

**ESAP**

**(Escola Superior Artística do Porto)**

**STUDENT REGULATIONS**

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## **CHAPTER I**

### **ESCOLA SUPERIOR ARTÍSTICA DO PORTO**

#### **Article 1<sup>st</sup>**

##### **Identification**

1. Escola Superior Artística do Porto, henceforth ESAP or School, is a private higher education institution, headquartered in Porto, Portugal, founded by the Cooperativa de Ensino Superior Artístico do Porto, after this CESAP or Co-op.
2. ESAP has been granted official recognition as an institution of public interest by the corresponding ministry, through Resolution no. 129/MEC/86, published in *Diário da República*, 2<sup>nd</sup> series, on 28 June 1986, under Decree-Law no. 100-B/85, of 8 April, designation revised by Ordinance no. 830/89, of 20 September.

#### **Article 2<sup>nd</sup>**

##### **Mission and objectives**

ESAP is a leading higher education institution dedicated to the creation, communication and dissemination of art, culture, science, and technology, through learning, teaching, research, and experimental development, with a focus on the following objectives:

- a) To deliver study cycles in conformity with the academic degrees and qualifications required by law.
- b) To offer non-degree, vocational and refresher programmes, and workshops, specifically, postgraduation, occupational and supplementary, ongoing, specialisation, complementary training, and open courses, amongst others, in accordance with the law.
- c) To develop and undertake core and applied research across the scientific and artistic areas encompassed by its study cycles, and to collaborate with and offer support to other scientific and artistic institutions.
- d) To develop cooperation, and artistic, cultural, scientific, and technical exchange relationships with fellow national and international institutions, specifically those within the European higher education spectrum or across the Portuguese-speaking world.
- e) To develop or participate in the development of structures and study and/or production projects, permanent or temporary, that can make a relevant social contribution to the artistic, cultural, and scientific domains, particularly those that involve the creation of links at a local or a regional level, through the provision of community and development support services.
- f) To teach and promote the awareness of a wide spectrum of artistic languages, in an appropriate learning setting, fomenting their practice, individually or as a group, in order to equip its students with the high degree of artistic, cultural, scientific, and technical proficiency that is necessary for the competent exercise of a creative professional activity.

#### **Article 3<sup>rd</sup>**

##### **Educational project – artistic, cultural, scientific, and pedagogical**

1. ESAP has been developing its artistic, cultural, scientific, and pedagogical educational project since 1982. This project intersects different learning areas within the arts, presently offering degrees in animation and cultural production, architecture, fine arts and intermedia, visual arts – photography, film and media, design and multimedia communication, and theatre –, interpretation and stage directing. New educational

projects can be conceived and developed within the artistic field, in conjunction with those that are already in place.

2. ESAP's educational project is open to all Portuguese students, and also to foreign students, namely from Portuguese-speaking countries or from Europe, who can meet its access and admission criteria.

3. ESAP's educational project contemplates principles and practices concurrent with a context of globalised knowledge, fomenting student, staff, and faculty mobility, and promoting, and taking part in, multilateral initiatives with fellow academic institutions, namely those across Europe (Erasmus Programme) and the Portuguese-speaking world.

4. ESAP's educational project is rooted in a legacy of significant experience and a teaching practice proponent of motivational learning and rich artistic, cultural, and scientific experiences, anchored in the close relationship and strong communication between students, faculty, and staff, in an environment fit for the fostering of freedom and creativity, generator of a general sentiment of belonging to an open, intercultural, and diverse academic community in constant change.

5. ESAP's artistic and cultural project is anchored in its determination to play a part in the life of Porto's historic centre – a UNESCO World Heritage zone –, since its academic campus is located in this area, and it is here that, systematically, a range of intense curricular and extra-curricular student activity takes place.

6. Given that ESAP has been founded by a co-operative – CESAP, a non-profit, 'third-sector' organisation, which any student, or faculty or staff member can join as a co-operator –, its educational project bears a special receptivity towards matters of democracy, citizenship, and social cohesion, which translates into a strong faculty commitment to participate in and partner with social solidarity and development projects. As a result, ESAP has become a UNESCO partner institution.

7. ESAP's educational project structures its scientific and pedagogical dimensions so as to enable the development of learning methods rooted in contemporary artistic practice, incorporating its technological and methodological dimensions.

8. The scientific dimension of ESAP's educational project contemplates the specificities arising from the production of knowledge in the field of the arts, an area where research and artistic creation practices can coexist and intersect.

#### **Article 4<sup>th</sup>**

##### **Governing bodies**

The following are ESAP's governing bodies:

- a) General Council.
- b) Academic Board.
- c) Scientific Council.
- d) Pedagogical Council.

#### **Article 5<sup>th</sup>**

##### **Academic structure**

The following are categories within ESAP's academic structure:

- a) Departments.
- b) Courses.
- c) Research units.

## **CHAPTER II ACCESS, ADMISSION, REGISTRATION AND ENROLMENT**

### **Article 6<sup>th</sup>**

#### **Access and admission**

1. ESAP's access and admission conditions are, cumulatively:
  - a) Those legally established for the regulation of private higher education, in its different regimes (general, special admissions, degree transfers, reenrolment and university transfers).
  - b) The specific conditions defined by ESAP for admission, which, along with other sources, are available on its institutional website.
2. The candidate must complete the application process by following the rules and submission dates defined by ESAP for the appropriate registration year. These are described in the Regulatory Norms of ESAP Courses presently in force.
3. Candidates will be immediately excluded if:
  - a) They have failed to submit the necessary documentation for registration within the timeframes allocated by the School.
  - b) They do not possess the legally required qualifications for admission and registration in the course they have applied for.
  - c) They fail to comply with any of the determinations listed in these regulations, and in the norms and deliberations emanated by the academic bodies that oversee the running of ESAP.
  - d) They make false statements.
  - e) They become involved, during the application process, even if only in attempted form, in any fraudulent activity susceptible of falsifying said application.

### **Article 7<sup>th</sup>**

#### **Student status**

ESAP Student status is granted upon registration in one of a range of available courses and is validated through subsequent enrolment for corresponding school attendance.

