



# SSE Guidance on Disciplinary and Dismissal matters

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## Disciplinary Measures at the SSE

### Sphere of applicability of the Disciplinary Regulations

The SSE Disciplinary Regulations<sup>1</sup> applies to students at any of the educational programs provided by the Stockholm School of Economics (SSE) or programs carried out in cooperation with other higher education institutions or students enrolled in educational program provided by subsidiaries to the SSE.

### Disciplinary measures towards students of the SSE

The catalogue of infringements in the Disciplinary Regulations, stipulates that disciplinary measures may be taken against a student who

1. uses prohibited means or in some other way attempt to cheat or mislead during examinations, tests or when a study achievement is otherwise to be assessed,
2. acts in such a way as to try to give a student/group of students an unfair advantage over other students when a study achievement is to be assessed,
3. disturbs or obstruct teaching, examinations, tests or other educational activities at SSE,
4. disturbs activities at the SSE library or other SSE establishment,
5. damages or purloins property belonging to SSE or which is being used for SSE activities or that is located on or in the premises where such activities are taking place,
6. subjects another student, employee or other person on official business at SSE to sexual harassment or other form of harassment *Note: This is a wider definition compared to the Discrimination Act, SFS 2008:567.*
7. knowingly provides incorrect information or withholds directly requested information about matters other than their own infringements during the handling of disciplinary and dismissal cases at the SSE. *Note: This rule is limited by generally applicable rules on self-incrimination.*
8. acts blameworthy or otherwise improperly towards another student or towards an employee, faculty or staff member at the SSE,
9. intentionally acts in such a manner that is likely to seriously damage SSE's reputation, or
10. infringes SSE regulations that has been decided by the SSE Board of Director or the President pursuant the mandate laid down in the Ordinance and General Regulations of the Stockholm School of Economics.

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<sup>1</sup> Föreskrifter om disciplinära åtgärder mot studerande i utbildningsprogram vid Handelshögskolan i Stockholm, HHSFS 2023:1.

### What are the disciplinary measures at SSE?

Generally, the disciplinary measures available are:

- warning;
- suspension; and
- expulsion.

It should be noted that the SSE Disciplinary measures deviate considerably from the regulation enshrined in the Higher Education Ordinance (SFS 1993:100), chapter 10. Notably, the sanctions at SSE are stricter in terms of suspension time and the possibility to expel wrongdoers of a serious nature.

#### *What does a warning mean?*

A *warning* by the President is only handed down in cases where President has been able to ascertain that an infringement has occurred, but the circumstance of the case has revealed that the infringement does not merit suspension. A decision on warnings

#### *What does suspension entail in general?*

*Suspension* means that the student may not participate in seminars, lectures and other teaching, departmental activities, tests, examinations or any other school activity for a pre-determined period of time (a maximum of two years) in accordance with what is prescribed in each individual case. A decision to suspend a student may also be more specific and refer only to access to and physical presence in certain school premises. A decision to suspend may also be combined with the student in question losing his/her right to scholarships at SSE.

#### *What does 'expulsion' mean?*

A decision to *expel* means that the student is *permanently* banned from studying at SSE and loses his/her right to scholarship funds at SSE. Following an expulsion, the student may not re-apply of admission to any educational program at the SSE. This measure must be distinguished from *dismissal*, which a measure that can be taken on other grounds (see below on dismissal of students).

#### *What is the legal nature a 'disciplinary measure'?*

The SSE has very high standards for academic rigour and the requirements on students mirror these values, ultimately expressed in the Disciplinary Regulations of the SSE. The nature of disciplinary measures is indeed serious for individuals, although that is intentional, and they are designed to mirror a serious wrongdoing and violation of the academic standards and rules that it is incumbent upon the students of SSE to adhere to.

Disciplinary proceedings are also subject to high standards entailing the burden and standard of proof. In order to be able to decide on such measures it is required by law and internationally recognized legal standards that the inquiry clearly reveals that a person suspected of infringing disciplinary regulations has committed the alleged offense of the Disciplinary action (to that effect, see case law in Sweden from the Administrative Supreme Court, case RÅ 1996 ref. 15, See also Article 6 of Convention for the Protection of Human Rights and Fundamental Freedoms (as amended by Protocols No. 11 and No. 14).

