

Chapter Five – Discipline of Academic Staff

(Senate - January 10, 2010)

Article 44 - Discipline of Academic Staff

44.1 Definition of Terms

The Technion – Israel Institute of Technology, including any institution or body under the control, management or supervision of the Technion.

Technion Person – Denotes a faculty member, an administrative or technical worker or student of the Technion, including any person acting on behalf of the Technion.

Faculty Member/Staff Member – Denotes an academic staff member of the Technion, including a retired staff member, a research associate faculty member and a teaching associate faculty member.

Professor – Includes a professor emeritus and clinical full professor. (Senate - November 27, 2011)

Head of Unit – Faculty dean or department head.

Staff member in an administrative position – Includes a head of unit or anyone appointed or elected to the position of head of subunit, laboratory, and the like.

Technion Property – Real estate or chattels belonging to the Technion or held or operated by it, or by its designee, including money, rights, intellectual property or reputation and goodwill of the Technion.

Tribunal – The tribunal for academic discipline set up in accordance with the provisions of this chapter.

Appeals Tribunal – The tribunal for appeals set up in accordance with the provisions of this chapter.

Disciplinary Offense – Any act or omission of those set out in [Section 44.4](#) below.

Judge – A member of the Tribunal or Appeals Tribunal.

Complaint – Notice of a suspected commission of an offense by a staff member.

Accusation – The putting of a staff member on disciplinary trial by the EVPAA, pursuant to the provisions of [Section 44.8.3](#) below.

Claim – A complaint lodged with the Tribunal by one staff member against another staff member, in accordance with the provisions of [Section 44.8.4](#) below.

Litigant – Any party to a proceeding before the Tribunal or Appeals Tribunal; in the case of a proceeding commenced by filing a statement of accusation, the EVPAA and accused staff member, and in the case of a proceeding commenced by filing a statement of claim, the plaintiff staff member and the defendant staff member. In the case of an appeal against the decision of the Head of Unit or the EVPAA, they are the parties in the initial proceeding.

Tribunal Secretary – The secretary of the Senate or the party on behalf thereof will serve as the secretary of the Disciplinary Tribunal and Appeals Tribunal.

Address – The private address of a Technion Person as listed in the Technion's records, or an address given by the person to the Tribunal Secretary.

44.2 General

The staff members must conduct themselves vis-à-vis the Technion, their associates, Technion Persons and Technion guests in conformity with the generally accepted rules of society and in

accordance with that implicitly required by the special nature of an academic institution, including the principle of academic freedom. On rare occasions, deviations from generally accepted rules of conduct in the Technion come to light, and such cases necessitate laying down rules for clarifying and resolving these deviations. This chapter of the regulations relates to such cases and formalizes the procedure for handling them.

44.3 General Duties of Academic Staff

An academic staff member is duty-bound to:

- 44.3.1 Carry out his teaching and research duties;
- 44.3.2 Participate in the work of the academic organizations and in the work of other bodies with which he is affiliated by virtue of his position;
- 44.3.3 Conduct himself in a manner appropriate for an academic staff member in his relations with the Technion governing bodies, his teaching and research associates, his students, Technion persons and his guests;
- 44.3.4 Protect the honor of the Technion and abide by the regulations and procedures binding on all the staff members;
- 44.3.5 Protect the property of the Technion and use it in accordance with the binding regulations and procedures laid down by the competent authorities of the Technion.
- 44.3.6 An academic staff member in an administrative position must perform his duties faithfully, promote the development of his unit, look after the property of the Technion which he is responsible for, see to the best interests of the employees whom he is in charge of, and assist them with their professional work and performance of their duties.
- 44.3.7 Act loyally, dedicatedly, in good faith and with integrity in performing his function, with due regard for the best interests of the Technion, participate in impartial decision-making, and refrain from actions which could be considered a conflict of interest.