### **Article 8<sup>th</sup>**

#### **Registration and enrolment**

1. Registration is the act that formalises entry into an ESAP course.
2. Enrolment is the act that, following registration, will grant the student access to the various curricular units pertaining to the course of choice. Initial enrolment is always completed simultaneously with registration.
3. The registration and enrolment procedure follows all legally required provisions, in addition to the internal regulations present in this document:
  - 3.1.1. Registration is granted once the candidate has satisfied the following conditions:
    - a) Has attained the legal requirements for access and admission, along with any additional conditions demanded by ESAP and stated in these regulations.
    - b) Has satisfied all the administrative conditions with respect to submission of documents confirming identity and the qualifications demanded for the course of application.
    - c) Has paid the registration fee, which will remain valid only for the period the student attends school uninterruptedly.
    - d) Has registered or has appointed a suitable third-party to complete registration on their behalf.

3.1.2. It is officially a student any person who is registered and enrolled in one of the School's study cycles conferring a degree and its respective curricular units.

3.1.3. Any student who interrupts attendance of a course for a period equal to or longer than an academic year ceases to be an ESAP student, needing to reacquire student status through new registration in the context of readmission. In those cases where withdrawal has been motivated by severe illness or extended unemployment, negotiation can ensue between the student and CESAP, with CESAP alone making the final decision.

3.1.4. Registration is mandatory for all new students and equally for those who have lost student status, either because they have interrupted their studies for a year or longer, or because of withdrawal.

3.1.5. In those cases where the student has failed to satisfy any of the clauses stated above, or has made false statements, their registration will be annulled, with no right to registration fee reimbursements, as with any other case identified by these regulations.

3.1.6. Registration is only official after ratification by the Academic Board.

3.2.1. It is the student's responsibility to always enrol for each applicable academic year, and also to enrol for any outstanding curricular units, in accordance with the provisions indicated in these present regulations and the norms regulating the corresponding study cycle.

3.2.2. Enrolment in any academic year of a given course implies the payment of fees to be determined by the School.

3.2.3. The number of curricular units allowed per student, on any given course, in each semester or year, is that which is stated in the syllabus of the respective study cycle.

3.2.4. Enrolment for a supplementary number of ECTS (European Credit Transfer and Accumulation System) credits is still allowed, for such curricular units in which the student has failed to obtain approval during the preceding academic years, as defined by the norms regulating the respective study cycle. However, in such cases, the School will not be expected to guarantee schedule compatibility between current and previous curricular units.

3.2.5. Every student, regardless of admission scheme, is subject to the programmes and study cycle organisational forms (syllabuses and timetables) in force at the School.

3.2.6. Enrolment for any range of curricular units is always conditioned by the provisions in the precedence procedures and the conditions in force.

3.2.7. Changes to enrolment are only allowed during the normal enrolment period defined in the calendar.

3.2.8. Students can only cancel enrolment through submission of an application to withdraw, submitted on a specific requisition form, and are subject to the payment of a fee equal to the attendance of the present semester or year.

3.2.9. It is deemed an exception to the previous clause any case, as described in clause 3.2.4., in which incompatibility between timetables may exist, after these have been promulgated. In such cases, the student can withdraw from any overlapping curricular units without the need to pay the respective fee.

3.2.10. Withdrawal from an earlier curricular unit requires the annulment of any successive units that correspond to it.

3.2.11. Any student who is allowed to register under special admission rules will only be able to enrol permanently after deliberation from the Scientific Council with regards to potential academic and/or professional crediting, granted in accordance with the terms defined by the law and these regulations.

3.2.12. Enrolment occurs during the period specified for that effect in the course of each academic year.

3.2.13. Enrolment is completed by the student or a legally mandated proxy.

3.2.14. Students are responsible for correct enrolment, in accordance with these regulations, incurring the risk of annulment at any time in those cases where it has been completed irregularly, along with any acts performed under the shelter of such irregularities.

3.2.15. Enrolment only comes into effect after approval by the Academic Board.

3.2.16. Annual enrolment denotes acceptance by the student of the timetables the School may come to approve.

3.2.17. Enrolment for a specific academic year is never allowed in such cases where the student exceeds the number of outstanding ECTS credits, in accordance with the norms governing the respective study cycle.

### **Article 9<sup>th</sup>**

#### **Voluntary withdrawal**

Voluntary withdrawal of enrolment and/or registration must be requested by the student, by submission of a specific requisition form addressed to ESAP's Academic Board, no later than fifteen days after the academic year has started.

### **Article 10<sup>th</sup>**

#### **Credits and equivalencies**

It is the responsibility of the Scientific Council to determine, in accordance with the law, the procedures for credit transfers and equivalencies, with regards to ESAP's courses and for the purpose of course completion leading to an ESAP academic degree or diploma, when such training has been attained in a different degree from another higher education institution, Portuguese or foreign, or has been achieved through technological training leading to a specialisation or as the result of professional experience and post-secondary education.

### **Article 11<sup>th</sup>**

#### **Precedence**

The precedence regime is approved by the Scientific Council after consultation with the Pedagogical Council and is described in the regulatory norms defined for each Study Cycle.

### **Article 12<sup>th</sup>**

#### **Fees**

1. Fees and other financial obligations to be paid by the student for attending an ESAP course are determined yearly by CESAP, after consultation with ESAP's Academic Board. They are published in the School's and the Co-op's own channels before registration starts.

2. Student status is granted once the following conditions have been met:

- a) The student pays the registration fee during the act of registration.
- b) The student pays the academic year enrolment fee during the act of enrolment.
- c) Students pay the attendance fees relative to each curricular unit they have enrolled for.

3. Fee payment and reduction regimes will be defined annually by the founding entity in a specific directive.
4. Delays in the settlement of outstanding fees will be penalised through the application of fines to be defined by the directive referred to in the point above.
5. Failure to comply with the obligations defined by the directive described in the points above will determine that the student is excluded from attending classes, submitting to evaluation, sitting for exams, and practicing any other act of attendance, enrolment, or registration.

