student of or on behalf of or at the request of students of the University/Campus, any speaker to address students, or any outside person for any purpose within the                                                                                                                                                                                                                                                                                                                                                                           | Inviting any outsider without prior approval                 |

University/Campus, except with the prior approval in writing of the Vice Chancellor/Rector or other teacher or officer designated for this purpose by the Vice Chancellor/Rector. Any student acting in breach of this rule shall be deemed to have committed an offence punishable under these By-laws.

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| 34. | Any student(s) or a Society or a Union arranging or organizing any form of collection of money or goods in the name of the University/Campus within the precincts of the University/Campus or outside without the prior written approval of the Vice Chancellor/Rector or a teacher or officer designated for the purpose by the Vice Chancellor/Rector, shall be deemed to have committed an offence punishable under these By-laws, and such Society or a Union shall be dissolved subsequently. | Collecting money without<br>prior approval |
| 35. | No student shall smell of liquor or be under the influence of or in possession of liquor, narcotic or other addictive drug, consuming or supplying liquor, narcotic, addictive drug or be gambling within the precincts of the University/Campus or hostels or playgrounds. Any student acting in breach of this rule shall be deemed to have committed an offence punishable under these By-laws.                                                                                                 | Usage of liquor or drugs                   |

### **Third Degree Offences**

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| 36. | Any student carrying out an act amounting to be an abuse/harassment (including any form of ragging/molestation), sexual harassment and/or intimidation, whether physical or mental, of any student of the University, the Vice Chancellor, the Deputy Vice Chancellor, Rector, any other officer/member of the academic or administrative staff, any other employee or any person authorized to be within or in the vicinity of the premises of the University/Campus or at an event organized by the University/Campus, shall be deemed to have committed an offence punishable under these By-laws relating to Student Discipline in liaison with By-laws relating to Sexual and Gender Based Violence. | Abuse or harassment  |
| 37. | Any student or students displaying a poster/posters within or outside the premises of the University/Campus that is/are intimidatory towards or defamatory of the University, the Vice Chancellor, the Deputy Vice Chancellor/Rector, any other officer/member of the Academic or Administrative staff or any other employee of the University/Campus, shall be deemed to be committed an offence under these By-laws.                                                                                                                                                                                                                                                                                    | Displaying poster(s) |

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| 38. No student shall cause physical injury or physical harm or threatens to cause same to any student of the University/Campus, the Vice Chancellor, the Deputy Vice Chancellor/Rector, any other officer/member of the Academic or Administrative staff or any other employee of the University/Campus, or any other person authorized to be within or in the vicinity of the premises of the University/Campus or at an event organized by the University/Campus. Any student acting in breach of this rule shall be deemed to have committed an offence punishable under these By-laws. | Causing physical injury               |
| 39. No student shall kidnap, take hostage, attempt to or threaten to take hostage or kidnap the Vice Chancellor, Deputy Vice Chancellor/Rector, any other officer/member of the Academic or Administrative staff or any other employee of the University/Campus, or any other person authorized to be within or in the vicinity of the premises of the University/Campus or at an event organized by the University/Campus. Any student acting in breach of this rule shall be deemed to have committed an offence punishable under these By-laws.                                         | Taking or attempt to take hostages    |
| 40. Any student who engages in an anti-social act or any act calculated to humiliate, ridicule, hurt or harass a fellow student or any other member of the University or engage in any anti-social conduct which may bring the University to disrepute shall be deemed to have committed an offence punishable under these By-laws.                                                                                                                                                                                                                                                        | Engaging in anti-social act           |
| 41. No student shall incite, provoke or aid and abet any other student in the commission of any of the acts specified herein before                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Provoking to commit any offence       |
| 42. A student who has received three warnings within a period of 12 calendar months shall be suspended for a period of 12 months from the date of the last warning.                                                                                                                                                                                                                                                                                                                                                                                                                        | Suspension                            |
| 43. Any student communicating with higher authorities in matters of offences and indiscipline without going through the Vice Chancellor/Rector may be suspended for up to six calendar months under these By-laws.                                                                                                                                                                                                                                                                                                                                                                         | Communication with higher authorities |
| 44. If any student has committed any other offence or act of indiscipline not explicitly stated in Part II of the By-laws, the Board on consideration of the gravity of the offence, may recommend to the Vice Chancellor either the expulsion of the student from the University/Campus; or suspension for two calendar years and withholding of examination results or certificates as appropriate; or suspension for a period not exceeding one calendar year and withholding of examination results or certificate as appropriate; or                                                  | Power of the Board                    |

issuing a severe warning that shall be recorded in the student's personal file.