The legal nature of disciplinary matters in general has been dealt with by European Court of Human Rights, In *Müller-Hartburg v. Austria*, application no. 47195/06 of 19 February 2013, the Strasbourg Court assessed disciplinary proceedings against a lawyer. The Court did not find the criminal limb of Article 6 ECHR to be applicable. It took into account the fact that the applicable disciplinary provision did not address the general public but the members of a professional group possessing a special status and that it was intended to ensure that members of the bar comply with the specific rules governing their professional conduct.

The SSE Disciplinary regulations are designed in a similar fashion. The measures, therefore, do not have the elements of a criminal but rather *disciplinary nature*. Moreover, the deprivation of liberty is never at stake for the wrongdoer and the sanction, which the infringer risk to incur, and although entailing effects which could be regarded as punitive, is not in itself sufficient to qualify the measure as criminal. The same is true for possible *knock-on effect* of a disciplinary measure (see more below).

### Reporting suspected infringements

Faculty and staff members are duty-bound to report any suspected infringements of the Disciplinary Regulations to the President of the SSE. Only the President, or the body appointed by the President, is mandated to carry out disciplinary investigations.

Faculty and staff members cannot carry out investigations on their own. However, in order to reach a threshold of suspected infringement, it may be required e.g., for teachers to collect necessary information about the matter, such as the checking with students that submitted materials are their own, verifying that instructions have been properly provided and to collect explanations or other information from the students or relevance to the matter. As a general rule, the matter must be reported as soon as there is reasonable suspicion of an infringement.

#### *To whom shall a suspected infringement be reported?*

Currently, the **SSE Disciplinary Inquiries Unit** is carrying out all disciplinary investigations on behalf of the President. All materials shall therefore be sent to a central e-mail address [disciplin@hhs.se](mailto:disciplin@hhs.se).

#### *What information shall be reported to the Disciplinary Inquiries Unit?*

There are no formalities on how to report a suspected infringement. However, as a general rule, the following information is normally needed in order to be start an investigation:

1. The name of the examiner/person making the report along with contact details also to faculty, staff, witnesses concerned.
2. The Course name and Course No. concerned, or information on what activity the matter concerns
3. The name of the suspected student(s) suspected of the infringement.
4. A brief summary of the suspected infringement (as defined above).
5. If available, attach relevant documents (e.g., submissions by students, information about the course instructions etc.)

The Disciplinary Inquiries Unit will contact you the reporting person for more details.<sup>2</sup>

### Common questions related to suspension of students

#### *Does the suspended student have access to academic counselling services during the suspension time?*

**No**, it should be noted that *activities* of the school (Sw. '*annan verksamhet vid högskolan*') also comprise the possibility to benefit from such student services. The services will be resumed when the suspension time has lapsed.

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<sup>2</sup> Disciplinary and dismissal matters are subject to separate procedural regulations. See also Föreskrifter om förfarandet i Handelshögskolans disciplin- och avskiljandenämnd och Handelshögskolans överklagandenämnd, HHSFS 2023:3.

*Are suspended students allowed to attend on-line sessions or take part of distance learning sessions during my suspension?*

**No.** Suspension encompasses all teaching activities. If a suspended student were to violate this and attend classes or online-session that is replacing an in-class session this amounts to a supplementary violation of the Disciplinary Regulations.

*Are students allowed to take examinations during the suspension time?*

**No.** The suspension covers any and all examination activities. This also includes, e.g., handing in assignments, attending group work during the suspension time.

*An exam is a home exam via e.g., DigiExam. The suspended student notes that she/he can access it. Does it mean the student is allowed to take the exam?*

**No.** All examination activities are covered by the suspension. Having possibility to access examination does not in itself mean it is allowed. Attempts to take examinations during suspension times may be regarded as a supplementary infringement of the Disciplinary Regulations.

*Are students allowed to download materials from the course web?*

**Yes**, unless the suspension decision entails restricted IT-access; then **No**. Suspended students are not barred from conducting self-studies, reading books or preparing themselves during the suspension time. Hence, they are naturally allowed to read the course literature and read up on distributed materials.