44.4 Disciplinary Offenses

A disciplinary offense is any one of the offenses below committed by a staff member, by an act or omission, including through negligence, as well as by solicitation of an offense and being an accessory to an offense, as stated:

- 44.4.1 A breach of one of the duties of the academic staff enumerated in Section 44.3 above.
- 44.4.2 A violation of the binding provisions of the Technion or of any of its competent institutions, including regulations, constitutions, procedures and bylaws.
- 44.4.3 Maligning the Technion or any Technion Person.
- 44.4.4 Failure to perform teaching, guidance, research or any other academic duties.
- 44.4.5 Abuse of his status in performing his academic or administrative duties.
- 44.4.6 Lack of fairness and deceit in obtaining rights or benefits from the Technion.
- 44.4.7 Lack of fairness or deceit in a scientific paper, including in its publication and in indicating the names of its authors, and harm to intellectual property rights, including infringement of copyright.
- 44.4.8 An action based on extraneous considerations in performing his duties at the Technion.
- 44.4.9 Unlawful taking or use of Technion property or the property of any Technion person or of any of his guests within the Technion walls, including the causing of damage to said property.

- 44.4.10 Conviction by a final judgment, which has implications for his functioning at the Technion.
- 44.4.11 Sexual harassment – Committed an act of sexual harassment or sexual intimidation, as these terms are defined in the Technion's regulations for the prevention of sexual harassment and by any law, or violated the regulations for the prevention of sexual harassment in any other way. Sexual harassment and harassment are serious disciplinary offenses and will be dealt with in accordance with the provisions of the regulations for the prevention of sexual harassment..
- 44.4.12 Discrimination/favoring students, staff members or candidates on grounds of political outlook (Senate – July 7, 2019).
- 44.4.13 Exploitation of his position for political propaganda and systematic indoctrination of a political view, including the presentation of a political standpoint in a manner that may mislead anyone into thinking that this is the Technion's position. (Senate – July 7, 2019).

44.5 Bodies in Charge of Discipline

The investigation of disciplinary problems of academic staff is carried out within the academic framework of the Technion and deals primarily with matters peculiar to academia. Generally, the alleged offenses as well as the factual material fall within a specific academic area, and so, too, does the capacity for assessment and passing judgment. The governing principle is that judgment is passed by peers, in subjects where the peers are experts.

The bodies in charge of discipline will make a decision after hearing the accused. It is at their discretion to hear from additional parties with respect to the matter. The aforesaid does not derogate from the provisions regarding concerning the Disciplinary Court and the Court of Appeals.

The bodies in charge of discipline are:

44.5.1 Head of Unit

The Head of Unit will handle the disciplinary matters within the framework of his unit. It is within the competence of the Head of Unit to handle teaching offenses and light non-teaching offenses that do not exceed the purview of the unit. In the absence of the Head of Unit, the acting chairman of the Head of Unit will substitute for him. In the event the Head of Unit is personally connected to the matter, or if a complaint has been filed against the Head of Unit himself, the handling process will be referred to the EVPAA.

In the decision to open a disciplinary procedure, the Head of Unit will act as aforesaid in section 44.8.2, including the delivery of a notice to the accused and the EVPAA.

The Head of Unit is empowered to impose a penalty on the accused, in accordance with [section 44.6.1.1](#) below, and/or a requirement pursuant to [Section 44.6.2](#) below, after the accused was given an opportunity to voice the claims thereof before the Head of Unit.

An appeal against the decision of the Head of Unit may be filed within ten working days to the EVPAA. There will be no right of appeal against the decision of the EVPAA by virtue of these regulations.

44.5.2 The EVPAA

The EVPAA will deal with offenses above the authority of the Head of Unit. In exceptional cases, the EVPAA has the authority to deal with matters which are under the authority of the Head of Unit; The EVPAA will justify its decision.

In the decision to open a disciplinary procedure, the EVPAA will act as specified in section 44.8.3, including delivering a notice to the accused.

The EVPAA is empowered to impose a penalty on the accused, in accordance with [section 44.6.1.1](#) below, and/or a requirement pursuant to [Section 44.6.2](#) below, after the accused has been given an opportunity to voice the claims thereof before the EVPAA.