### **PART III: Prohibition of Ragging and Other Forms of Violence**

The offences prescribed under this Part are in accordance with the Act to Eliminate Ragging and Other Forms of Violence and Cruel, Inhuman and Degrading Treatment, from Educational Institutions (Prohibition of Ragging and other forms of Violence in Educational Institutions Act No. 20 of 1988) be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka and Circular No. 919/2010 and No. 946/2011 of the University Grants Commission is attached in Appendix - I of this By-law.

### **PART IV: Appeal**

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| 45. Student(s) may appeal to the Vice Chancellor against a decision to punish the student(s), within one (01) week from the date the decision of the Board of Student Discipline is communicated to the student(s).          | Period to appeal                   |
| 46. A delay in appeal as provided above, shall be admissible if the student establishes that the delay was due to a reasonable cause.                                                                                        | Delay in appeal                    |
| 47. The Vice Chancellor shall place such appeal(s) before the next immediate meeting of the Council.                                                                                                                         | Placement of appeal to the Council |
| 48. The Council shall appoint an Appeals Committee consisting of 3 of its members for the purpose.                                                                                                                           | Appointment of Appeals Committee   |
| 49. The Appeals Committee shall elect its Chairman, and the Registrar shall be the Secretary to the Appeals Committee.                                                                                                       |                                    |
| 50. The Appeals Committee shall consider all appeals placed before it and submit a report to the Council within two weeks of receipt of each appeal.                                                                         | Decision on appeal                 |
| 51. Any member of the Council concerned with the appeal in question, shall not participate in the proceedings of the Council relating to the report of the Appeals Committee.                                                |                                    |
| 52. The Council shall have the power to vary the decision on the disciplinary action against the student based on the recommendation of the Appeals Committee, and the decision of the Council on the appeal shall be final. |                                    |

53. The Vice Chancellor shall communicate the decision of the Council to the appellant by registered post and the decision so communicated shall be final and conclusive. Communication of the Council's decision.

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The document, UJ/N/BL/07/2021 - *“By-law Relating to Student Discipline”* was approved by the Council of University of Jaffna at its 455<sup>th</sup> meeting held on 31<sup>st</sup> July 2021 and subsequently amended according to the document UJ/N/OT/01/2022 *“Sub-Committees of the Council and the Senate and Management of the University”* which was approved by the Council of University of Jaffna at its 461<sup>st</sup> meeting held on 29<sup>th</sup> January 2022

## Schedule (I)

### 1. The Procedure to be followed

1. The charge sheet shall contain specific charges. The VC/Rector shall serve the student respondent/s the charge sheet individually requesting to send the reply to the VC or Rector in writing within the time period granted.
2. If the respondent/s plead/s not guilty to the charges, the VC/Rector shall appoint a disciplinary committee of up to 3 members to hold a formal inquiry and submit the report within 14 days.
3. If the VC/Rector is not satisfied with the answers given, the student respondent/s shall be notified of the date of the inquiry by the Secretary to the Committee of inquiry appointed by VC/Rector from among teachers/administrative officers.
4. At the inquiry, the student respondent/s shall be informed of the evidence and have the right to defend him/herself. He/ She may make his/her own defence and call any witnesses for the defence.
5. The Disciplinary Committee may, taking into consideration the special circumstances of the situation, deny a student charged with an offence, the opportunity to question the complainant regarding the complaint made or any witness relating to the evidence given by the witness. Provided that in such a situation, the student charged with the offence shall have the right to seek in writing, through the Disciplinary Committee, clarification on specific issues relating to the complaint or evidence from the complainant or witness as the case may be. Upon the Disciplinary Committee directing such a request to the complainant or the witness, he or she shall give his or her clarifications in writing to the student charged with the offence within the time stipulated by the Disciplinary Committee.
6. The Committee of Inquiry shall have the power to summon any witness required by the prosecution and by the defence.
7. Any Committee of Inquiry appointed by the VC/Rector shall have the power to summon any student of the University/Campus/Institute as the case may be to render whatever assistance needed to conduct inquiries on matters pertaining to provision of any By-Law. A student who does not comply shall be guilty of a punishable offence. At a Committee of Inquiry a student shall be provided with relevant documents or extracts from the same, which have been used to frame charges against the students.
8. The Committee of Inquiry after finalizing its recommendations shall submit its report to the VC/Rector giving reasons for such findings and the verdict.
9. If the student/s had been found guilty for the charges, the VC shall refer the same to the Board of Discipline (BOD)/Senate to determine the punishment within the scope of the Schedule (II).
10. The said BOD shall consist of five members appointed by the VC. (In case of a disciplinary matter connected to the Campus/Institute, the VC may appoint all/or few members from the University/Campus/Institute)

