

BYLAW	Fundación Universidad de las Américas, Puebla	DATE:13/05/09	
REG-113-03	DISCIPLINARY COMMISSION OF STUDENT AFFAIRS	P. 1/16	ED. 1.0
REVIEWED: Dr. José Francisco Tamborero Arnal Vice President of Learning and Student Affairs		AUTHORIZED: Dr. Luis Ernesto Derbez Bautista President	

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Preamble

Fundación Universidad de las Américas, Puebla incorporates in its mission to train professionals with ethical, moral and civic values, with a high academic capacity and critical conscience that contributes to social change. Our institution promotes freedom of speech, with access to all schools of thought and respect for human rights, as central points in the education of our students.

It is the duty of our institution to promote good conduct and performance in our students, both in a professional capacity and in everyday life, as well as to implement preventive and/or corrective actions that are deemed necessary.

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TITLE I: OBJECTIVES

Article 1: The objective of the following bylaw is to establish the disciplinary authorities and procedures to respond to students' inappropriate conduct related to institutional rules and bylaws, in their interactions with other students, professors, University authorities, and personnel of Fundación Universidad de las Américas, Puebla.

Article 2: The following bylaw applies to all students of Fundación Universidad de las Américas, Puebla regardless of their academic status and program. A student is defined in article 55 of the ***Estatuto Orgánico de la Fundación Universidad de las Américas Puebla (Fundación Universidad de las Américas Puebla Organic Statute)***.

TITLE II: DISCIPLINARY AUTHORITY AND JURISDICTION

Article 3: It is a student's obligation to become acquainted and follow the ***Reglamento General de Estudiantes (Student's General Bylaw)***.

Article 4: The authorities responsible for hearing cases of disciplinary offenses and applying corrective measures are:

- a. Course Professor;
- b. Academic Department Head;
- c. Personnel directly responsible for any activity or project related to the institution where students participate;
- d. Dean;
- e. Office of Information Technology;
- f. Office of Security and Civil Protection;
- g. Disciplinary Commission of Student Affairs;
- h. Student Affairs Vice Presidency

Article 5: The Course Professor, Academic Department Head, Dean, and personnel directly responsible for any activity and project related to the University where students participate may, according to their jurisdiction, identify misdemeanors. The Disciplinary Commission of Student Affairs delegates the authority to impose sanctions for misdemeanors to this bylaw to them.

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Article 6: The Disciplinary Commission of Student Affairs delegates the application of immediate sanctions to the Office of Information Technology in order to comply with the ***Reglamento de Uso de la Red de Cómputo (Computer Network Use Bylaw)***. Any sanction determined by the Office of Information Technology must be reported to the Disciplinary Commission of Student Affairs to record it in the student's transcript. Those offenses that are disciplinary offenses and that break the ***Reglamento de Uso de la Red de Cómputo (Computer Network Use Bylaw)*** will be channeled to the Disciplinary Commission of Student Affairs as indicated in this bylaw.

Article 7: The Disciplinary Commission of Student Affairs delegates the application of immediate sanctions to the Office of Security and Civil Protection in order to comply with the ***Reglamento de Tránsito Interno (Local Traffic Bylaw)***. Any sanction determined by the Office of Security and Civil Protection must be reported to the Disciplinary Commission of Student Affairs to record it in the student's transcript. Those offenses that are disciplinary offenses and break the ***Reglamento de Tránsito Interno (Local Transit Bylaw)*** will be channeled to the Disciplinary Commission of Student Affairs as indicted in this bylaw.

Article 8: The Disciplinary Commission of Student Affairs delegates to the University Colleges the authority to expel a student from the Colleges for disciplinary misconduct, even if the Commission has not ruled on this issue. The University College must provide written notification in order to include the expulsion in the minutes of the following ordinary meeting, and thus establish a precedent.

Article 9: The Disciplinary Commission of Student Affairs will be the authority to try moderate offenses and misconducts and apply the corresponding sanctions established in this bylaw.

TITLE III: INTEGRATION AND OPERATION OF THE DISCIPLINARY COMMISSION OF STUDENT AFFAIRS

Chapter I: integration

Article 10: The Disciplinary Commission of Student Affairs is composed of nine full members, whose appointment is honorary. The following areas participate:

- a. Director of the University Colleges;
- b. Representative of the Registrar's Office;

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- c. Director of Student Programs and Social Service;
- d. Director of Security and Civil Protection;
- e. Three full time professors representing the faculty;
- f. Representative of the Office of Legal Affairs;
- g. Two members of the Student Council (CEUDLAP).

