

FAQ - Everything you need to know about the disciplinary board for users

What is the disciplinary board for users?

The disciplinary section with jurisdiction over users is a specific body within higher education institutions, whose operation is governed by the French Education Code (Articles L. 811-5 et seq.; R. 811-10 et seq.), and, in the case of the Paris Institute of Political Studies (Sciences Po), also by Decree n° 2016-24 of January 18, 2016. These disciplinary sections operate independently from the administration of their respective institutions.

The disciplinary section may impose sanctions for any acts, whether committed inside or outside the institution, as long as the user in question was enrolled at the institution at the time the proceedings were initiated. This applies in cases such as:

- breaches of regulations and codes of conduct applicable to users of the public higher education service,
- offenses such as exam fraud, plagiarism,
- or any other behavior likely to disrupt the order, proper functioning, or reputation of the institution.

Proceedings before the disciplinary section may be initiated by the Director of the institution or by the Rector of the academic region.

Composition of Sciences Po's disciplinary board

Under Decree No 2016-24 (Jan 18 2016), Sciences Po's board comprises 10 members:

- 4 teachers or researchers,
- 4 users,
- 2 staff representatives from FNSP.

The disciplinary section is always chaired by a member from the first category mentioned above (faculty/researchers). Members are elected by and from among the elected representatives of faculty members, researchers, postdoctoral research assistants, staff, and students sitting on the Institute Council, the Scientific Council, and the Student Life and Education Council, via a two-round majority vote by secret ballot. They serve until their successors are appointed.

Members of the disciplinary section, as well as the person in charge of the secretariat, are bound by a duty of confidentiality regarding the investigative procedures and the deliberations of the cases reviewed.

[list of members -november 2023](#)

Disciplinary procedure steps

Notification of Referral to the Disciplinary Section to the user

The user is notified of the referral to the disciplinary section by a letter from the president of the disciplinary section, which includes a copy of the referral letter from the Sciences Po administration. The president also sends a copy of the referral letter to the regional rector and to the academic mediator. The user is informed that they may be assisted by a counsel of their choice and may access the case file during the course of the investigation.

Appointment of Two Rapporteurs : The president of the disciplinary section appoints two rapporteurs: one from among the faculty members of the section, and a deputy rapporteur from among the student members. The president sets a deadline for the submission of the investigation report, which may not exceed two months, except in cases where an additional investigation is ordered or the investigation is reopened due to the submission of new evidence.

Investigation of the Case : During the investigation, the investigative committee may hear or consult any individual likely to provide relevant information regarding the facts under review. If the user under investigation requests to be heard, the committee is obliged to summon and hear them. The Director of Sciences Po may also be invited to present comments.

Preparation of the Investigation Report : The investigation report outlines the facts of the case, the comments presented by the authority that initiated the proceedings, and the responses or observations submitted by the user or their counsel.

Summons to the Hearing : The user is summoned to the hearing at least 15 days in advance. The summons informs the user (or their counsel) of their right to consult the investigation report and the case file at least 10 days before the hearing. It also states the user's right to present oral arguments during the hearing, either personally or through their counsel. If the user is unable to attend the hearing, they must inform the disciplinary section as soon as possible. The section may decide to proceed in their absence if no legitimate reason is provided or postpone the hearing to a later date. The user may also submit a written statement in their defense.

Hearing of the Case : During the hearing, the investigation report is read by the designated rapporteur. The user or their counsel may present their observations. Witnesses may be heard, along with any counsel they may have, in the presence of the user. The user always has the final word.

Deliberation and Vote : After the hearing is closed, the members of the disciplinary section deliberate and vote. If multiple sanctions are considered, a vote is first held on the most severe sanction discussed. If no sanction receives a majority vote, the proceedings are deemed dismissed. The disciplinary section's decision must be justified (Article R. 811-39 of the French Education Code).

What are the statuses and rights of the different parties involved in the disciplinary procedure?