11. In case of a Campus, the Rector shall forward the recommendations of the disciplinary committee to the VC of the University to which it is affiliated to follow the procedure specified under 9 above.
12. On receipt of the determination of the punishments by the BOD/Senate, the VC shall immediately place it before the Council for ratification. Thereafter the decision shall be conveyed to the student/s under registered post and where possible shall be hand delivered.
13.
  - (a) The VC/Rector may subject to the provisions in this section, declare the University out of bounds to a student who is reported to have violated any of the provisions of this By-Law or against whom the formal disciplinary inquiry or a criminal case is pending or who is the subject of Police investigation, for a prescribed period of time.
  - (b) Declaration of the University out of bounds to a student (*hereinafter called 'OUT OF BOUNDS DECLARATION'*) under this section shall mean a total prohibition on attendance/access to the Higher Educational Institution to which the student is attached and participation in any activity of the Higher Educational Institution, provided however that the VC/Rector may at his discretion permit such a student to enter the premises for a specific purpose.
  - (c) The out of bounds declaration may include such other reasonable conditions as the VC/Rector may think fit.
  - (d) The out of bounds declaration under this section shall not be considered as a punishment. The purpose of this declaration under the provisions of this section is to protect the members of the University community in general or a particular member or members and the power shall be used only where the VC/Rector is of the opinion that it is necessary to take such action. Written reasons for the decision shall be recorded and made available to the student/s concerned.
  - (e) No student shall be subjected to the out of bounds declaration unless he or she has been given an opportunity to make representations in person to the Deputy Proctor or Marshal or Chief Security Officer in the presence of the Registrar/ a Deputy Registrar. Where for any reason it appears to the VC/Rector that it is not possible for the student to attend in person, he or she shall be entitled to make the above representations in writing. The Deputy Proctor or Marshal or Chief Security Officer shall forward a written report to the VC/Rector within twenty four hours of such representations for making the decision on the out of bounds declaration.
  - (f) However, in case of great urgency, the VC/Rector considering the seriousness of the infringement of discipline committed by the students, shall be empowered to impose the out of bounds declaration on a student with immediate effect upon giving the reasons in writing to the student/students without following the above procedure.
  - (g) The VC/Rector shall review the out of bounds declaration every thirty calendar days and shall record the reasons if the validity period of the declaration is extended.

## Schedule (II)

### Recommended Punishments for Violation of Student Discipline

(Extract of Commission Circular No. 946 on Common Guidelines on Student Discipline)

Offence	Recommended Maximum Punishment
<p>(i). Refusal or failure to produce the Student Identity Card when required to do so by the VC/DVC/Rector or any other officer member of the Academic, Administrative or Security Staff or any other person authorized by the VC/Rector</p> <p><b>Explanation</b></p> <p>Any student who refuses to produce the student identity card when required shall be deemed to be a trespasser and may also be dealt with in accordance with the normal Law of the Land.</p>	<p>Considering the gravity of the offence,</p> <p>(a) suspension from the University/Campus for a period not exceeding one calendar year, depending on the gravity of the offence, and withholding of examination results or certificates as appropriate.</p> <p style="text-align: center;">OR</p> <p>(b) severe warning by the VC/Rector with a record of same in the personal file of the student.</p>
<p>(ii). Violates the By-laws on university/ Campus Residence Facility (RF).</p>	<p>Recovery of cost incurred by the University/ Campus as a result of violating any By-law and, considering the gravity of the offence,</p> <p>(a) suspension from the University/Campus for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate;</p> <p style="text-align: center;">AND/OR</p> <p>(b) denial of RF in the future;</p> <p style="text-align: center;">OR</p> <p>(c) severe warning by the VC/Rector with a record of same in the personal file of the student.</p> <p>The above punishments may be in addition to any other punishment that may be imposed for violation of any other By-law of the University.</p>