In any case, the EVPAA may transfer the handling of the matter brought before him to the Disciplinary Tribunal, in accordance with [Section 44.8.3](#) below.

If the EVPAA is personally connected to the matter, he will be replaced by the Senior Executive Vice President or by another Executive Vice President, as decided by the President.

An appeal may be filed against the EVPAA's decision with the Appeals Tribunal within ten working days.

44.5.3 The Disciplinary Tribunal and Appeals Tribunal

The matters referred by the EVPAA will be handled by the Disciplinary Tribunal and appeals of the decisions of the EVPAA and the rulings of the Disciplinary Tribunal will be handled by the Appeals Tribunal.

44.5.3.1 The Disciplinary Tribunal

A panel of judges to be appointed in accordance with the provisions of [Section 44.8.10](#) below. The Disciplinary Tribunal is competent to hear statements of accusation and statements of claim referred to it.

44.5.3.2 The Appeals Tribunal

A panel of judges to be appointed in accordance with the provisions of [Section 44.10.3](#) below. The Appeals Tribunal is competent to hear appeals against the decisions of the EVPAA and against the rulings of the Disciplinary Tribunal, unless otherwise determined in these regulations.

44.5.3.3 Pool of Judges

44.5.3.3.1 The pool of judges for the tribunals will be comprised as follows: 15 staff members with the rank of professor, 6 staff members with the rank of associate professor, 6 staff members with the rank of senior lecturer (assistant professor), who are not members of management or Technion-wide deans. (Senate – June 24, 2012)

44.5.3.3.2 Members of the pool of judges will be appointed to this position by the Assembly members with a voting right for a 5-year period that may be extended for additional periods. The term of office will be terminated upon promotion.

44.5.3.4 Head of Disciplinary Tribunal and the Deputy thereof; Head of Appeals Tribunal and the Deputy thereof

44.5.3.4.1 Members of the academic Assembly with a voting right will elect the Head of Disciplinary Tribunal and the Deputy thereof as well as the Head of Appeals Tribunal and the Deputy thereof from among the professors in the pool of judges, subject to their consent. The election will be held by secret ballot.

44.5.3.4.2 The term of office of the Head of Disciplinary Tribunal and the Deputy thereof, as well as the Head of Appeals Tribunal and the Deputy thereof, will be 5 years, with extension possible for additional periods.

44.5.3.5 Tribunal Secretary

The Tribunal secretary will assist the Head of Disciplinary Tribunal and the Head of Appeals Tribunal, their deputies and the panels' chairmen with proper operation of the tribunals.

44.6 Penalties and Demand for Redress of Wrong

- 44.6.1 A staff member found guilty of disciplinary infraction may be subject to the imposition of one or more of the following penalties:
 - 44.6.1.1 Warning in writing;
 - 44.6.1.2 Delay of promotion;
 - 44.6.1.3 Negation of right to be appointed as chair holder for a specified period;
 - 44.6.1.4 Negation of right to be appointed to an administrative post, including management of research budgets;
 - 44.6.1.5 Termination of scholarship or discontinuation of advanced studies;
 - 44.6.1.6 Suspension from work for a period not exceeding 6 months. Suspension may be without a salary or with a partial salary;
 - 44.6.1.7 Dismissal from the Technion;
 - 44.6.1.8 Termination of teaching duties or non-renewal of teaching duties as an associate teacher;
 - 44.6.1.9 A monetary fine;
 - 44.6.1.10 Financial compensation in respect of damage incurred to the Technion;
 - 44.6.1.11 An accused who is a student is also subject to other penalties enumerated in the Disciplinary Code for students at the Technion.
- 44.6.2 A staff member found guilty of an accusation or a claim may be compelled to carry out any action aimed at redressing the wrong, including financial compensation in respect of damage caused.
- 44.6.3 The amount of the fine under Section 44.6.1.9 above or the financial compensation under Sections 44.6.1.10 and 44.6.2 above will not exceed an amount equal to three monthly salaries.