Article 11: Membership in the Commission will be forfeited in the following cases:

- a. Expiration of the term for which he/she was elected.
- b. Change in the administrative or academic function that grants him/her membership.
- c. Request of resignation to the Commission.
- d. End of employment at the institution.
- e. Missing three consecutive Commission meetings without just cause. In this case, the Student Affairs Vice Presidency will be notified to request a new member from the corresponding area.

Article 12: Professors who represent the faculty must be freely elected by their peers and their term in office will last two years. The change of representatives must be done in stages.

Article 13: The General Directors of the Office of Legal Affairs and the Registrar's Office will name their areas' representatives.

Article 14: The President of the Disciplinary Commission of Student Affairs will be elected through an internal, direct and open voting, and must be ratified by the President of the University. His/her term will be two years and he/she may be reelected only once.

Article 15: The election of the President of the Disciplinary Commission of Student Affairs will be in August, which marks the start of the Commission. He/she will remain in office until a new President is named and ratified.

Article 16: Representatives of the Disciplinary Commission of Student Affairs may not be changed all at the same time: a maximum of 50% is allowed per semester.

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Article 17: The President of the Disciplinary Commission of Student Affairs shall have the power to name a Technical Secretary of the Disciplinary Commission of Student Affairs. The Technical Secretary may be a member of the Commission, or a University collaborator whom the President of the Commission trusts. In case the Technical Secretary is not a member of the Commission he/she may have a voice, but may not vote.

Article 18 The Technical Secretary of the Disciplinary Commission of Student Affairs will carry out this function during the same term as the President.

Article 19: With the exception of the President and Technical Secretary, all other members of the Disciplinary Commission of Student Affairs will vote.

Article 20: The President coordinates the Disciplinary Commission of Student Affairs. In case of a justified situation, he/she may request help from an alternate, in which case the Technical Secretary of the Commission must be informed. The alternate will be chosen by the members of the Disciplinary Commission of Student Affairs at the start of each administration.

Article 21: In case of a justified absence of a full member, a written notice appointing his/her alternate must be presented to the President or Technical Secretary of the Commission, at least one business day in advance. A full member may not provide an alternate or be absent for more than two consecutive meetings.

Chapter II: Authority

Article 22: The duties of the Disciplinary Commission of Student Affairs are:

- a. To support and promote the ethical and moral principles which are part of the philosophy of Fundación Universidad de las Américas, Puebla.
- b. To meet the needs of the University community with regards to discipline, and issue resolutions for those needs.
- c. To analyze the available and related information for disciplinary offenses that is presented to the Commission.
- d. To determine the seriousness of the offenses and establish the corresponding sanctions.
- e. To recommend modifications to sanctions.
- f. All others of a similar nature necessary to fulfill their role.

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Article 23: All full members or alternates of the Disciplinary Commission of Student Affairs shall have a voice and vote and will adopt the necessary agreements to effectively comply with their duties.

Article 24: All full members or alternates of the Disciplinary Commission of Student Affairs shall have the obligation to impartially review the cases, keeping confidentiality of what is said during the meetings and of the decisions that are made.

Article 25: The President of the Disciplinary Commission of Student Affairs shall have the responsibility to:

- a. Coordinate the calendar for the Commission's ordinary and extraordinary meetings.
- b. Preside over the meetings and strive to make them orderly, precise and fluid.
- c. Convey the corresponding sanction to the students.
- d. When required, notify the sanctions to parents, guardians and/or people responsible for paying the student's tuition.
- e. Inform the President's Administrative Office and the Student Affairs Vice Presidency of expulsions, as well as their reasons.
- f. Request the ratification of expulsions from the Student Affairs Vice Presidency.

Article 26: The responsibilities of the Technical Secretary are:

- a. To assemble the Commission members and all people involved, to the ordinary and extraordinary meetings.
- b. To take attendance at each meeting and make sure that the quorum required by the bylaw exists.
- c. To count the votes.
- d. To take minutes of each meeting.
- e. All others entrusted by the Commission or its President in accordance with this bylaw.