- |        |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (iii). | Destroys, damages, defaces, alienates, misuses or unlawfully appropriates to himself any property of the University/Campus or any property in the custody of the University/Campus or held temporarily by the University/Campus. | <p>A fine equivalent to 3 times of the replacement value or cost of misuse plus 25% of such value or cost; and considering the gravity of the offence,</p> <p>(a) expulsion from the University/Campus</p> <p style="text-align: center;">OR</p> <p>(b) suspension from the University/Campus for a period of two calendar years and withholding of examination as appropriate.</p>                                                                  |
| (iv).  | Contravenes any By-Law, Regulation or Rule                                                                                                                                                                                       | <p>Considering the gravity of the offence,</p> <p>(a) suspension from the University/Campus for a period not exceeding one calendar year depending on the gravity of the offence and withholding of examinations as appropriate.</p> <p style="text-align: center;">OR</p> <p>(b) severe warning by the VC/Rector with a record of same in the personal file of the student.</p>                                                                     |
| (v).   | Refuses to carry out any lawful order issued by the VC, DVC/Rector, any other officer, a member of the Academic or Administrative or Security Staff or any other employee or any other person authorized by the VC/Rector.       | <p>Considering the gravity of the offence,</p> <p>(a) suspension from the University/Campus for a period not exceeding one calendar year depending on the gravity of the offence</p> <p style="text-align: center;">AND</p> <p>(b) withholding of examination results or certificates as appropriate</p> <p style="text-align: center;">OR</p> <p>(c) severe warning by the VC/Rector with a record of same in the personal file of the student.</p> |
| (vi).  | Furnishes the University/Campus with false information in relation to any matter in respect of which the University/                                                                                                             | <p>(a) expulsion from the University/Campus for falsification of documents</p>                                                                                                                                                                                                                                                                                                                                                                       |

Campus is entitled to true particulars which in the opinion of the VC/Rector, is calculated to mislead the authorities of the University/Campus.

OR

- (b) suspension from the University/Campus for a period of one calendar year and withholding of examination results or certificates as appropriate.

OR

- (c) severe warning by the VC/Rector with a record of same in the personal file of the student.

- (vii). Smelling of liquor or under the influence of or in possession of an intoxicant, liquor, narcotic or other addictive drug, consuming or supplying liquor, narcotic, addictive drug or gambling within the precincts of the University/Campus

Considering the gravity of the offence,

- (a) suspension from the University/Campus for a period not exceeding two calendar years and/or withholding of examination results or certificates as appropriate

OR

- (b) severe warning by the VC/Rector with a record of same in the personal file of the student.

- (viii). Possessing or storing or carrying or using arms, weapons and or any other device with the intention of causing harm to persons or property within the precincts of the University/Campus

- (a) expulsion from the University/Campus for being in possession or storing or using arms and weapons within the precincts of the University/Campus

OR

- (b) suspension for three calendar years and/or withholding of examination results or certificates as appropriate for being in possession or storing or carrying any other material with the intention of causing harm to persons or property.

- (ix). Engages in such activities as are likely to disrupt the conduct of registration, teaching, study, research or examinations in the University/Campus or the administration of the University/ Campus or obstructs an event organized by the University/Campus within or outside its premises or obstructs or disrupts any

Suspension up to one calendar year and/or withholding of examination results or certificates as appropriate and recovery of monetary damage caused by the obstruction or disruption.

	other authorized event held within University/Campus premises	
(x).	Obstructs or harasses any officer member of the academic or administrative staff, any other employee of the University/Campus or any other authorized person in the performance of his duties	Suspension for two calendar years and withholding of examination results or certificates as appropriate.
(xi).	Prevents or obstructs any student in carrying out studies or research, or disrupts legitimate activities of a recognized student society/association /union.	Suspension for one calendar year and withholding of examination results or certificates as appropriate.
(xii).	Occupies or uses property of University/ Campus in violation of rules or provisions made by the University/Campus, or without authority of the VC/Rector or relevant member of staff.	Suspension for one calendar year and withholding of examination results or certificates as appropriate
(xiii).	Conducts himself in a manner which, in the opinion of the VC/Rector, is detrimental to the good name of the University/Campus or to the maintenance or order and discipline within the University/Campus	<p>Considering the gravity of the offence,</p> <p>(a) suspension from the University/ Campus for a period not exceeding two calendar years depending on the gravity of the offence and withholding of examination results or certificates as appropriate</p> <p>OR</p> <p>(b) severe warning by the VC/Rector with a record of same in the personal file of the student</p>
(xiv).	(a) Abuse/harassment (including any form of ragging/molestation), sexual harassment and/or intimidation whether physical or mental of any student of the University, VC, DVC, Rector, any other officer member of the academic or administrative staff, any other employee or any other person authorized to be within or in the vicinity of the premises of the	<p>Considering the gravity of the offence,</p> <p>(a) expulsion from the University/ Campus</p> <p>OR</p> <p>(b) suspension for two calendar years and withholding of examination results or certificates as appropriate.</p> <p>OR</p>

