

PRO-RECTORY OF STUDENT AFFAIRS

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UNIFESP STUDENT CODE OF CONDUCT

PREAMBLE

It is the role of the University to act in defense and in favor of the promotion of human rights, including individual rights and public freedom, educational, political, social, economic and cultural rights.

Part of the ethical principles of the University is the right to search knowledge autonomously, the right in relation to diversity of opinions in face of knowledge, the zeal for freedom in face of any attempt to interfere in this process, the commitment, as a social institution, to promote, through teaching, research and extension, the principles of freedom, justice and solidarity.

The purpose of the Code of Conduct is to promote the principles that form social and university awareness among the student body of the Federal University of São Paulo. Such principles should be externalized in the conduct of the student inside and outside the University towards the entire academic or non-academic community.

The student must also proceed with responsibility in all academic acts, as well as in their future profession, committing themselves in the defense of the construction of a democratic society with their contribution for education and well-being of all in society. In this way, the acts and omissions practiced by the student must be answered by them, starting from the principle that they are capable of acting from their discernment.

On the other hand, it is up to the University to contribute to the moral, intellectual and social formation of the students towards their autonomy and, within this scope, this Code of Conduct constitutes both an educational and disciplinary instrument.

This Code applies to all students regularly enrolled in undergraduate, postgraduate (specialization, *lato sensu*, *stricto sensu*) and residency courses, or enrolled in isolated disciplines, or with leave of absence, or, still, enrolled in teaching, research and extension activities of the UNIFESP, whatever their forms and duration.

This Code of Conduct replaces the Code of Ethics of the Student Body approved by the University Council in October 14, 1998. It was proposed by the Student Affairs Council and approved at a Council Meeting on April 29, 2013, with the complementary text approved in the CAE on 08/26/2013 and approved at an Ordinary Meeting of the University Council in 10/09/2013, based on the attributions and competences delegated to it in the Statute of the Federal University of São Paulo, in its Article 27, paragraphs VII and X, which are shown below:
Article 27 – It is up to the Student Affairs Council:

VII – To discipline the conduct and apply the UNIFESP student body code of conduct;

X – To deliberate on disciplinary issues of the student body.

In the UNIFESP General Regulation:

Article 180 – The Pro-Rector of Student Affairs (PRAE) is a body subordinate to the rector, with the purpose of:

III – Executing the deliberations of the Student Affairs Council.

Article 186 – The public servants shall be subject to the disciplinary regime established in the proper legislation.

Single paragraph: Without prejudice to disciplinary procedures and sanctions referred to in the caput of this article, the Code of Conduct for the student body shall serve as reference to the University Community.

Chapter IV – Of the Student Body

Article 247 – The infractions and disciplinary sanctions applied to students are provided for in this Code of Conduct.

The application of educational and/or disciplinary measure provided for in this code does not exclude the civil and criminal liability of the student.

Art. 1 – With a view to the precepts formulated, the following procedures are established for determining conflict situations and non-compliance of the rules described in this Code by students and the corresponding disciplinary measures, as well as the related rules. Therefore, the action or omission that has occurred or has produced effects on the premises of the University or on the places carrying out activities related to university activities is considered. University activities are all those of teaching, research or extension linked to the University, with an official character, including those carried out outside its premises.

I – The students' conduct must be guided by respect for autonomy and dignity of the human being. Acts or manifestations of prejudice, arrogance or violence, or that endanger the physical, psychological or moral integrity of them or others, which in this Code constitute a conflict situation, are not tolerated.

II – It is the duty of the students to make good use and take care of the public assets made available for their academic education.

III – The students are forbidden:

a) to make use of means and artifices that may defraud data or an evaluation of performance, theirs or of others, in academic activities;

d) to breach the current determinations on academic hazing;

c) to damage the property of the University intentionally or by act of negligence.

Single paragraph: In cases of damage to the property of the University, in addition to penalty, the responsible shall have the obligation of corresponding compensation for damage to public coffers, through the University.

Art. 2 – Situations of conflict and/or non-compliance with the rules are classified as:

I – Light, subject to educational measures and/or verbal warning; they are:

a) To disrespect a student, faculty and administrative members, third-party employees, interns or users of the Institution's services;

b) To use means and artifices that may defraud data or evaluation of performance, theirs or of others, in academic (such as studies and exams), laboratory, political, cultural, artistic, sports and social activities, within the University, or to cover up the possible use of these means by third-parties.

II – Medium, subject to educational measures and/or written warning and/or maximum suspension of 30 (thirty) days; they are:

a) to rescind in the previously described situations;

b) to cause damage to the property of the University, in which case, they shall also be subject to civil and criminal penalties provided for in the law;

c) to offend, slander, have prejudiced or discriminatory attitude, in which case, they will also be subject to civil and criminal penalties provided for in the law;

d) to withdraw, without permission, an object or document from the University, in which case, they will also be subject to civil and criminal penalties provided for in the law;

e) to breach the current determinations on academic hazing.