## **CHAPTER III ATTENDANCE**

### **Article 13<sup>th</sup> Student categories**

1. It is a **home student** he or she who attends any of the different ESAP courses after registration and enrolment, according to the terms determined by the legislation in force, these present regulations and any other ESAP regulations, and who undergoes any form of evaluation determined by ESAP with the objective of obtaining the respective academic degree and diploma.
2. It is a **part-time student** she or he who, still contemplated by the point above, has enrolled for a number of curricular units which is less than what is necessary for the conclusion of the 60 credits comprising a full academic year. Part-time students are allowed to enrol for any study cycle available at ESAP without restrictions to the number of curricular units or ECTS credits, in accordance with article 15<sup>th</sup> in these regulations.
3. It is considered an **external student** he or she who has enrolled for attendance of isolated curricular units, in agreement with the following options:
  - a) When enrolling for curricular units in the syllabuses of the first-degree study cycles available at ESAP.
  - b) When enrolling for second-cycle isolated units after successfully concluding a first degree or demonstrating possession of an adequate curriculum.
  - c) The following curricular units are ineligible under external student status: Dissertation, Thesis, Residency or Project.
  - d) Enrolment can be completed under assessment and non-assessment modalities.
  - e) Any curricular units that are undertaken under the assessment option and which the student has completed successfully must be certified and mandatorily credited if the student already holds or is expected to hold student status in higher education, in accordance with sub-paragraph c) of paragraph 1<sup>st</sup> in article 45<sup>th</sup> of Decree-Law no. 74/2006, of 14 March, amended by Decree-Law no. 107/2008, of 25 June, Decree-Law no. 230/2009, of 14 September, and Decree-Law no. 115/2013, of 7 August.
  - f) Enrolment for isolated curricular units operates on a first-come, first-served basis and is subject to the number of places available for each unit.
  - g) The number of isolated curricular units a student can enrol for, in a single academic year, cannot exceed a total of 40 ECTS credits.
  - h) Fees and charges are payable with regard to registration and attendance, in accordance with what is determined by the founding entity for each academic year.

4. It is considered a **working student** any student who benefits the working student legal definition and requests such status in accordance with the law and any regulatory terms.

5. It is considered a **special status student** he or she who, suitably authorised by ESAP's Academic Board, attends any curricular unit only for the purpose of personal cultural and/or scientific development.

6. It is considered a **student union head** any student who can legally obtain such status and has requested it under the terms of the law and any supplementary regulations.

#### **Article 14<sup>th</sup>**

##### **Working students**

ESAP provides the necessary and possible conditions in support of working students, namely through forms of organisation, attendance of study cycles and evaluation that are adequate to their status, where possible, enriching competencies they have acquired through work, according to the legislation in force and considering that:

a) The working student is not restricted by limitations with regard to the number of exams he or she can take during the appeal season and is allowed to take exams in a special exam season.

b) The working student's results are granted independently of curricular unit attendance, but it is still the student's responsibility to attain the necessary elements for evaluation, defined by each respective programme in agreement with the norms regulating the study cycle.

c) The working student is entitled to all the replacement classes or pedagogical support that are deemed indispensable by ESAP's academic bodies competent to that effect, following proposal by the respective docent.

#### **Article 15<sup>th</sup>**

##### **Part-time students**

1. Part-time study is accessible to all registered students.

2. For the purposes of these regulations, it is considered as a «full-time attendance regime» that which, for each academic year, implies enrolment for the highest available number of curricular units.

3. For the purposes of these regulations, it is considered as a «part-time attendance regime» any which, for each academic year, entails ordinary enrolment for only a part of all available curricular units, in accordance with the terms specified by no. 9. of this present article.

4. Part-time student status is granted annually, after mandatory submission of the corresponding form at the start of the academic year, during the act of enrolment.

5. Conferment of part-time student status is requested by submission of a reasoned application addressed to the Academic Board, together with a study plan proposal drafted by the proponent.

6. This request should be submitted via ESAP's Academic Services.

7. The conferral of part-time status can include, in those cases where this is legally possible, students who benefit from special status, as stipulated by law, specifically working students, sportspersons, military personnel, diplomatic staff and others of equivalent status.

8. Part-time options will be validated by ESAP's Academic Board, after positive appraisal by the Course Directors, remaining provisional until such validation comes into force.
9. Part-time status requires registration and enrolment for a minimum of 15 and a maximum of 30 ECTS credits per year.
10. Changes from part-time to full-time status are not accepted when:
  - a) The number of outstanding curricular units with regards to transitioning years is equal to or less than 50% of the number of curricular units projected for the curricular year of enrolment.
  - b) The number of ECTS credits outstanding with regards to graduation is equal to or less than 30.
11. The value of the enrolment fee is equal to that established for full-time study. The part-time attendance fee is calculated and defined by the founding entity.
12. Enrolling for subsequent curricular units within the same study cycle will be permitted, however, the maximum number of ECTS credits described in no. 9. of this article cannot be exceeded:
  - a) Selecting between curricular units will have to take into account the offer available at ESAP and the places available for each unit.
  - b) ESAP has no obligation to assume the drafting of bespoke study plans applicable to part-time study.
13. Every time there is a credit or curricular unit limit associated with special situations, such as access to special seasons, among other circumstances, the limits applicable to part-time students will be half of those applied to full-time students, rounded to whole numbers.
14. Switching status to and from part-time can only take place at the start of the academic year during the act of enrolment.
15. Changes of status after enrolment are not allowed, regardless of justification.
16. The assessment of part-time students observes the rules in ESAP's Pedagogical Council Evaluation Regulations, along with the statutes and these regulations.
17. The certificates requested by the students will be issued based on the study plans of reference.
18. The graduation certificates will include information about the number of years the student has taken to complete the course part-time.

#### **Article 16<sup>th</sup>**

##### **Academic year calendar**

1. The calendar for the academic year is approved annually by ESAP's Academic Board, following deliberation by the Pedagogical Council.
2. The duration of lecturing semesters or years cannot be less than, respectively, 15 or 30 weeks.
3. Every time reasons of force majeure are deemed valid, it is the duty of the Pedagogical Council to approve changes to the periods of time outlined above.

#### **Article 17<sup>th</sup>**

##### **Attendance**

1. Attendance of ESAP courses is classroom-based and in-person.
2. Students may attend the curricular units they have enrolled for, according to the conditions specified by the enrolment regime defined in ESAP's Students Regulations.