- |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>University/Campus or at an event organized by the University/Campus</p>                                                                                                                                                                                                                                                                                                                      | <p>(c) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate</p> <p style="text-align: center;">OR</p> <p>(d) severe warning by the VC/Rector with a Record of same in student's personal file.</p>                                                                                                                                                                                                                                                                                                |
| <p>(b) Display of posters in the University/Campus premises by any student or students, which are intimidating or defamatory of the University, VC, DVC, Rector, other officer, member of the Academic or Administrative staff or any other employee of the University/Campus.</p>                                                                                                              | <p>Considering the gravity of the offence,</p> <p>(a) expulsion from the University/Campus</p> <p style="text-align: center;">OR</p> <p>(b) suspension for two calendar years and withholding of examination results or certificates as appropriate.</p> <p style="text-align: center;">OR</p> <p>(c) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate</p> <p style="text-align: center;">OR</p> <p>(d) severe warning by the VC/Rector with a Record of same in student's personal file.</p> |
| <p>(xv). Causing of physical injury or physical harm or threatening to cause same to any student of the University/Campus, VC, DVC, Rector, any other officer, member of the academic or administrative staff, any other employee of the University/Campus or any other person authorized to be in the premises of the University/Campus or at an event organized by the University/Campus.</p> | <p>Considering the gravity of the offence,</p> <p>(a) expulsion from the University/Campus</p> <p style="text-align: center;">OR</p> <p>(b) suspension for two calendar years and withholding of examination results or Certificates as appropriate</p> <p style="text-align: center;">OR</p> <p>(c) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate</p> <p style="text-align: center;">OR</p>                                                                                               |

- (d) severe warning by the VC/Rector with a record of same in student's personal file.
- (xvi). Kidnapping, hostage taking, attempting to kidnap, or threatening to take hostage or kidnap VC, DVC, Rector, other officer, member of the academic or administrative staff, any student of the University/Campus, an employee, or any other person authorized to be in the premises of the University/Campus or at an event organized with the authority of the University/Campus within or outside its premises.
- Considering the gravity of the offence,
- (a) expulsion from the University/Campus
- OR
- (b) suspension for two calendar years and withholding of examination results or Certificates as appropriate
- OR
- (c) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate
- OR
- (d) severe warning by the VC/Rector with a record of same in student's personal file
- (xvii). Inciting of students to disrupt legitimate activities of the University/Campus.
- Considering the gravity of the offence,
- (a) expulsion from the University/Campus
- OR
- (b) suspension for two calendar years and withholding of examination results or Certificates as appropriate
- OR
- (c) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate
- OR
- (d) severe warning by the VC/Rector with a record of same in student's personal file

(xviii). Stealing or attempting to steal property within the University/Campus premises or retaining stolen property belonging to the University/Campus or causing wilful damage to property of the University/Campus or to the property of an officer, member of the academic or administrative staff, an employee or a student of the University/Campus or any other person authorized to be in the premises of the University/Campus or at an event organized with the authority of the University/Campus within or outside its premises

1. Theft

Considering the gravity of the offence, a fine equivalent to the replacement value plus 25% of such value and,

(a) Expulsion from the University/Campus

OR

(b) Suspension for two calendar years and withholding of examination results or certificates as appropriate

OR

(c) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate

OR

(d) severe warning by the VC/Rector with a record of same in student's personal file

2. Wilful damage

Considering the gravity of the offence, a fine equivalent to the replacement value plus 25% of such value and,

(a) expulsion from the University/Campus

OR

		(b) suspension for two calendar years and withholding of examination results or certificates as appropriate
		OR
		(c) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate
		OR
		(d) severe warning by the VC/Rector with a record of same in student's personal file
3. Attempted theft		Fine as determined by the committee to impose punishments and
		(a) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate
		OR
		(b) severe warning by the VC/Rector with a record of same in student's personal file
4. Retaining stolen property		Return the property and a fine as determined by the committee to impose punishments
(xix).	Violation of time limits for staying within University/Campus premises or seeking entry to University/Campus premises without authorization of the VC/Rector or any other relevant member of staff authorized by the VC/Rector, before or after the designated times or as specially notified by the VC/Rector	Severe warning by the VC/Rector with a record of same in student's personal file
(xx).	Offering gratification to any employee of the University/Campus as inducement or reward for the employee performing or abstaining from performing any official act, or expediting, hindering or preventing the performance of any	Considering the gravity of the offence, (a) expulsion from the University/Campus OR