*May suspended students access Canvas to take part of recorded sessions?*

**No.** This amounts to teaching activities and may not – regardless of IT-restrictions – be accessed during the suspension time. In some cases, there may be automatic restrictions employed rendering it impossible to access the service.

*Can a suspended register for courses and/or exams during the suspension time?*

**No.** Upon suspension, the SSE administration automatically de-register suspended students from all courses and examinations. When the suspension time is lapsed the student will be automatically registered again to the courses and exams that was on record at the time of the decision. N.B.! A suspended student may *not* try to re-register to courses or exams during the suspension time and she/he may *not* require others to assist them in that regard. If they do, that may amount to a supplementary infringement. Furthermore, SSE staff is allowed to correct wrongful re-registration of courses. It is sometimes technically not possible to de-register a student from a course due to on-going examinations or part assignment. Note that remaining registered for course does, however, not mean the suspended student have the right to attend or take exams.

*Can a suspended student register for, or ask for, assistance regarding activities after the suspension period?*

**Yes.** After the suspension period has lapsed, the student is entitled to resume her/his studies. In order to be able to do so, it may require registration for courses and/or examinations during the suspension time. The SSE staff will provide assistance in that regarded, when necessary. The SSE endeavours to reduce the follow-on impact of suspensions to a minimum as the length of suspension time always is decided with a view to reach a well-balanced measure with due regard to the nature and gravity of the infringement as well as the practical impact of the suspension. In so far it is

*Are there any knock-on effects of a suspension?*

**Yes.** Typically, suspension will have a direct effect on the student's study pace and affect her/his possibilities to follow time schedule and ultimately achieving the degree within the intended time frame, and the possibility of obtaining grants and loans for studies from the Swedish Board of Student Finance (Centrala studiestödsnämnden, CSN).

The actual effects vary depending on suspension time, status of previous and forthcoming exam results etc. These effects are normally always considered by the President in determining the disciplinary measures. If you have a part examination, mandatory presentation for an earlier handed-in material you are not allowed to attend such activities.

After the suspension period has lapsed you should contact the course director if you have any queries about how to handle such issues. You should, nonetheless, be aware of the fact that you may have to do re-takes or hand in new assignments depending on the nature of the examination.

***Does the SSE take into account knock-on effects of suspension?***

Yes, and although suspensions are designed to be disruptive in terms of possibilities to follow teaching and taking exams, the sanctions are determined with due regard to proportionality and with the view of minimising side effects. The length of suspension and other timing factors are always considered individually.

***The suspension means the student has not adequate ECTS to progress in the studies or remain the program – what shall the student do?***

After the suspension period has ended, the student is advised to resort to normal procedures of application of dispensation. N.B.! Dispensation errands are by their very nature individual and decided according to the circumstances of the particular case. The administration always works with due regard to consistent application of rules and regulations, but it is also a legal requirement in all these cases to take into account the particulars of each case. This means that a decision on related to follow-on effects of suspensions have no binding effect on other decisions.

### **Decisions on grading in cases when the study effort is the result of an infringement**

A common question is what shall happen with grading for study efforts that are subject to e.g. cheating. At the outset, decisions on grading are entirely separate from disciplinary decisions, albeit related to one another. Only the examiner may decide or reconsider grading. It is, however, common that the examiner is unable to assess the study effort when cheating or plagiarism has been established. In clear cases, the examiner may therefore immediately decide to fail the student. In order cases where the circumstances are more unclear, the examiner may decide to suspend the grading decision pending the outcome of the disciplinary inquiry.

Also, it appears natural that grading decision may be declared null and void if the student has misled the examiner about the study effort and wrongfully received a pass grade, and it is decided that the study effort amounts to an infringement by way of cheating or plagiarism.

## Dismissal of students at the SSE

Pursuant to the SSE Dismissal Regulations<sup>3</sup>, a student may be dismissed for a period of minimum two years from the SSE if there is clear risk that the student will harm another person or cause substantial damage to property during the student's studies, if the student

1. suffers from a *mental disorder*, or
2. *abuses alcohol or drugs or other substances*, or
3. has been found *guilty of a serious crime*.