3. A different nonattendance regime will be required for each curricular unit, according to its specificity, as stipulated by article 20<sup>th</sup> in this document.
4. Nonattendance will bear an impact on evaluation, according to the norms specified in article 20<sup>th</sup>.

## **CHAPTER IV ASSESSMENT**

### **Article 18<sup>th</sup>**

#### **Forms of assessment**

1. It is understood as assessment the process of evaluation of student knowledge and skills with regards to the objectives and competencies proposed for each curricular unit (CU).
2. It is understood as grading the attribution of a grade to the result of the knowledge, ability, and skill evaluation process, expressed in an assessment scale of 0 to 20.
3. Three types of assessment are possible: continuous assessment, periodic assessment, and examination.
4. In the case of continuous assessment curricular units, the evaluation process allows for both the assessment and the recording of the student's progress, at each stage, and reflects his or her active participation, through a range of experiments, assignments, or projects, according to the CU's nature and the objectives previously determined.
  - 4.1. In order for the assessment to come into effect, the student must attend a minimum of 75% of the contact sessions defined for each CU. All exceptions will be appraised by the docent responsible for the CU, if necessary, in articulation with the Course Director.
5. In the case of periodical assessment CUs, evaluation is performed during predetermined moments throughout the academic year, as proposed by the docent responsible for the CU.
6. It is classed as an exam the act of taking written, practice-based and/or oral examination at the end of the semester or the academic year, during the normal or the special season scheduled for the effect, as the case may be.
  - 6.1. Only those students who have attained a mark equal to or above 8 and below 10 in the written exam will be allowed to take an oral exam.
7. The Scientific Council will define the type of assessment applicable to each CU, after proposal by the docent.
8. The docent responsible for the CU is also in charge of student assessment. Assessment is expressed in quantitative final ratings, recorded in a register, and archived in a book of records.
9. Students will fail to pass a CU, with the indication "without assessment elements" (WAE), when these are non-existent or are deemed insufficient by the docent.
10. Students will fail a continuous assessment CU, with the indication "has lost the right to assessment" (LRA), if they exceed the limits defined in point 4.1. of this present article.
11. The student is declared approved in the CU when he or she has obtained a grade of 10 or above.

## **Article 19<sup>th</sup>**

### **Assessment elements**

1. The following can be regarded as the components of the assessment process:
  - a) Student attendance.
  - b) Participation in classes, understood as intervention in the analysis and debating of the subject-matter under discussion.
  - c) The accomplishment, by the student, of projects and written, oral, graphical, and other works assigned by or agreed with the docent.
  - d) Attendance of mandatory or facultative tests.
  - e) Other objective elements about the student's performance gathered by the docent over the course of a semester or a year.
2. The tests mentioned in subparagraph d) of the above number must take place during the normal class schedule assigned to each CU.
3. Coursework and individual or group projects to be completed outside normal class hours must be given out with well-defined objectives and be compatible with the total weekly workloads assigned to students.
4. Grading with take the following configurations:
  - a) Final grades will always be translated into a scale of 0 to 20, rounded up or down to whole numbers.
  - b) Yearly CUs should include an end-of-semester provisional assessment of quantitative nature. This should be set on a scale from A to D, according to current practice, and made public before the end of the second semester's third week.
5. Assessment and grading are always individual, even when such elements as groupwork appear as part of the evaluation. Groupwork can never become the sole criteria for evaluating students.
6. Assessment is carried out independently for each CU in the syllabus.
7. The assessment types and elements, together with the evaluation criteria, must be expressed in each CU's syllabus, which will have to be made public.
8. Once assessment has been concluded for each CU, the student has the right to enquire about the elements of his or her own assessment, as long as he or she requests such information in writing to ESAP's student services until the day after the results have been announced.

## **Article 20<sup>th</sup>**

### **Exam**

#### **Periodic assessment curricular units**

1. It is the responsibility of the Academic Board to release the exam maps for the different CUs at least one month before the respective exam season, according to the schedules established in the academic year calendar.
2. Every academic year contains the following assessment seasons for each CU:
  - a) Normal exam season.
  - b) Appeal season.
  - c) Special exam season.
3. Every student who has obtained a final CU grade below 10 and has registered for an exam can sit for the respective exam during the normal season.
4. The appeal season is reserved for those students who have missed the periodic assessment CU exams, have failed to obtain a pass during the normal season or still want to improve their grades.

5. The special exam season is reserved for final-year students and working students who want to improve grades up to a combined maximum of 15 ECTS credits.
6. CU exam fees are only payable for appeal season and special season registration.
7. It is the responsibility of the Scientific Council to nominate an exam jury comprising three docents for each CU, following proposal by the Course Directors.
8. The exam will cover all the subjects taught during the corresponding semester or academic year.
9. The stipulation above applies to all students enrolled on a CU, even if that enrolment is not their first.
10. The final CU exam must comprise a written and/or practice-based and/or oral test, and all such tests must be taken in a single season.
11. The final grade will be conferred on a scale from 0 to 20, rounded to whole numbers, and must reflect the whole set of tests included in the exam.
12. Withdrawal from any of the exam tests will result in failing in the exam, with the inscription "Withdrawn" written in the register.
13. It will be granted approval in a CU the student who has obtained a final grade equal to or above 10.
14. The final assessment results for each CU must be recorded in the CU book of records and ratified by the respective jury's signature.

### **Article 21<sup>st</sup>**

#### **Exam**

##### **Continuous assessment curricular units**

1. For all continuous assessment CUs, the student who has obtained a final grade equal to or above 8 and below 10 can register for a final appeal assessment.
2. The final continuous assessment CU grade will result from the averaging of this final appeal assessment and the continuous assessment and will respect the following percentages: academic year assessment – 65%; appeals season assessment – 35%.
3. The student will have qualified with a final grade equal to or above 10 and failed with a grade below 10.
4. The attributes of a continuous assessment CU's final appeal evaluation must be defined by the CU's docents, delineating a project to be accomplished by the student in a period of 3 to 5 days, supervised by said docents. The project's defence must be made before a three-docent jury that includes the CU's.
5. The assessment of the Internship CUs (Bachelor's degrees), Project CU (Integrated Master's Degree in Architecture), and Dissertation/Project CUs (Master's degrees) follows a special set of regulations.