44.7 Authority to Impose Penalties

- 44.7.1 In a matter brought for a hearing before the Head of Unit or EVPAA under the provisions of Sections [44.5.1](#) or [44.5.2](#) above, both may impose on the accused a penalty as per Section 44.6.1.1 above or a requirement as per Section 44.6.2 above only.
- 44.7.2 The Disciplinary Tribunal and Appeals Tribunal will be empowered to impose on the accused or defendant, as the case may be, one or more of the penalties enumerated in Section 44.6.1 above and/or to impose on him a requirement under Section 44.6.2 above.

44.8 Procedures for Investigating a Complaint and the Commencement of Trial Proceedings

- 44.8.1 A complaint against a staff member will be submitted to the Head of Unit or EVPAA in writing.
- 44.8.2 If the Head of Unit or EVPAA finds that the complaint warrants handling thereby under the provisions of sections [44.5.1](#) above, he will notify in writing the EVPAA, the complainant, the accused and Heads of Units concerned in the matter. If the EVPAA considered this to be an offense that was not under the authority of the Head of Unit, he will so advise in writing, the EVPAA, the complainant, the accused and the relevant Heads of Unit. If the EVPAA finds that there is room to file a statement of accusation with the Disciplinary Tribunal on behalf of the Technion against the staff member, he will prepare the statement of accusation pursuant to the provisions in Section 44.8.7 below.
- 44.8.4 If the EVPAA finds that there is no room to file a statement of accusation on behalf of the Technion, he will notify the complainant in writing thereof. In such a case, if the complainant is a staff member,

he may file a claim under the provisions of Section 44.8.7 below, provided that the statement of claim refers to personal harm done to him, as a result of the subject of the claim.

44.8.5 The Head of Tribunal may decide that the statement of claim will not be brought for a hearing before the Tribunal, if he is of the opinion that the matter can be handled in another framework or that it is of little value, vexatious, invalid by virtue of the statute of limitations, and the like.

44.8.6 In the case of a complaint against a staff member who is also a student, or an administrative employee, the provisions of the disciplinary regulations relevant to the additional status thereof will also be applicable, as needed. Should there be disagreement over the proper framework for handling the complaint, owing to the dual status of the staff member who is a student, the matter will be decided by the EVPAA.

The complaint investigation procedures and the legal proceedings will be conducted in a matter-of-fact manner and with due diligence.

44.8.7 **Content of Statement of Accusation or Statement of Claim**

A statement of accusation or statement of claim will be submitted to the Tribunal secretary, specifying clearly and fully the following details:

44.8.7.1 Names, titles and addresses of the litigants;

44.8.7.2 Nature of the accusation or claim, and a description of the necessary pertinent facts;

44.8.7.3 A list of the documents that support the statement of accusation or statement of claim, as the case may be, and copies thereof;

44.8.7.4 A list of the witnesses to be called to the hearing;

44.8.7.5 The penalty requested for the accused and/or the action requested to be imposed on him to redress the damage caused, and in the case of a statement of claim, the action the plaintiff is seeking to impose on the defendant to redress the wrong.

44.8.8 The EVPAA or the plaintiff, as the case may be, may make changes to the list of witnesses and documents, provided they notify the Tribunal secretary and the staff member, to be tried before the Disciplinary Tribunal, thereof within two weeks before the date scheduled for hearing the trial.

44.8.9 The Tribunal secretary will prepare, at the earliest possible, copies of the statement of accusation or statement of claim, as the case may be, and furnish:

44.8.9.1 Three copies, including all attachments, to the Head of Tribunal;

44.8.9.2 A copy to the EVPAA;

44.8.9.3 A copy to the Head of Unit or Heads of Units concerned in the matter;

44.8.9.4 A copy to the accused or defendant, as the case may be, by hand-delivery or by registered mail to his address;

44.8.9.5 A copy to the plaintiff;

44.8.9.6 In the case of an accusation, the Tribunal secretary will report to the complainant on the filing of the statement of accusation.