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Chapter III: Meetings

Article 27: The Commission's meetings shall be:

- a. *Ordinary:* Held once a week.
- b. *Extraordinary:* Convened by the President of the Commission when a situation requires it.

Article 28: For a meeting of the Disciplinary Commission of Student Affairs to be valid, it is imperative to have the attendance of: the President, the Director of University Colleges, the Director of Student Programs and Social Service, and the Director of Security and Civil Protection or their respective alternates; the Office of Legal Affairs representative; the Registrar's Office representative; at least two of the professors representing the faculty; and at least one of the students representing CEUDLAP.

TITLE IV: STUDENT DISCIPLINE OFFENSES

Chapter I: Misdemeanors

Article 29: Misdemeanors are defined as those included in the *Reglamento General de Estudiantes (Student's General Bylaw)*, and shall not be brought to the attention of the Disciplinary Commission of Student Affairs in accordance to Article 5 of this bylaw.

Chapter II: Moderate Offenses

Article 30: Moderate offenses will be considered as such if they result in voluntary or involuntary violations of the *Reglamento General de Estudiantes (Student's General Bylaw)* and the *Reglamento de Vida Estudiantil en Colegios (Life Policies at Colleges)*. These offenses are not considered minor, as they put at risk the physical or moral integrity of the student or other members of the University community, or damage institutional property. These offenses shall take into account the action itself as well as its intent.

Chapter III: Misconduct

Article 31: Misconduct will be considered as such if it results in voluntary or involuntary violations of the *Reglamento General de Estudiantes (Student's General Bylaw)* and the *Reglamento de Vida Estudiantil en Colegios (Life Policies at Colleges)*. These offenses, in the Disciplinary Commission of Student

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Affairs' opinion, put at risk the physical and moral integrity of the student or other students, or damage institutional property.

Academic fraud such as plagiarism or exam theft, either physical or electronic, shall be considered misconduct. In these cases, the Commission will take under consideration the recommendation of the academic instance involved. Academic fraud, in the case of master's or Ph.D. students shall be considered more severe.

Likewise, falsifying or altering documents issued or delivered by the University shall be considered misconduct.

In the case of offenses that violate federal or state laws warrant a legal process, the Disciplinary Commission of Student Affairs shall await the ruling of the corresponding authorities to issue a sanction.

The disciplinary offenses that are considered misconduct and are listed below do not imply that they are the only violations to the laws and guidelines mentioned. These include, but are not limited to:

- a. Recidivism of offenses mentioned in articles 28 and 29 of this bylaw.
- b. Attacking a member of the University community physically, verbally or in writing.
- c. Threaten a member of the University community verbally or in writing.
- d. Enter the University campus under the influence of alcohol or drugs.
- e. Commit any kind of offense while under the influence of alcohol or drugs.
- f. Disseminate information with the objective of defaming or discrediting any person or the institution.
- g. Damage the institution's facilities or property, or another person's belongings.
- h. Sexual abuse, harassment or bullying on campus.
- i. Use Fundación Universidad de las Américas, Puebla's name without authorization for personal gain of any kind (such as to promote a business or party, among others).

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- j. Falsify, change or misuse University documents, such as exams, files, identification cards, tickets, checks, seals, parking permits, or letters of recommendation, among others.
- k. Use or share the phone password without authorization.
- l. Introduce, consume or sell alcoholic beverages on campus without authorization.
- m. Introduce, consume and/or sell drugs, or prohibited products and substances on campus.
- n. Mutilate or steal library, laboratory or any other University materials.
- o. Refuse to give his/her name or show his/her student identification, or give a false name when requested by any institution authority.
- p. Promote and/or participate in fights on campus, or outside of campus in the case of institutionally organized events or activities.
- q. Provide false information with the objective of defrauding the University.
- r. Steal, defraud, assault, attack, or commit breach of trust against any member of the University community on campus.

TITLE V. DISCIPLINARY SANCTIONS

Chapter I: Sanctions for Misdemeanors

Article 32: In the case of misdemeanors, the following sanctions shall be applied:

- a. Private verbal warning.
- b. Public verbal warning in classroom.

All sanctions shall be notified verbally to the student and reported to the corresponding Academic Department Head, as well as to the authorities deemed appropriate.