- official act due to be executed by that employee or by any other employee of the University/Campus or any other university/campus.
- (xxi). Convening of meeting(s) of a group of students, any society or association or union which has not been recognized by the University/Campus or without prior approval of the University/Campus or displaying or distributing publications/posters at the University/Campus without authorization of the VC/Rector or any other person authorized by the VC/Rector
- (xxii). Establishing or assisting to establish any society, association or union except as provided in the relevant Section of the Universities Act No 16 of 1978 as amended and/or without following the authorized procedure in that regard
- (xxiii). Failure to comply with the rules and Regulations made by the University/Campus on the conduct of affairs of any society/association/union
- (xxiv). Convening any meeting or participating in any meeting of students in the precincts of the University contrary to the constitution of the relevant society/association/union
- (b) suspension for a period not less than six months and not exceeding two calendar years and withholding of examination results or certificates as appropriate
- Considering the gravity of the offence,
- (a) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate
- OR
- (b) severe warning by the VC/Rector with a record of same in student's personal file
- Considering the gravity of the offence,
- (a) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate
- OR
- (b) severe warning by the VC/Rector with a record of same in student's personal file
- Considering the gravity of the offence,
- (a) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate
- OR
- (b) severe warning by the VC/Rector with a record of same in student's personal file
- Considering the gravity of the offence,
- (a) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate



- OR
- (b) severe warning by the VC/Rector with a record of same in student's personal file
- (xxv). Distributing and/or displaying and/or publishing materials using print/audio/video/electronic media/any other mode of communication, which are defamatory and/or abusive of any recognized society/association/union or VC/ Deputy VC/ Rector/ any officer/ member of the academic or administrative staff, an employee, student of the University or any other person authorized to be present within the premises of the University or at an event organized with the authority of the University within or outside its premises
- Considering the gravity of the offence
- (a) Suspension for two calendar years and withholding of examination results or certificates as appropriate
- OR
- (b) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate
- OR
- (c) severe warning by the VC/Rector with a record of same in student's personal file
- (xxvi). Defacing or mutilating property belonging to the VC, Deputy VC/Rector any other officer, member of the academic or administrative staff, an employee, student of the University/Campus or any other person authorized to be present within the premises of the University/Campus or at an event organized with the authority of the University/Campus within or outside its premises.
- Considering the gravity of the offence,
- (a) expulsion from the University/ Campus
- OR
- (b) suspension for two calendar years and withholding of examination results or Certificates as appropriate
- OR
- (c) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate
- OR
- (d) severe warning by the VC/Rector with a record of same in student's personal file
- (xxvii). Inviting from outside the University/ Campus, as a student of or on behalf of or at the request of students of the University/Campus, any speaker to
- Considering the gravity of the offence,
- (a) suspension for a period not exceeding one calendar year and withholding of

	address students, or any outside person for any purpose within the University/Campus, without the prior approval in writing of the VC/Rector or other teacher or officer designated for this purpose by the VC/Rector	examination results or certificates as appropriate  OR (b) severe warning by the VC/Rector with a record of same in student's personal file
(xxviii).	Arranging or organizing any collection of money or goods in the name of the University/Campus in the precincts or outside the University/Campus without the prior approval in writing of the VC/Rector or other teacher or officer designated for this purpose by the VC/Rector	Considering the gravity of the offence, (a) suspension for two calendar years and withholding of examination results or certificates as appropriate  OR (b) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate  OR (c) severe warning by the VC/Rector with a record of same in student's personal file
(xxix).	A student receiving three warnings over a period of 12 calendar months	Suspension for a period of 12 months from the date of the last warning
(xxx).	Failure to heed the severe warning	Suspension for one academic year
(xxxi).	A student under suspension committing a further offence	Expulsion or a further period of suspension depending on the gravity of the offence
(xxxii).	Publication of notice, posters within the University/Campus premises without the permission of the authorities	Suspension for three calendar months
(xxxiii).	Selling of Newspapers/periodicals or distributing of handbills within the University premises without approval of the VC/Rector	Suspension for three calendar months
(xxxiv).	Communicating with higher authorities without going through the VC/Rector	Suspension for six calendar months
(xxxv).	Communicating with the media without the consent of the VC/Rector	Suspension for one academic year

(xxxvi).	A student who has received three warnings within a period of 12 calendar months	Suspension for a period of 12 months from the date of the last warning
(xxxvii).	Failure to adhere to the warning	Suspension for one academic year.
(xxxviii).	A student under suspension committing a further offence	A further period of suspension or expulsion depending on the gravity of the offence
(xxxix).	Unauthorized or improper use of University/Campus computer system/network	<p>Considering the gravity of the offence, a fine equivalent to the replacement value plus 25% of such value and,</p> <p>(a) expulsion from the University/Campus</p> <p>OR</p> <p>(b) suspension for two calendar years and withholding of examination results or certificates as appropriate</p> <p>OR</p> <p>(c) suspension for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate</p> <p>OR</p> <p>(d) severe warning by the VC/Rector with a record of same in student's personal file</p>
XL	Any other offence or act of indiscipline not explicitly stated in Schedule (II).	<p>Considering the gravity of the offence, a fine equivalent to the replacement value plus 25% of such value and,</p> <p>(a) expulsion from the University/Campus</p> <p>OR</p> <p>(b) suspension for two calendar years and withholding of examination results or certificates as appropriate</p> <p>OR</p> <p>(c) suspension for a period not exceeding one calendar year and withholding of</p>

examination results or certificates as appropriate

OR

- (d) severe warning by the VC/Rector with a record of same in student's personal file