44.8.10 **Composition of the Tribunal**

Once a statement of accusation or a statement of claim has been brought to his knowledge, and after checking and finding that the matter is within the jurisdiction of the Tribunal and that the statement of accusation or statement of claim, as the case may be, has been prepared in accordance with the provisions in this chapter, the Head of Tribunal will determine the composition of the Tribunal which

will adjudicate the matter and name the panel chairman, at his discretion and in accordance with the following provisions:

- 44.8.10.1 Three judges from the pool of judges, whose rank is no lower than the accused's rank, and at least one of them will be of the accused's rank or have an equivalent rank. One of the judges with the rank of professor will be appointed as the panel chairman.
- 44.8.10.2 In the event the accused or the defendant, as the case may be, has a rank that is equivalent to a rank lower than senior lecturer, a judge with the rank of senior lecturer will be appointed instead of a judge of the accused's or defendant's rank.
- 44.8.10.3 If the accused is a graduate student, a student serving as a judge on the Disciplinary Tribunal for Students of the Technion will be appointed as a judge to the Tribunal.
- 44.8.10.4 In exceptional cases where it is impossible to assemble a panel of judges from the pool of judges, the Head of Tribunal may, after consulting with the Head of Appeals Tribunal, appoint one judge to the panel of judges from among all the Technion staff members.
- 44.8.10.5 In determining the Tribunal panel, the Head of Tribunal will weigh conflict of interest concerns, gender considerations and other such matters.
- 44.8.11 A member of the Tribunal panel and/or the panel chairman may continue to participate and serve as a judge in a disciplinary hearing, in which he sits, even if his term of office in the pool of judges has ended or even if he has been promoted in rank since his appointment to the panel.
- 44.8.12 Until the appointment of the panel chairman, the Head of Tribunal will be empowered to decide in all pertaining to the trial. Once the panel chairman is appointed, he will be the one empowered to decide in all pertaining to the trial.
- 44.8.13 Following determination of the panel, the panel chairman will decide on the time and location for holding the trial, and a notice thereof will be sent to the panel of judges sitting in judgment and to the litigants at least a week prior to the time scheduled. The trial will commence no later than two months after the filing date of the accusation or claim, except in the summer holiday, if it is impossible to assemble a tribunal then. The Head of Tribunal or panel chairman has the authority to order the extension of dates for special reasons, to be documented.

44.9 Tribunal Procedures

44.9.1 In Camera

The Tribunal will sit "in camera;" however, the President, the EVPAA and the head of the unit to which the accused/defendant belongs may be present at the hearing. The Tribunal may allow other people to be present at the hearings or part of them.

44.9.2 Attendance of Litigants

If the EVPAA who is accusing (or his designee) or the plaintiff, as the case may be, fails to appear, without satisfactory reason, the Tribunal may order the annulment of the accusation or the claim, as the case may be, with or without a right to renewal .

If the accused or defendant, as the case may be, fails to appear, without satisfactory reason, the Tribunal will schedule a new date for the hearing. Should the accused or defendant fail to appear on the second date, the Tribunal may try him in absentia.

44.9.3 **Follow-Up Sessions**

The Tribunal is empowered to schedule additional sessions for the purpose of hearing the trial from time to time. The decision to schedule additional hearing dates will be made in the presence of the litigants or be sent to them and their representatives by email.

44.9.4 **Position of the Accused or Defendant**

Upon commencement of the trial, the statement of accusation or statement of claim will be read out, and the accused or the defendant, as the case may be, will be asked whether he admits the charge or the facts set forth in the statement of charge or statement of claim, in whole or in part. The silence of the accused or defendant will not be deemed a confession.