The complainant, referred to in the French Education Code as having the status of a witness and who considers themselves harmed by the actions of the user under investigation, is not considered a "party" to the procedure. The disciplinary action initiated by the institution's administration aims to sanction the behavior of a user of the public education service for violating the rules applicable to them in that capacity. As a result, the complainant does not have the right to be informed of all aspects of the procedure, to attend all hearings, or to appeal the disciplinary section's decision before the Administrative Court.

However, the complainant may be heard as a witness during the administrative investigation phase by the administration, during the disciplinary section's investigation phase by the rapporteurs, and during the disciplinary hearing. At each of these stages, they may be assisted by a counsel of their choice.

The person under investigation is accused of acts that may violate the regulations and codes of conduct applicable to them as a user of the public higher education service. As long as the disciplinary procedure is ongoing, they benefit from the presumption of innocence. As such, they must be able to fully exercise all the rights granted to them as a user of a public higher education institution, including in particular:

- the right to be informed of all the charges against them;
- the right to access their case file throughout the investigation and, afterward, for at least 10 days prior to the disciplinary hearing;

- the right to be heard and to submit written observations;
- the right to be assisted or represented by a counsel of their choice.

During the disciplinary process, preventive and temporary measures may also be put in place if the circumstances require, in accordance with Article R. 712-1 of the French Education Code. These measures may include a decision by the Director to ban an individual from entering the institution's premises, in the event of a disturbance or threat of disturbance, when the administration lacks sufficient means to address the issue. This ban can last for a maximum of thirty days, but if disciplinary or legal proceedings are initiated, it may be extended until a final decision is reached by the relevant authority.

The Director, as the head of the institution, is the authority that initiates the proceedings but is not a "party" to the disciplinary procedure. They may submit written observations, which are included in the investigation report, and may also be invited to present oral observations during the disciplinary hearing. However, the Director does not participate in the deliberations or the vote of the disciplinary section, which operates in full independence from the administration.

What are the rules regarding access to information in the disciplinary file?

The procedure imposes strict confidentiality obligations regarding the information processed. In accordance with Article R. 811-29 of the French Education Code, access to the disciplinary file is restricted to individuals directly involved in the procedure, including: the user under investigation, the Director of the institution, their counsel, and the members of the disciplinary section.

What is the plea agreement procedure ?

The plea agreement procedure, introduced by Decree n° 2020-785 of June 26, 2020, concerning disciplinary procedures in public higher education institutions, is a specific disciplinary procedure designed to address **cases of fraud or attempted fraud**, particularly during registration, continuous assessment tests, or entrance exams.

This procedure is an alternative to formal disciplinary proceedings, used when the user acknowledges the alleged fraud or attempted fraud. Initiating the plea agreement procedure is at the discretion of the Director of the institution, who may also choose to proceed with the standard disciplinary process instead.

The procedure consists of the following steps:

1. Summons by the Director

The Director summons the user by sending a written notice (by any means that ensures a verifiable date) which includes:

- the date, time, and location of the meeting (held at least **8 days** after the summons),
- a description of the alleged misconduct,
- the **maximum penalty** that could be imposed,
- information about the **right to withdraw** their admission of guilt and **refuse** the proposed sanction,
- and the right to be assisted by a counsel of their choice.

2. Preliminary Interview

The interview takes place in the presence of:

- the Director or their representative,
- a user member of the disciplinary section,

- the user concerned, and, if applicable, the user's legal counsel.

During the interview:

- the facts are reviewed,
- and the procedure is explained, including a reminder of the maximum applicable sanctions.

3. Proposal of a Sanction

Following the interview, the Director proposes a sanction appropriate to the severity of the admitted misconduct. Possible sanctions include:

- a warning,
- a reprimand,
- a community service measure (measure de responsabilisation),
- temporary suspension of up to one year, with or without a suspended sentence.

The user has 15 days to accept or refuse the proposed sanction.

4. User's Response to the Proposal

- If the user accepts, the Director refers the case to the disciplinary section, which will decide whether to uphold the proposed sanction.
- If the user refuses or does not respond, the Director initiates disciplinary proceedings under the standard procedure.