III – Severe, subject to education measures and/or suspension for more than 30 (thirty) days or termination from the university; they are:

a) to rescind in the situations classified as “medium”;

b) physical assault on any person;

c) to engage in conduct legally defined as a crime.

Paragraph 1 – The following are considered aggravating: recidivism in an act of the same gravity; committing an act through violence or serious threat.

Paragraph 2 – The occurrence of aggravating situations of recidivism within one year authorizes the application of a sanction one level higher than that initially designed.

Paragraph 3 – Suspension will imply the attribution of absences to academic activities during the period in which the penalty lasts.

Art. 3 – Educational measures consist of activities for the benefit of the University and/or community and may have a teaching, research and/or extension nature in all areas of knowledge with which the University is involved. Compliance with the educational measure must be duly proven by means of a documented report elaborated and approved by the responsible according to the nature of the activity.

Single paragraph – Socio-educational measures may be recommended by the Commission in place of warning, suspension and termination measures.

Art. 4 – It will be up to an Educational and Conduct Commission, henceforth called “Commission”, to evaluate the degree of non-observance of the attitudes of students to be evaluated in a process.

I – The denunciations must be reported to the Pro-Rector of Student Affairs in writing, containing the identification of the denunciator(s), of the denounced and the narration of the facts considered as conflict and/or non-compliance with the rules of conduct, as well as the request for the Commission to be established.

II – For each complaint, the Pro-Rector of Student Affairs shall establish a Commission.

III – If the Pro-Rector considers that the narrated facts do not constitute conflict or disobedience, the complaint will be terminated and filed, always informing the denouncer about the process.

IV – If the facts are considered as investigable, it will be up to the referred Commission to continue the works in order to ascertain the events and responsibilities, elaborating a conclusive opinion on the occurrence, indicating the degree of severity of the occurrence and the measures to be taken, or suggesting the opening of administrative investigation when appropriate.

V – The Commission will be composed of three University public servants (professors and/or technicians) and three students (undergraduate and/or postgraduate) appointed by the Pro-Rector of Student Affairs through an ordinance. If necessary, the designated students will have their absences removed for this purpose, and the servants will also be temporarily released from their activities exclusively during the term of the commission at times determined for this end.

VI – The professor or technician or student personally offended, if any, is prevented from participating in this Commission.

VII – The Commission should be mixed, composed of servants and/or students from the department, school or institute to which the student submitted to the investigation belongs, as well as members of other departments, schools or institutes of UNIFESP.

VIII – The Commission shall act by a majority vote.

Art. 5 – With the complaint received and the Commission constituted, it will have a period of 30 (thirty) consecutive days to complete its work, from the date of the act that constitutes it, being admitted a single extension, for the same period.

Art. 6 – It is up to the Commission to proceed to the appropriate clarifications, convening for the hearing those who it deems necessary, in order to understand the facts occurred. The acts of the Commission may be public or confidential, at its discretion, due to the facts being ascertained. Only the denouncer and the denounced will have access to the confidential acts with their respective prosecutor(s), if any.

I – The denounced student will be notified, with a copy of the complaint and the act of designation of the Commission to, within 5 (five) consecutive days, present their defence, with the possibility of having witnesses.

II – The student is guaranteed the broad right of defence at all stages of the process, as well as the right to follow the process in person or through a prosecutor. The denouncer shall also be notified on the initiation of the process, and may, at their discretion, follow the activities of the Commission in person or through a prosecutor.

III – The Commission will elaborate a report with a conclusive opinion and forward it to the Pro-Rector specifying the occurrence, its gravity, the reasons for its convictions, as well as the suggested measures, or recommending its filing.

IV – Having received the process, the Pro-Rector of Student Affairs will make a reasoned decision.

V – The decision of the Pro-Rector, if not the dismissal of the student, will proceed to the Campus of which the student belongs for the proper arrangements.

VI – If the Commission suggests the dismissal of the student from the University, the Pro-Rector of Student Affairs will forward the files to the Consu, for evaluation, decisions and application of the sanction.

VII – The student may request the Pro-Rector of Student Affairs to reconsider the act that imposes disciplinary sanction, within 10 (ten) consecutive days after the knowledge of the interested party.

Art. 7 – The sanctions applied will be registered in the student's record, being discarded after the course of 1 (one) year, if, in that period, they do not practice a new act that conflicts with the conduct recommended herein.

Art. 8 – The Student Affairs Council and the Pro-Rectory of Student Affairs shall elaborate, propose and implement medium and long-term measures aimed at preventing actions that violate this Code of Conduct.

Art. 9 – The Student Affairs Council, the Pro-Rectory of Student Affairs and the Rectory shall make this Student Code of Conduct widely available.

Art. 10 – Omitted cases will be solved by the Student Affairs Council.