44.9.5 **The Evidence**

If the accused or defendant, as the case may be, does not admit the facts set out in the statement of charge or statement of claim, or a part thereof, the accuser or plaintiff, as the case may be, will be given an opportunity to prove his allegations. The accused or defendant, as the case may be, will be allowed to cross-examine the witnesses brought on behalf of the accuser or plaintiff, and be allowed to bring evidence to refute the evidence brought against him.

44.9.6 **Witnesses**

Any litigant may call in witnesses and cross-examine the witnesses of the opposing party;

The Tribunal may call in witnesses or examine witnesses summoned by either party, if it so sees fit;

Every witness must, before giving his testimony, solemnly affirm to tell the truth;

Any Technion person summoned by the Tribunal must appear and testify.

44.9.7 **Evidence and Procedures**

The Tribunal may obtain evidence from documents or by any other way it deems appropriate, provided it does not obtain any evidence not in the presence of the litigants, unless it is convinced that the litigant was given adequate opportunity to be present at the time of receiving the evidence and the latter failed to make use of it.

The Tribunal is not bound by formal legal procedures and in every matter it will act in the manner deemed the best thereby for a fair trial in accordance with the rules of natural justice. The course of the trial will be determined according to the best understanding of the chairman of the panel sitting in judgment, in such manner as to ensure the fullest possible opportunity for investigating the matter at hand. To this end, the Tribunal may correct any defect or error in any proceeding, and give instructions in any other matter insofar as it deems this justified.

44.9.8 **Amendment of the Statement of Accusation**

If in the course of the hearing in the Tribunal a need arises to file a statement of claim for an additional offense that was not included in the original statement of claim or additional information has come to light which was not known at the time of the filing of the statement of claim, EVPAA may, with the approval of the Tribunal, file an amendment to the statement of claim, prepared in accordance with [Section 44.8.7](#) above.

44.9.9 **Summations**

After presentation of evidence by the parties, the litigants will sum up their pleadings. The accused or defendant will be permitted to speak last.

44.9.10 **Minutes**

During the Tribunal's hearings, the minutes will be taken, reflecting to the extent possible the things stated during the hearing. Insofar as possible, the minutes taken will be backed up by a recording.

44.9.11 **Representation by and/or Assistance from a Staff Member**

Any litigant is entitled to be represented and/or assisted by a staff member, who will attend the hearings and take an active part in them.

44.9.12 **Representation by a Lawyer**

44.9.12.1 The accused or the defendant, as the case may be, is entitled to be represented at the hearing by a lawyer. In such a case, he will notify of his wish to be represented to the Tribunal president or his deputy, at least 7 days prior to the trial commencement date.

44.9.12.2 If the accused or the defendant, as the case may be, is represented by a lawyer, also the accuser or the plaintiff may be represented by a lawyer.

44.9.12.3 If the trial has commenced without representation by a lawyer, and in the course of the trial the accused or the defendant, as the case may be, requests to be represented by a lawyer, he must file an appropriate application with the tribunal dealing with his case. If the tribunal approved his request, the provisions of Section 44.9.12.2 above will apply.

44.9.13 **Legal Advice for the Tribunal**

The Head of Tribunal may add a jurist to the panel of judges to advise the Tribunal regarding the conduct of the trial and regarding various legal aspects. Said legal adviser may sit in the hearing on the Tribunal's side, but at any rate, he will not take part in any decision-making regarding the ruling/verdict or the sentence.

44.9.14 **Ruling/Verdict and Sentence**

It is within the competence of the Tribunal to issue any ruling/verdict and/or sentence it sees fit, subject to the penalties or the requirement to redress the wrong as explained in Section 44.6 above. The Tribunal will give the grounds for the ruling/verdict and sentence.

44.9.14.1 The Tribunal will give the ruling/verdict and the grounds for it, unanimously or by majority opinion, read it or its essential points to the litigants at a session to be scheduled for this purpose, and hand them a copy. If a litigant is absent from the reading of the ruling/verdict, the ruling/verdict will be hand-delivered to him or sent by registered mail to his address.