### **Article 22<sup>nd</sup>**

#### **Grade improvements**

1. Request to sit a grade improvement exam requires submitting the appropriate form, available in the School, during the normal exam registration period and paying the respective fee.
2. To be able to request a grade improvement exam, the student must meet all the following criteria:
  - a) Approval in the CU must have been obtained at ESAP and not through equivalency or credit transferral.

- b) Approval in the CU must have been obtained in the same academic year, but during the previous exam season, or in the academic year immediately preceding.
  - c) No previous grade improvement exam must have been taken for the CU in question.
  - d) The CU in question must not be included in any sum eligible for the appeal season.
  - e) The CU in question must not precede approval in a corresponding next-year CU.
3. Failure to satisfy any of the conditions above will determine the annulment of the exam.
  4. Where the student has obtained a grade in the improvement exam lower than that of the preceding exam, the previous result will remain valid as final grade.
  5. Grade improvement in those CUs to which exam or final assessment do not apply can only be obtained through new enrolment to reattend the CU.
  6. The indication "grade improvement" will be annotated in the exam or final assessment register, once the conditions above have all been verified.

### **Article 23<sup>d</sup>**

#### **Grade appeal**

1. The student has a period of five working days after the grade announcement limit, present in the academic year calendar, to appeal a CU grade not granted by a jury.
2. With the appeal and during the period stated above, the student should hand over and/or indicate any relevant coursework which has been submitted for assessment.
3. The appeal should be reasoned and objectively point out any faults in the assessment process that justify such interpellation.
4. Appeals will be evaluated, in the first instance, by the Academic Director and the respective Course Director, who decide on their acceptance or rejection.
5. In those cases where the evaluation above justifies it, and within a period of five working days, the Academic Director will solicit from the CU docent, in writing, the criteria and reasoning which have led to the grade awarded to the student and the counterargument to the appeal. The docent must present the elements solicited by the Academic Director within five working days starting from the date of notification.
6. Finally, a jury will be named by the Scientific Council to appraise the elements available and make a decision.

### **Article 24<sup>th</sup>**

#### **Curricular year transition**

1. The student will have concluded any given curricular year when he or she has obtained approval in all the curricular units indicated in the syllabus for that year.
2. The student may enrol for the following curricular year of the same course without approval in all the CUs, as long as she or he has obtained the minimum number of credits required for that effect and has respected the conditions underlying the registration regime.
3. Precedence regime CUs remain the exception to the previous point.

### **Article 25<sup>th</sup>**

#### **Final grade**

1. Graduating from a course mandates the approval in all the core CUs and the approval in a number of optional CUs that matches the credits demanded by the syllabus.

2. The final course grade will be calculated from the arithmetic averaging of the grades obtained in each completed CU, following a predetermined formula approved by the Scientific Council.

#### **Article 26<sup>th</sup>**

##### **Certificates and diplomas**

1. For all the curricular units completed with approval, a certificate will be issued, after request by the student addressed to the Academic Board of ESAP and submitted to the Administrative Services via appropriate form.
2. Right until the course is concluded, all certificates will be analytic, with indication of curricular units and respective scientific areas, credits, grades, and dates of approval.
3. The certificates are signed by the Chief Administrator.
4. All graduation diplomas and certificates will contain, mandatorily, the final course grade and will observe what, to that effect, is legally prescribed, signed by the Academic Director of ESAP.
5. Family allowance, military service, pension, and bursary declarations, along with any such others of a similar nature, will be signed by the Chief Administrator.

### **CHAPTER V**

#### **DISCIPLINARY REGULATIONS**

#### **Article 27<sup>th</sup>**

##### **Objectives and general dispositions**

1. The present regulations aim to safeguard the values of ESAP, providing the conditions for the exercise of scientific, cultural, artistic and technological creative freedom, assuring the moral and physical integrity of students, docents, researchers and other staff, and protecting the School's material property.
2. The present regulations outline the rights and responsibilities of the ESAP student, determining the conditions, disciplinary sanctions, and proceedings in case of violation of such responsibilities.

#### **Article 28<sup>th</sup>**

##### **Scope and application**

1. The present disciplinary regulations apply to all students who attend any of the courses offered by ESAP, whether or not these confer a degree or diploma.
2. The temporary loss of ESAP student status does not abrogate the present regulations for infractions committed in the past. The penalty is executed as soon as the agent regains student status.

#### **Article 29<sup>th</sup>**

##### **Student rights**

Notwithstanding other rights granted by law or regulations, students have the right to:

- a) Benefit from a quality higher education service, in accordance with the objectives defined by law, in a condition of effective equal access opportunity.
- b) Expect suitable instruction to enter and do well in the labour market and perform successfully in their profession.

- c) See recognised and valued their merit, dedication, and effort when working and performing academic activities.
- d) Benefit, in the context of the School's social services, from the appropriate support that guarantees their permanence in the higher education subsystem in spite of financial constraints, as defined by law.
- e) Be treated with respect and acceptably by any member of the ESAP academic community.
- f) See safeguarded their security inside ESAP and respected their physical and moral integrity.
- g) See guaranteed the confidentiality of the personal information in their individual process.
- h) Be able to elect their representatives to the organs, posts, and other representative affairs in the context of ESAP, in addition to having the right to being elected, according to the terms and regulatory provisions applicable by law.
- i) Present appreciations and suggestions with regard to the functioning of ESAP and be heard with regards to all matters that are justifiably in their interest.
- j) Appeal to the student ombudsman, as defined by article 26<sup>th</sup> of the ESAP Statutes and the General Council Regulations.
- k) Use the ESAP student ID card and all the benefits attached to it.
- l) Participate in ESAP activities, as determined by law and the respective statutes.