Chapter II: Sanctions for Moderate Offenses

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Article 33: In the case of moderate offenses, the purpose of the sanction is to help the students involved to reflect on the causes that led them to commit the offense, and to understand the repercussions of their actions.

Article 34: The sanctions for moderate offenses shall be notified in writing and shall be recorded on the student's transcript. They will be cumulative and are classified as follows:

- a. *Verbal Warning.* - For offenses against the ***Reglamento General de Estudiantes (Student's General Bylaw)*** or the ***Reglamento de vida Estudiantil en Colegios (Life Policies at Colleges)***. This applies to cases where the Commission considers that only reflection on the offense is required.
- b. *Reprimand.* - For offenses against the ***Reglamento General de Estudiantes (Student's General Bylaw)*** and the ***Reglamento de vida Estudiantil en Colegios (Life Policies at Colleges)***. This applies to cases where the students know of the bylaws and yet commit the offense, but do not put at risk their physical or moral integrity, that of other members of the University community, or the institution's property.
- c. *Admonition.* - For offenses against the ***Reglamento General de Estudiantes (Student's General Bylaw)*** and the ***Reglamento de vida Estudiantil en Colegios (Life Policies at Colleges)***. This applies to cases where the students know of the bylaws and yet commit the offense, putting at risk their physical or moral integrity, that of other members of the University community, or the institution's property. These offenses, in the opinion of the Disciplinary Commission of Student Affairs, could still be considered as moderate.

Chapter III: Sanctions for Misconduct

Article 35: The sanctions for misconduct shall be the following:

- a. *Disciplinary Warning.* - This sanction consists of a written report on the student's transcript, with a copy to the corresponding School, with the following implications:
 - The student shall lose the right to an honorary mention or any other type of academic award.
 - The student shall not receive a letter of good behavior.

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- The student shall not participate in exchange programs.
 - By CEUDLAP's bylaw, regarding this sanction, the student shall not have the right to run for student representative for his career, or for CEUDLAP. The student shall not have any appointment within the executive branch of the Student Government of the University Colleges.
- b. *Conditional Warning.* - This sanction consists of a written report on the student's transcript with a copy to the corresponding School, implying the following:
- All the sanctions outlined in the disciplinary warning.
 - Students who receive this sanction may not request an academic or sports scholarship, and/or financial aid from the University.
 - Students who have an academic or sports scholarship and/or financial aid shall forfeit it immediately following this sanction.
 - If the Disciplinary Commission of Student Affairs decides that an expulsion from the University Colleges is necessary, the student shall automatically lose the option of having housing assistance.
- c. *Suspension:* This sanction consists of a temporary suspension for a period to be determined by the Disciplinary Commission of Student Affairs. This suspension implies:
- All of those sanctions outlined in the conditional warning.
 - If suspension is due to theft, fraud and/or damages to the institution's physical or human resources, the items must be replaced. Theft and fraud must be completely proven by the Disciplinary Commission of Student Affairs as a peer group.
 - The student is banned from entering the University campus in case of suspension.
 - The student is banned from entering the University Colleges.
 - In case the student lives on campus, he/she shall be immediately expelled from the University Colleges, and a recommendation will be made not to allow him/her back the following semester.

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- The student is banned from the use of computer resources as well as any other University facilities (sports fields, game rooms, etc.).

Once the period of suspension has concluded and all the conditions determined by the Disciplinary Commission of Student Affairs have been met, the student must send a written request to the Commission for consideration to re-enroll at the University.

- d. *Expulsion.* - This sanction consists in definitively expelling the student. This expulsion implies the following:

- When the expulsion is due to theft, fraud and/or damages to the institution's physical or human resources, no University authority shall emit any documentation for the student until the items have been replaced. Theft and fraud must be completely proven by the Disciplinary Commission of Student Affairs as a collegial group.
- The student shall be banned from campus. In case the student lives on campus, he/she shall be immediately expelled from the University Colleges.

The University reserves the right to report to the authorities the grounds for expulsion.