*Note: The rules on dismissals are designed to mirror the substantive rules in the Swedish Higher Education Act (SFS 1992:1534), Chapter 4, section 6.*

### **The concept of Mental disorder or Substance abuse**

If there are reasons to assume that a student should be expelled from studies on the grounds of a mental disorder or the abuse of alcohol or drugs, the SSE Disciplinary and Dismissal Board can reach a decision that the student must undergo a medical examination.

Abuse of substances naturally covers all kinds of illicit drugs and substances, but also substances that can be legally obtained. Relevant to assessment is the student's pattern of using a substance or drug that causes significant problems or distress, especially to follow education programs or to be able to interact with faculty or fellow students. Although there is no exhaustive list of drugs or substances covered by the dismissal rule, it frequently includes alcohol, marijuana, prescription medicines (e.g., pain pills), stimulants, or anxiety pills, methamphetamine, cocaine, opiates, hallucinogens, or inhalants.

There is no clear interpretation of the concept of 'mental disorder'. Different psychiatrists interpret the condition in different ways. However, according to the National Board of Health and Welfare, it is a disruption in the psychological development of an individual that leads to a personality disorder or a behavioural disorder in an adult.

### **What amounts a 'serious crime'?**

A serious crime is crime of violence or a serious drugs offence carrying a prison sentence of a minimum of one year. Offences involving substantial damage to property or danger to the public that carry a prison sentence of a minimum of one year are also considered as serious crimes. A student who has been found guilty of extensive criminal activity can also be expelled if the totality of the crimes committed would carry a prison sentence of a minimum of one year.

Planning to commit crimes is considered just as serious as actually committing crimes.

A decision to dismiss a student means that the student may not continue his or her studies at the SSE. The dismissal has no time limit. However, the student may ask the SSE Disciplinary and Dismissal Board to reconsider its decision two years after a decision has been made.

Note that in contrast to disciplinary cases, a decision on *expulsion* is permanent whereby the student may not re-apply for admission to any education program at the SSE, whereas a *dismissal* may be reconsidered after minimum two years. In case the Disciplinary and Dismissal Board finds there is ground for revoke the dismissal, the student may thereafter resume studies.<sup>4</sup>

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<sup>3</sup> Föreskrifter om avskiljande av studerande från utbildningsprogram vid Handelshögskolan i Stockholm, HHSFS 2023:2.

<sup>4</sup> Note that the Swedish Higher Education Expulsions Board (Högskolans avskiljandenämnd) is not competent to hear dismissal cases concerning the SSE. Furthermore, the unofficial English translation of 'avskiljande' from state universities is *expulsion*. For state universities this is therefore *not* a permanent action and may be reconsidered after

When the SSE Disciplinary and Dismissal Board has reached a decision to dismiss a student or to overturn a previous decision, the relevant admission authorities and CSN (The Swedish Board of Student Finance) must be informed.

## Venues for Appeal of decisions by competent bodies

*Can go to a Swedish Administrative Court with my appeal or ask for injunctions?*

**No.** Swedish Administrative Courts have no jurisdiction over the disciplinary or dismissal measures decided by competent bodies at the SSE. The SSE Disciplinary and Dismissal Board (Handelshögskolans Disciplin- och avskiljandenämnd) is the sole competent body to hear such cases.

*Can I appeal a decision on a warning?*

**Yes.** The President's decision on warnings can be appealed to the Disciplinary and Withdrawal Board only. Decisions on warnings by the Disciplinary and Withdrawal Board cannot be appealed.

*Can a decision on suspension, expulsion be appealed?*

**Yes.** Information on Appeal is always provided in the decision.

*Can a decision on dismissal be appealed?*

**Yes.** A student or a may take an appeal against any decision made by the SSE Disciplinary and Dismissal Board to the SSE Board of Appeals (Handelshögskolans överklagandenämnd). However, a decision on dismissal that has entered into legal force, may not be reconsidered before two years have lapsed.

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two years. At SSE, however, expulsion is by contrast a permanent measure, which is why 'avskiljande' for SSE students is translated as 'dismissal'.