### **Article 30<sup>th</sup>**

#### **Student responsibilities**

Notwithstanding any other responsibilities resulting from law or regulations, students have the duty to:

- a) Be punctual and diligent in compliance with schedules and all academic activities.
- b) Never obstruct or hinder the normal progression of classes, academic tests and research activities, and the functioning of the bodies and services of ESAP.
- c) Respect the legitimate instructions and determinations of administrators, directors, faculty members, researchers, and other staff members performing their duties.
- d) Treat any member of the ESAP community or any other entity attending it with respect and civility.
- e) Preserve the honour, freedom, and physical and moral integrity, together with the privacy, of colleagues, faculty members, researchers, members of staff and other collaborators.
- f) Watch over the preservation, conservation and cleanliness of facilities, didactic materials, furniture, and outside spaces, by using them correctly.
- g) Respect the property and belongings of all members of the ESAP community.
- h) Exhibit the ESAP ID card or any other valid means of identification when solicited.
- i) Know and abide by the operational rules in force at ESAP.
- j) Stay informed about all the matters considered necessary and of interest to the student, made known via traditional and electronic means.
- k) Pay fees and other charges as established by CESAP.
- l) Abstain from engaging in fraudulent activities, such as:
  - i. Concealed use of 'crib sheets'.
  - ii. Unauthorised copying or plagiarism.
  - iii. Fraudulently obtaining test or exam statements.
  - iv. Fraudulently substituting answers.

- v. Falsifying records.
- vi. Using electronic devices or unauthorised equipment during assessment tests.
- vii. Receiving help from or helping other students during assessment tests without express permission by the docent.
- viii. Acting as a substitute or employing a substitute in an assessment test.
- ix. Presenting as original third-party ideas or coursework without indication of the respective sources.
- x. Permitting that their work may intentionally be presented as the work of someone else.
- m) Return all the materials or equipment borrowed within the periods and according to the conditions established in the regulations.
- n) Abstain from transporting any materials, tools or devices that can cause physical injury to students or others.
- o) Abstain from misusing any technological devices or computers made available by ESAP.
- p) Abstain from practicing any act of violence or physical or psychological coercion on other students, inclusively in the context of academic initiation ceremonies.
- q) Abstain from consuming or selling illegal substances inside the ESAP premises.

### **Article 31<sup>st</sup>**

#### **Disciplinary infraction**

It is considered a disciplinary infraction the behaviour by the student, active or omissive, even if merely accountable, which breaches the duties established in the present regulations and in any other documents that typify such breach as a disciplinary infraction.

### **Article 32<sup>nd</sup>**

#### **Disciplinary sanctions**

The sanctions applicable to the student are:

- a) Forewarning.
- b) Fine.
- c) Temporary suspension of all school activities.
- d) Suspension of school assessment during the course of an academic year.
- e) Interdiction from attending ESAP and its study or research cycles or services for a period of up to five academic years.

### **Article 33<sup>rd</sup>**

#### **Sanction characterisation**

1. The disciplinary forewarning is always written.
2. The disciplinary fine is set as an amount never below 10% or above 50% of the annual fee payable by the student.
3. Temporary suspension of school activity stipulates exclusion from attending classes and assessment tests for a period between 3 and 100 days.
4. Suspension of assessment for the duration of an academic year involves exclusion from submitting, during that period, any assessment work for any CU or any other type of activity leading to evaluation.
5. Interdiction from attending ESAP for a period of up to five years entails barring the student from entering or remaining in any part of ESAP's grounds.

6. Any sanction applied to the student is appended to their individual process.

#### **Article 34<sup>th</sup>**

##### **Determination of disciplinary sanctions**

1. Disciplinary sanctions differ depending on the student's level of culpability and the preventative demands, taking in to account, specifically:

- a) The number of infractions committed.
- b) The way they were performed and the consequences of each infraction.
- c) The degree of participation in each infraction.
- d) The level of deceit or negligence.
- e) The student's motivations and goals.
- f) The student's conduct prior to and after the infraction.

2. The decision to apply a disciplinary sanction must expressly discriminate the elements that substantiate its application.

3. The sanctions defined in subparagraphs d) and e) of article 32<sup>nd</sup> only apply when other sanctions have been considered insufficient or inadequate, and the decision to enforce them must be accompanied by clarification of the motifs substantiating the non-application of other disciplinary sanctions.

#### **Article 35<sup>th</sup>**

##### **Forewarnings**

1. The disciplinary decision of forewarning is applicable when:

- a) The infraction is minor.
- b) The student has already been administratively penalised, namely through the annulment of tests or exams.
- c) There is no patrimonial or personal damage or injury involved or, if there is any, this is minor, and the victim has already issued a pardon.

2. The disciplinary sanction to forewarn cannot, however, be applied when:

- a) There is reoccurrence.
- b) There is deceit.
- c) There is at least one aggravating circumstance.

#### **Article 36<sup>th</sup>**

##### **Fines**

Fines apply when, amongst other factors, a breach of duty previously sanctioned by forewarning reoccurs.

#### **Article 37<sup>th</sup>**

##### **Temporary suspension of school activity**

The sanction of temporary suspension of school activity is applicable when:

- a) There is reoccurrence of breach of duty previously sanctioned by forewarning and the application of a fine is considered insufficient to dissuade a new violation.

### **Article 38<sup>th</sup>**

#### **Suspension of assessment for the period of one academic year**

The sanction of suspension of assessment for the period of one academic year is applicable when there is reoccurrence of the violations referred to in the previous article.

### **Article 39<sup>th</sup>**

#### **Interdiction from attending ESAP for a period of up to five years**

The sanction of interdiction from attending ESAP for a period of up to five years is applicable when, cumulatively:

- a) The disciplinary infringement amounts to penal infraction, to which applies a prison sentence not replaceable by fine.
- b) Deceit has been committed.
- c) There is evidence of, at least, one aggravating circumstance.
- d) There is factual patrimonial or personal damage or injury.

### **Article 40<sup>th</sup>**

#### **Annuling circumstances**

The following are annulling circumstances:

- a) Physical coercion.
- b) Accidental and involuntary loss of the exercise of intellectual faculties during the moment when the infraction was committed.
- c) Legitimate self-defence or the legitimate defence of a third-party.
- d) The non-enforceability of a different conduct, specifically when there was the conviction that the behaviour being performed was permitted, or when following orders, even if erroneously interpreted, as long as the mistake in interpreting the order is pardonable.
- e) When exercising a right or fulfilling a duty.