Article 36: As well as the disciplinary sanctions mentioned, in certain cases the Disciplinary Commission of Student Affairs may establish another type of sanction, restriction or condition for the student, such as:

- a. One or two term admission suspension.
- b. Payment of repairs and/or replacement for damages to University property, as well as the replacement of money or objects stolen by theft or fraud from the University or any of its members. In the latter case, the theft or fraud must be completely proven by the Disciplinary Commission of Student Affairs as a collegial group.
- c. Expulsion from the University Colleges or recommendation to deny admission the following semester.
- d. Receive psychological help through the Office of Student Orientation, which will carry out an evaluation of the case to determine what type of care the student requires, as well as to establish the conditions for follow-up. The assigned therapist must report to the Office of Student

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Orientation the start, evolution and end of the therapeutic process, as well as the recommendations he/she deems pertinent.

- e. Restricted use of computer resources as well as any other University facility (sports fields, game rooms, etc.).
- f. Perform a number of community service hours at the University under the supervision of one of the members of the Disciplinary Commission of Student Affairs.

TITLE VI: SANCTIONS PROCEDURE

Chapter One: Procedure

Article 37: The procedure for the Disciplinary Commission of Student Affairs in the case of moderate faults or misconduct is the following:

- a. Any member of the University community, who feels an offense has been committed by a student, must present a written allegation to the President and/or Technical Secretary of the Disciplinary Commission of Student Affairs.
- b. In case there are witnesses, they shall provide written testimony.
- c. The President and/or Technical Secretary shall group together the allegations by committed offense, and shall present them to the members of the Commission during their meetings.
- d. The President and Technical Secretary are responsible for the management and safekeeping of the allegations and documentation presented to the Disciplinary Commission of Student Affairs.
- e. Parties involved shall be notified in writing by the Technical Secretary, to come forward before the Commission during the hearing.
- f. In general, as part of the hearing of each disciplinary case, the student and/or witness involved shall be present, so the Commission may hear his/her side of the story and ask the necessary questions.
- g. If the accusing party is an area of the University, the area's director may be required to attend the Commission's meeting when the case is heard.

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- h. All relevant testimonies must be documented in writing to form part of the case file.
- i. During the Commission's meetings, the cases shall be analyzed and sanctioned and minutes will be taken, duly signed by all members.
- j. After the presentation of the case, the student shall be asked to leave the meeting while the Disciplinary Commission of Student Affairs deliberates. Once the Commission has reached a decision, the student shall be asked into the room to inform him/her of the ruling. In case the conditions of a particular accusation require more time for inquiries in order to reach a decision, the notification may be delayed for up to two ordinary Commission meetings.
- k. The cases that require suspension or expulsion from the University shall be notified to the Administrative Office of the President, the Vice Presidency of Student Affairs and the Office of International Affairs. Also, the student's parents, guardians, or person responsible for paying the student's tuition shall be notified.
- l. The Disciplinary Commission of Student Affairs may determine other cases in which they deem necessary to notify the parents, guardian, or person responsible for paying the student's tuition regarding any disciplinary situation.
- m. The student must sign that he/she is aware of the sanction during the meeting of the Disciplinary Commission of Student Affairs where he/she is notified in writing of the ruling. The student shall receive a copy of the notification.

Article 38: Lying or slander by those involved is considered an aggravating factor. Failure to meet the requirements or follow the instructions of the Disciplinary Commission of Student Affairs shall have consequences to be determined by the Commission.

Article 39: In cases where a member of the representative teams is called to a hearing before this Commission for an offense, a report of the case and sanction shall be sent to the Office of Sport Training and Development.

Article 40: The Technical Secretary of the Disciplinary Commission of Student Affairs must deliver a copy of the minutes of every Commission's meeting to the Technical Secretaries of the Academic Council and the Administrative Council.

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Article 41: The Student Affairs Vice Presidency must be the authority that receives appeal requests. The Vice Presidency may request that the Disciplinary Commission of Student Affairs carry out a case review if it considers that new elements exist to issue a new ruling.

When a student appeals a decision, he/she is exempt from the sanction until such time that a new ruling is delivered, except in cases of suspension or expulsion. The new sanction will be the one applied without another opportunity to appeal.

Transitory Articles

Transitory Article 1: This bylaw enters into effect the day after its publication on the Intranet.

Transitory Article 2: This bylaw repeals any previous bylaw on this subject.

Transitory Article 3: Any situation not foreseen in this bylaw shall be analyzed and authorized by the Student Affairs Vice Presidency.