44.9.14.2 If the accused or defendant is found guilty or liable, as the case may be, the litigants may advance arguments before the Tribunal regarding the punishment, while the accused or the defendant is entitled to bring character witnesses for purposes of sentencing. The Tribunal will determine the punishment for the accused or impose on him actions to redress the wrong, as set out in [Section 44.6](#) above.

44.9.14.3 At the request of the accused or defendant, the Tribunal may hear the arguments for punishment at a separate session to be scheduled for this purpose.

44.9.14.4 In determining the sentence, the Tribunal will take into account, inter alia, the severity of the offense, its consequences, the circumstances of its commission, the past disciplinary record of the accused or the defendant, as the case may be, and considerations of penalization policy.

44.9.14.5 The Tribunal will give the sentence and the grounds for it, unanimously or by majority opinion, read it to the litigants at a session to be scheduled for this purpose, and hand them a copy. If a litigant is

absent from the reading of the sentence, the sentence will be hand-delivered to him or sent by registered mail to his address.

44.9.14.6 Copies of the ruling/verdict and sentence will be given to the EVPAA and the Heads of Units concerned.

44.9.14.7 The sentence will come into force ten working days after the date it has been handed down or on a later date, if this has been stated in the sentence, unless an appeal has been filed during this time in accordance with the provisions in Section 44.10 below.

44.9.14.8 If the sentence has come into force and no appeal has been filed, copies of the ruling/verdict and sentence will be furnished to the President.

44.10 Appeal

44.10.1 The litigants may file an appeal with the Appeals Tribunal within 21 working days of the handing down of the verdict/ruling and sentence, or at a later time, if such has been determined in the verdict/ruling or in the sentence.

The Head of Appeals Tribunal may extend the date for filing an appeal during vacations at the Technion or if such a request will be submitted by either of the parties.

44.10.2 Notice of Appeal and the Grounds for It

A notice of appeal will be submitted to the Tribunal secretary, specifying the grounds for the appeal.

In the notice of appeal or in the appeal hearing, no new evidence will be presented and no new testimonies will be heard, except with the permission of the Appeals Tribunal.

The Tribunal secretary will furnish at the earliest possible to the Head of Appeals Tribunal and litigants a copy of the statement of appeal, along with copies of the statement of accusation or the state of claim, as the case may be, as well as a copy of the transcript prepared of the Tribunal hearings. Likewise, the Tribunal secretary will forward a copy of the statement of appeal to the EVPAA and the Head of Unit.

44.10.3 Composition of the Appeals Tribunal

If the Head of Appeals Tribunal has been informed that an appeal was filed, he will decide on the composition of the Appeals Tribunal that will hear the matter and the Chairman of the Panel, at his discretion and pursuant to the following provisions:

44.10.3.1 Three judges with the rank of professor from the pool of judges. If one of the judges is the Head of Appeals Tribunal or the Deputy thereof, he will serve as the Chairman of Appeal Panel,

44.10.3.2 In deciding on the composition of the Appeals Tribunal, the Head of Appeals Tribunal will weigh concerns about conflict of interest, gender considerations and other matters.

44.10.3.3 The panel of judges hearing the appeal will not include any of the judges who heard the case in the Disciplinary Tribunal as a first instance.

44.10.3.4 If the term of office of the panel chairman as the Head of Appeals Tribunal or the Deputy thereof ends in the course of the trial, he will be able, notwithstanding the aforesaid in Section 44.10.3.1 above, to continue serving in the capacity thereof as the panel chairman.

44.10.4 After deciding the composition, the panel chairman will set the time and venue for hearing the appeal, and the provisions in respect of the tribunal hearing will apply, mutatis mutandis, as in the first instance.

44.10.5 Powers of the Appeals Tribunal

The Appeals Tribunal may:

- 44.10.5.1 Dismiss the appeal based on the written material before him even without hearing the litigants' arguments;
- 44.10.5.2 Allow the litigants to appear before him or bring before him additional arguments or additional evidence, if he believes there is justification for this;
- 44.10.5.3 Return the case to the Tribunal after hearing the litigants or without hearing them, for the purpose of supplementing the hearing on a specific point;
- 44.10.5.4 Dismiss or accept the appeal and issue any ruling and/or sentence it sees fit, after hearing the litigant's arguments.