## Appendix - (I)

### Prohibition of Ragging and Other Forms of Violence

The offences prescribed under this Part are in accordance with the Act to Eliminate Ragging and Other Forms of Violence and Cruel, Inhuman and Degrading Treatment, from Educational Institutions (Prohibition of Ragging and other forms of Violence in Educational Institutions Act No. 20 of 1988) be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka and Circulars No.919/2010 and No.946/2011 of the University Grants Commission as follows:

#### 1. Short Title

This Act may be cited as the Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act No.20 of 1998.

#### 2. Ragging

- (1) Any person who commits, or participates in; ragging, within or outside an educational institution, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable, to rigorous imprisonment for a term, not exceeding two years and may also be ordered to pay compensation of an amount determined by court, to the person in respect of whom the offence was committed for the injuries caused to such person.
- (2) A person who, whilst committing ragging causes sexual harassment or grievous hurt to any student or a member of the staff, of an educational institution shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding ten years and may also be ordered to pay compensation of an amount determined by court, to the person in respect of whom the offence was committed for the injuries caused to such person.

#### 3. Criminal Intimidation

Any person who, within or outside an educational institution, threatens, verbally or in writing, to cause injury to the person, or to damage reputation or property of any student or a member of the staff, of all educational institution (in this section referred to as "the victim") or to the person, reputation or property of some other person in whom the victim is interested, with the intention of causing fear in the victim or of compelling the victim to do any act which the victim is not legally required to do, or to omit to do any act which the victim is entitled to do, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to rigorous imprisonment for a term not exceeding five years.

#### 4. Hostage Taking

Any person who commits any act by which the personal liberty and the freedom of movement of any student or a member of the staff of an educational institution or other person within such educational institution or any premises under the management and control of such

educational institution is restrained without lawful justification and for the purpose of forcing such student, member of the staff or other person to take a particular course of action, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate, be liable to rigorous imprisonment for a term not exceeding seven years.

## **5. Wrongful Restraint**

Any person who unlawfully obstructs any student or a member of the staff of an educational institution, in such a manner as to prevent such student or member of the staff from proceeding in any direction in which such student or member of the staff, has a right to proceed, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to rigorous imprisonment for a term not exceeding seven years.

## **6. Unlawful Confinement**

Any person who unlawfully restrains any student or a member of the staff of an educational institution in such a manner as to prevent such student or member of the staff from proceeding beyond certain circumscribing limits, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding seven years.

## **7. Forcible Occupation and Damage to Property of an Educational Institution**

- (1) Any person who, without lawful excuse, occupies, by force, any premises of, or under the management or control of, an educational institution shall be guilty of an offence under this Act, and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding ten thousand rupees or to both such imprisonment and fine.
- (2) Any person who causes mischief in respect of any property of, or under the management or control of, an educational institution shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term to not exceeding twenty years and a fine of five thousand rupees or three times the amount of the loss or damage caused to such property, whichever amount is higher

## **8. Orders of Expulsion or Dismissal**

Where a person is convicted of an offence under this Act, the court may, having regard to the gravity of the "offence",

- (1) in any case where the person convicted is a student of an educational institution, order that such person be expelled from such institution;
- (2) in any case where the person convicted is a member of the staff of an educational institution, order that such person be dismissed from such educational institution

## **9. Bail**

- (1) A person suspected or accused of committing an offence under subsection (2) of section 2 or section 4 of this Act shall not be released on bail except by the Judge of a High Court

established by Article 154P of the Constitution. In exercising his discretion to grant bail such Judge shall have regard to the provisions of section 14 of the Bail Act, No. 30 of 1997.

- (2) Where a person is convicted of an offence under subsection (2) of section 2 or section 4 of this Act, and an appeal is preferred against such conviction, the Court convicting such person may, taking into consideration the gravity of the offence and the antecedents of the person convicted, either release or refuse to release, such person on bail.