5. Meeting of the Disciplinary Section

The president of the disciplinary section summons the user according to the procedure outlined in Article R. 811-30, providing at least 15 days' notice. The letter specifies that the user may present a defense orally, in writing, or through the counsel of their choice.

The disciplinary section votes by secret ballot and by majority of members present. It may either:

- **approve the proposed sanction, or**
- **reject it.**

If the sanction is adopted, the president notifies:

- the user,
- the Director of the institution,
- and the regional rector,

in the same manner as any other decision made by the disciplinary section. The decision takes effect from the day it is notified.

What sanctions can the competent disciplinary section impose on users?

The sanctions, as provided by Article R. 811-36 of the Education Code, are as follows:

1° Warning;

2° Reprimand;

3° A measure of accountability;

4° Exclusion from the institution for a maximum period of five years. This sanction may be suspended if the exclusion does not exceed two years;

5° Permanent exclusion from the institution;

- 6° Exclusion from any French public higher education institution for a maximum of five years;
- 7° Permanent exclusion from any French public higher education institution.

Disciplinary sanctions are recorded in the file of the sanctioned user. The warning, reprimand, and measure of accountability are erased after three years if no further sanction is imposed during that period.

When a measure of accountability is imposed as an alternative sanction and is effectively carried out by the user, only this measure is recorded in their file and is erased after three years.

What appeals are possible against the decisions of the disciplinary section?

Decisions of the disciplinary section being individual administrative decisions, they may be appealed before the competent Administrative Tribunal. The user subject to a disciplinary sanction may file an appeal within two months from the notification of the decision (Article R. 421-1 of the Administrative Justice Code).

The appeal does not suspend execution of the decision, meaning the disciplinary section's decision remains enforceable from the date of notification and throughout the procedure. However, the user may apply to the interim relief judge ("juge des référés") to request suspension of the decision's execution if urgency justifies it and if serious doubts about the legality of the decision are presented (Article L. 521-1 of the Administrative Justice Code).

The Director of the institution, the academic rector, and the Minister of Higher Education, Innovation and Research may also contest a decision of the disciplinary section before the Administrative Tribunal.

Witnesses, including the complainant, do not have the right to appeal the disciplinary section's decision before the Administrative Tribunal as they are not parties to the disciplinary procedure.

What is the impact of a criminal proceeding on the disciplinary procedure?

The principle is total independence between criminal and disciplinary procedures. This independence is based on the distinction between the jurisdictional competences of the relevant bodies. The criminal judge alone is authorized to qualify facts as criminal offenses, in accordance with criminal law. The disciplinary section focuses solely on breaches of the rules and charters applicable to the user of the public higher education service. It is not responsible for criminally qualifying the facts before it.

Consequently, ongoing criminal proceedings have no impact on the progress of the disciplinary procedure and do not suspend it. The disciplinary procedure continues so that a decision may be made regarding the user's case. However, the Council of State has accepted that a disciplinary panel may decide to suspend its decision pending the outcome of the criminal procedure "if such a measure is useful for the investigation or the proper administration of justice" (Council of State Assembly, December 30, 2014, No. 381245). Such suspension may be justified in cases of serious doubt regarding the facts' materiality or their attribution to the accused person.

Similarly, the independence of procedures means that dismissal of a criminal complaint does not necessarily affect an ongoing disciplinary procedure concerning the same facts. The absence of a criminal offense does not preclude disciplinary proceedings or sanctions for the same facts, as long as they can justify disciplinary sanction and are materially established.

If, due to the independence of criminal and disciplinary procedures, the disciplinary section is not bound by the criminal decision, it is legally required to follow the material findings of fact established by the criminal judge. Thus, if a criminal judgment occurs before the disciplinary section, the latter is bound by the acknowledgment or not of the materiality of the facts. If the disciplinary sanction is imposed before the criminal judgment, the sanctioned person may request

a re-examination of their case if the criminal judge has questioned the materiality of the facts by their decision.