### **Article 41<sup>st</sup>**

#### **Attenuating circumstances**

The following are attenuating circumstances:

- a) Spontaneously confessing the infraction.
- b) Regret.
- c) The lack of prior disciplinary infractions recorded in the student's individual process.
- d) Incitement.
- e) Any circumstances during the moment when the infraction was committed that may lessen the student's culpability.
- f) Pardoning by the injured party.

### **Article 42<sup>nd</sup>**

#### **Exceptional mitigation**

When attenuating circumstances arise that greatly mitigate the student's culpability, the sanction can be reduced.

## **Article 43<sup>rd</sup>**

### **Aggravating circumstances**

1. The following are considered aggravating circumstances:
  - a) The will, determined by conduct, to produce harmful results to the body or service, or the general interest, regardless of whether or not these have been verified.
  - b) The effective production of harmful results to the body, service, or general interest, in those cases where the student could have prevented such consequence as a necessary effect of his or her conduct.
  - c) Premeditation.
  - d) Colluding with other individuals to practice the infraction.
  - e) The fact that the infraction was committed during disciplinary penalty or during the period of disciplinary penalty suspension.
  - f) Recidivism.
  - g) Infraction accumulation.
  - h) The practice of the illicit act under the influence of alcohol or drug consumption.
2. Premeditation consists in the will to commit the infraction at least 24 hours before it has been committed.
3. Recidivism occurs when the present infraction is committed before a year has passed since the last day of sentence for an earlier infraction.
4. Accumulation occurs when two or more infractions are committed on the same occasion or when the present is committed before the previous has been punished.

## **Article 44<sup>th</sup>**

### **Disciplinary competence**

#### **General principle**

The power to punish applies to the President of CESAP, after consultation with the Academic Director of ESAP, with respect to the application of the sanctions specified in subparagraphs d) and e) of article 32<sup>nd</sup>, according to no. 6 of article 75<sup>th</sup> of Law no. 62/2007 of 10 September and of article 9<sup>th</sup> of the ESAP Statutes.

## **Article 45<sup>th</sup>**

### **Communication**

In the case of delegation of powers, all decisions leading to the opening of a process and inquiry must be addressed to the Academic Director within five days after pronouncement.

## **Article 46<sup>th</sup>**

### **Disciplinary proceedings**

It is the competence of the President of CESAP, or someone capably delegated to that effect, to open or instruct the opening of disciplinary proceedings.

## **Article 47<sup>th</sup>**

### **Inquiry**

An inquiry must be opened when strong reservations emerge with respect to the facts or the provenance of the reported conducts.

**Article 48<sup>th</sup>**  
**Inquiry process**

It is the competency of the President of CESAP or, in case of delegation, the Academic Director of ESAP to order the appropriate inquiries with a view to determine the facts or their attribution.

**Article 49<sup>th</sup>**  
**Inquiry process decision**

Established the inquiry, and confirmed the existence of disciplinary infractions, it is the duty of the instructing entity to open the appropriate disciplinary process.

**Article 50<sup>th</sup>**  
**Preventative suspension**

1. Preventative suspension can only be applied when there is strong indication that the disciplinary sanction described in subparagraph e) of article 32<sup>nd</sup> will be applied. It cannot exceed one academic semester.
2. The notification of preventative suspension is accompanied by the indication, even if generic, of the infraction or infractions the defendant is accused of.

**Article 51<sup>st</sup>**  
**Need for complaint**

1. When the infraction consists of offence, defamation, threat, coercion or common assault, the promotion of a disciplinary process depends on the presentation of a written complaint by the offended party, addressed to the President of CESAP or, in case of delegation, to the Academic Director of ESAP.
2. The complaint can be filed away at any stage during the disciplinary process, before the application of a sanction, if the offended party has renounced to it in writing.
3. When the infraction involves the practice of a criminal act not dependent on complaint or specific accusation by the offended, participation to the Public Prosecutor's Office becomes mandatory, as stated in the law.

**Article 52<sup>nd</sup>**  
**Defendant's guarantees**

1. The defendant is presumed innocent until proven guilty.
2. The defendant cannot be the target of more than one disciplinary process for the same infraction.
3. The defendant is notified in person or, when this is not possible, by registered letter with recorded delivery:
  - a) About the opening of a disciplinary process and the nomination of an instructor.
  - b) About the accusation of practice of a disciplinary infraction.
  - c) About the reports produced during the investigation process.
  - d) About the proposed decision with regards to the open process.
  - e) About the application of a disciplinary sanction or the archiving of the process.
4. Together with appealing the imputation of disciplinary infraction, the defendant can present documents and a list of witnesses (which must not exceed three per recorded fact) and request the pursuit of all necessary steps towards clarification of the truth.

5. The defendant can consult the process and request the records of all elements, under the condition that he or she does not disclose any contents.
6. The defendant has the right to be heard by the instructor at any moment during the process.
7. The defendant can appoint a lawyer.
8. During the period of appeal, the legal representative can request records of any of the elements in the process and attend procedural diligences at the request of the student, including participation in the interrogation of witnesses.

#### **Article 53<sup>d</sup>**

##### **Instructor**

1. The instructor should be appointed from the pool of faculty members who lecture in the course the defendant has enrolled on.
2. The impossibility of complying with what is established in no. 1. does not in any way affect the validity of the disciplinary proceedings.

#### **Article 54<sup>th</sup>**

##### **Student association audition**

1. Without prejudice to the petitioning of other opinions, the application of the sanctions described in subparagraphs d) and e) of article 32<sup>nd</sup> must follow the assessment of ESAP's Student Association and the Student's Ombudsman.
2. It is the duty of the entity responsible for the application of the sanction to seek the audition above, forwarding a copy of the final report to the instructor.
3. The assessment referred to in no. 1. must be issued and delivered within 10 days.

#### **Article 55<sup>th</sup>**

##### **Submission of proceedings**

1. After the conclusion of disciplinary proceedings, leading to the formulation of a final report, the process will be sent by the instructor to the instituting party, who must request, when necessary, the issuing of important complementary assessments.
2. When several assessments are requested from different entities, the limits for their presentation are arranged successively, befalling on the instituting party the duty to assort their issuing.
3. Once these are emitted and the respective closing dates have elapsed, the process must be forwarded to the President of CESAP or, in case of delegation, to the Academic Director of ESAP, within 10 days.