#### **10. Notwithstanding anything in the Code of Criminal Procedure Act, No, 15 of 1979”**

- (1) the provisions of section 303 of that Act shall not apply in the case of any person who is convicted,
- (2) the provisions of section 306 of that Act shall not apply in the case of any person who pleads or is found guilty,

#### **11. Offences under this Act deemed to be cognizable offences**

All offences under this Act shall be deemed to be cognizable offences for the purposes of the application of the provisions of the Code of Criminal Procedure Act, No. 15 of 1979, notwithstanding anything contained in the Schedule (II) to that Act.

#### **12. Certificate**

Where in any prosecution for an offence under this Act, a question arises whether any person is a student or a member of the staff of an educational institution or whether any premises or property is the property of, or is under the management and control of, an educational institution, a certificate purporting to be under the hand of the head or other officer of such educational institution to the effect that the person named therein is a student or a member of the staff of such educational institution, or that the premises or property specified therein is the property of, or is under the management and control of, such educational institution, shall be admissible in evidence without proof of signature and shall be prima facie evidence of the facts stated therein.

#### **13. Admissibility of Statement in Evidence**

- (1) If in the course of a trial for an offence under this Act, any witness shall on any material point contradict either expressly or by necessary implication a statement previously given by him in the course of any investigation into such offence, it shall be lawful for the Magistrate if, after due inquiry into the circumstances in which the statement was made, he considers it safe and just”
  - (a) to act upon the statement given by the witness in the course of the investigation, if such statement is corroborated in material particulars by evidence from an independent source; and
  - (b) to have such witness at the conclusion of such trial, tried before such court upon a charge for intentionally giving false evidence in a stage of a judicial proceeding,

- (2) At any trial under paragraph (b) of subsection (1) it shall be sufficient to prove that the accused made the contradictory statements alleged in the charge and it shall not be necessary to prove which of such statements is false.

#### **14. Provisions of this Act to be in addition to and not in derogation of the provisions of the Penal Code and C.**

The provisions of this Act shall be in addition to and not in derogation of, the provisions of the Penal Code, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994 or any other law.

#### **15. Priority for Trials and appeals under this Act**

Every Court shall give priority to the trial of any person charged with any offence under this Act and to the bearing of any appeal from the conviction of any person for appeals under any such offence and any sentence imposed on such conviction.

#### **16. Interpretation**

In this Act unless the context otherwise requires “ “criminal force”, “fear”, “force”, “grievous hurt”, “hurt” and “mischief shall have the respective meanings assigned to them in the Penal Code; “educational institution” means –

- (a) a Higher Educational Institution;
- (b) any other Institution recognized under Chapter IV of the Universities Act, No. 16 of 1978;
- (c) the Buddhist and Pali University established by the Buddhist and Pali University of Sri Lanka Act, No. 74 of 1981;
- (d) the Buddha Sravaka Bhikku University, established by the Buddha Sravaka Bhikku University Act, No. 26 of 1996;
- (e) any Institute registered under section 14 of the Tertiary and Vocational Education Act, No. 20 of 1990;
- (f) any Advanced Technical Institute established under the Sri Lanka Institute- of Technical Education Act, No. 29 of 1995;
- (g) a Pirivena registered under the Pirivena Education Act, No. 64 of 1979 and receiving grants from State funds and includes a Pirivena Training Institute established under that Act;
- (h) the Sri Lanka Law College;
- (i) the National Institute of Education established; by the National Institute of Education Act;
- (j) the College of Education established by the: Colleges of Education Act, No. 30 of 1986, or a Training College;



- (k) a Government school or an assisted school or an unaided school, within the meaning of the Education Ordinance (Chapter 185)

and includes any other institution established for the purpose of providing education, instruction or training; “head of an educational institution” means the Vice Chancellor, Mahopadyaya, Director, President, Principal or any other person howsoever designated charged with the administration and management of the affairs of such educational institution; “Higher Educational institution” has the meaning assigned to it in the Universities Act, No. 16 of 1978; “ragging” means any act which causes or is likely to cause physical or psychological injury or mental pain or : fear to a student or a member of the staff of an educational institution; “student” means a student of an educational institution; “sexual harassment” means the use of criminal force, words or actions to cause sexual annoyance or harassment to a student or a member of the staff, of an educational institution.

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The document, UJ/N/BL/07/2021 - *“By-law Relating to Student Discipline”* was approved by the Council of University of Jaffna at its 455<sup>th</sup> meeting held on 31<sup>st</sup> July 2021 and subsequently amended according to the document UJ/N/OT/01/2022 *“Sub-Committees of the Council and the Senate and Management of the University”* which was approved by the Council of University of Jaffna at its 461<sup>st</sup> meeting held on 29<sup>th</sup> January 2022