44.10.6 Legal Advice for the Appeals Tribunal

The Appeals Tribunal may solicit legal advice, in which case the provisions of [Section 44.9.13](#) above will apply, mutatis mutandis. However, whoever served as legal adviser to the Tribunal will not be appointed to serve as legal adviser to the Appeals Tribunal.

- 44.10.7 The ruling/verdict and sentence in the appeal and the grounds therefor will be given to the parties at a time to be set by the Appeals Tribunal. Copies will be given to the President, EVPAA and Heads of Units concerned.
- 44.10.8 The ruling/verdict and sentence of the Appeals Tribunal will become effective 10 working days after their issuance to the litigants, or at a later date if so stated in the sentence.
- 44.10.9 In cases of appeal to the Appeals Tribunal against the decisions of the EVPAA, under Sections [44.5.1](#) and Section 44.10.5 above, mutatis mutandis.

44.11 Pardon by the President

Following an appeal for pardon by the accused after the handing down of the final sentence in his matter, the President is authorized to order the cancellation of the punishment sentenced, in whole or in part. If the President has decided to grant a pardon, including mitigation of punishment as stated in this section, he will report this to the chairman of the Technion's Council.

44.12 Interim Decisions

- 44.12.1 In a case where there is concern about disruption to Technion activities, or harm to public order, or physical or other injury to a Technion person or persons, the Tribunal or Appeals Tribunal may, at their own initiative or at the request of any of the litigants, give an interim decision, including a decision prohibiting presence on the Technion's premises or on specific parts thereof, and including suspension from a specific post.
- 44.12.2 Prior to giving an interim decision, the accused's response will be obtained. However, if the circumstances necessitate this, a decision may be given ex parte.
- 44.12.3 A litigant may, at any time, may turn to the Tribunal or Appeals Tribunal with a request to change or cancel the interim decision.
- 44.12.4 An interim decision will be given for a fixed period of time or for the period up to the time when the ruling/verdict and sentence become effective.
- 44.12.5 If an interim decision is given, special efforts will be made to complete the hearing proceedings at the earliest possible.

44.13 Publicity

A final verdict and sentence of the Tribunal and/or the Appeals Tribunal will be published without specifying identifying details. It is the discretion of the Tribunal whether to order that the judgment not be published or be published in part or under conditions determined by the Tribunal or the Appeals Tribunal..

44.14 Statute of Limitations

A complaint shall not be filed more than 5 years from the date of the act or failure which constitutes cause, or more than two years after the complainant became aware of the act or failure, whichever is earlier. The indictment will be filed within the limitations of the statute of limitations for filing a complaint or 18 months from the date of filing the complaint, whichever is later. A statement of claim will not be filed more than 6 months from the date of the notice of the EVPAA to the complainant according to section 8.4.

44.14.2 The accused or defendant, as the case may be, as well as any of the disciplinary bodies may invoke on their own initiative the statute of limitations argument. If the statute of limitations argument has been invoked, the disciplinary body will resolve this point after giving the parties adequate opportunity to respond and relate to this argument.

44.15 Mediation

At any procedural stage, a litigant, Head of Unit, the EVPAA, the Head of Tribunal, or the panel of judges sitting in judgment in the Tribunal or Appeals Tribunal may refer the matter to a mediation process, subject to the parties' consent.

The Head of Tribunal or panel of judges sitting in judgment in the Tribunal or Appeals Tribunal may determine that a fixed period of time will be allocated for exhausting the mediation process. If the parties reach agreements in the framework of the mediation process within the period of time allocated, the agreements will be submitted to the relevant disciplinary court for its consideration and decision. In the event the parties fail to reach agreements, the case will be referred back to the relevant disciplinary court for continued deliberation before it.

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