#### **Article 56<sup>th</sup>**

##### **Decision**

The final decision on the disciplinary process must be taken within 30 working days from the date of reception of the process.

#### **Article 57<sup>th</sup>**

##### **Expiry of disciplinary procedure**

1. The right to launch a disciplinary procedure expires one year after the date of the infraction.
2. It also expires when, following a formal complaint, no effort has been made to start disciplinary proceedings or a process of inquiry within 30 days.

3. The opening of an inquiry suspends all expiry dates until it is concluded.
4. When the infraction has been committed by a student who has since left ESAP, before the closing of any of the periods stated above, the expiry date is considered suspended and is reinstated from the moment the student reenrols.
5. Without prejudice to what is stated in the numbers above, the sanctions expire as follows, from the date when the decision was made contestable:
  - a) 1 month for a forewarning sanction.
  - b) 3 months for a fine.
  - c) 6 months for the suspension sanctions described in subparagraphs c) and d) of article 32<sup>nd</sup>.
  - d) 1 year for the sanction of interdiction to attend.

#### **Article 58<sup>th</sup>**

##### **Suspension of disciplinary sanctions**

1. With the exception of the sanction described in subparagraph c) of article 32<sup>nd</sup>, all other sanctions can be suspended.
2. The suspension of a sanction can occur when, taking into account the personality of the student and his or her conduct prior to committing the infraction and to its circumstances, it is concluded that a simple reproach and the forewarning of a sanction achieve adequately and sufficiently for the purpose of punishment.
3. Suspension cannot last less than a whole academic semester and more than two academic years.

#### **Article 59<sup>th</sup>**

##### **Revision of disciplinary proceedings**

1. Revision of disciplinary proceedings is permitted, at any time, when there is evidence or circumstance is verified that determines the inexistence of the facts leading to the sentence, as long as such could not have been used by the student during proceedings.
2. The revision of disciplinary proceedings is determined by the body with disciplinary competence, of its own accord or following formal request by the student.
3. When the sanctions in d) and e) or article 32<sup>nd</sup> have been applied, revision of disciplinary proceedings must be determined by the President of CESAP or, in case of delegation, by the Academic Director, of their own accord or following formal request by the student.
4. While revision is pending, the sanction can be suspended, following reasoned proposal by the instructor, if there is indication that the sanction is unwarranted.
5. From revision of disciplinary proceedings cannot result an aggravation of the student's responsibility.
6. In those cases where revision leads to the repealing or reduction of the penalty, such result must be made public.

#### **Article 60<sup>th</sup>**

##### **Student rehabilitation**

1. Students sentenced for any infraction can be rehabilitated, independently of any revision of disciplinary proceedings, by the entity responsible for applying the sanction.
2. Rehabilitation is conceded to those who have merited it for good behaviour and can be demonstrated by the student by use of all forms of evidence admitted to the process.

3. Rehabilitation is requested by the student or their representative, after the dates for the application of warning, fine, suspension of attendance or suspension of assessment for the duration of an academic year have elapsed, along with the suspension times ascribed to any sanction, as follows:

a) Six months, in case of forewarning.

b) One year, in case of fine.

c) Two years, in case of temporary suspension of school attendance.

d) Three years, in case of suspension of assessment for the duration of a year.

4. Rehabilitation ends the restrictions and any other effects of sentencing still in place and is recorded in the student's individual process.

#### **Article 61<sup>st</sup>** **Closing dates**

1. All closing dates with respect to the disciplinary proceedings encompassed by the present regulations must fall on a working day, and exclude Saturdays, Sundays and any local or national holidays.

2. The periods stated above, including expiry or cessation, will also exclude school holidays.

3. It is assumed as school holidays such periods as those specifically determined by the Academic Chronogram of ESAP.

#### **Article 62<sup>nd</sup>** **Notifications**

All notifications relative to a process can be delivered in person or by registered mail with recorded delivery to the student's address on record.

### **CHAPTER VI** **STUDENT AND ALUMNI SUPPORT SERVICES**

#### **Article 63<sup>rd</sup>** **Student Ombudsman**

1. ESAP offers the student the services of a Student Ombudsman, nominated by the General Council for a two-year renewable mandate, and developing their work in articulation with the bodies, academic structures, and services of ESAP, including the Pedagogical Council, the Academic Board, and also the Student Association of ESAP.

2. The Student Ombudsman's role is autonomous vis-à-vis all academic bodies. The Student Ombudsman is given the task of safeguarding student legal, statutory and reglementary rights and mediate eventual conflicts.

#### **Article 64<sup>th</sup>** **Student Support Services and other support**

1. ESAP creates the necessary and possible conditions for the provision of student support, in the context of the State's higher education support system, namely through the processing and attribution of bursaries.

2. ESAP can grant indirect support in the form of school meals, housing, and healthcare services, and provide additional assistance in the context of artistic, cultural and sports activities, besides other forms of student support.

## **Article 65<sup>th</sup>**

### **Careers and employability services**

1. It is the duty of ESAP, in accordance with its social responsibility pledge, to support its students and graduates in their path to entering work life and starting a career:
  - a) By offering the student the conditions necessary for the assimilation of work and academic life.
  - b) By bolstering the conditions for the improvement of part-time employment options at ESAP that are appropriate for the simultaneous pursuit of an academic activity.
  - c) By helping ESAP's alumni enter the labour market.
2. As required, ESAP regularly surveys and discloses alumni employment statuses and career paths, in accordance with the law.

## **Article 66<sup>th</sup>**

### **Student Union**

1. ESAP recognises the Student Union as a partnering entity relevant for the enrichment of academic life.
2. For the correct participative functioning of this union in academic life, its statutes and regulations must be filed with ESAP's Academic Board, along with the composition of its bodies and management, and any alterations these may suffer.
3. This process and the information described above must be delivered within ten working days, respectively from the moment of approval or nomination.

## **Article 67<sup>th</sup>**

### **Alumni**

ESAP establishes and supports a platform of interaction with its alumni and respective association, supporting and promoting their contribution towards the strategic development of the institution.

## **Article 68<sup>th</sup>**

### **Implementation**

These regulations are implemented with immediate effect and apply to all matters concerned after implementation.