

Approved: Rector's Order No. 14/01, 01.05.2023

A(a) Mechanism for protection of students' rights and legal interests of St. Tamar King University of the Patriarchate of Georgia

Introduction:

The student stands as the central focus of St. Tamar King University of the Patriarchate of Georgia (hereinafter referred to as "the University"), with the paramount goal being the safeguarding of their rights and legal interests. This document is crafted to ensure the protection of student rights, grounded in Georgian legislation and internationally recognized principles. Its objective is to uphold and defend the following values within the university:

Non-discrimination against students

Equality among students

Freedom of expression for students

Engagement of students in university decision-making processes

Academic freedom for students

Article 1: Scope and Objectives of Regulation

1.1. This document delineates the legal mechanisms for safeguarding the rights of university students and their protection.

1.2. The aim of this regulation is to establish effective mechanisms for fostering the protection of students' rights and legal interests within the university.

Article 2: General Mechanisms for Protecting Students' Rights and Legal Interests

2.1. To safeguard the rights and legal interests of students, the following mechanisms are employed by the university:

a) Preventive Measures: The university ensures that students are informed about their rights and responsibilities, along with internal normative documents. Faculties are tasked with providing ongoing consultations to students, fostering awareness of their rights.

b) Application/Complaint Review: The university's legal assurance service, along with faculty deans and the rector, is mandated to receive and address any applications or complaints from students concerning the protection of their rights.

c) Detection of Violations: The university's legal assurance service, in collaboration with faculty deans and the rector, holds the authority to investigate instances of violations of students' rights and legal interests.

d) Prompt Response: The university's legal assurance service, faculty deans, and the rector are obligated to swiftly and appropriately respond to confirmed instances of violations, ensuring a timely and adequate resolution.

Article 3: Student Rights

3.1. Students enrolled and actively pursuing academic higher education programs at the university, in accordance with the Law of Georgia "On Higher Education" and university decrees, inherently possess the rights of a student.

3.2. All students are unequivocally subject to the universally recognized norms and principles of Georgian legislation and international law. Discrimination against students in any form is strictly prohibited.

3.3. The student possesses the following rights:

a) Access to Quality Education: Students have the fundamental right to receive a high-quality education.

b) Participation in Scientific Research: Students are entitled to engage in scientific research endeavors.

c) Utilization of University Resources: Students may access university material, technical, library, and informational resources under equitable conditions as stipulated by university regulations.

d) Involvement in Student Life: Students have the liberty to join student unions, initiative groups, and creative collectives, contributing to the vibrant student life.

e) Collaboration with University Units: Students can collaborate with university departments and initiate discussions on matters vital to student welfare.

- f) Representation in Self-Government: Through universal, direct, and equal elections via secret ballot, students have the right to elect and be elected as representatives in student self-government bodies.
- g) Formation of Student Organizations: Students are free to establish or join student organizations aligned with their interests.
- h) Freedom of Expression: Students have the liberty to express their opinions freely and to decline participation in ideas presented during the educational process with reasoned justification.
- i) Internal and External Mobility: Students may utilize internal and external mobility options as outlined by Georgian legislation and university regulations.
- j) Financial Support: Students are entitled to scholarships, financial aid, and other benefits from state, university, or other sources, in accordance with Georgian legislation and university regulations.
- k) Choice of Educational Program: Students have the autonomy to select their preferred educational programs.
- m) Individual Curriculum Development: Students may initiate and/or participate in the development of individualized curricula in accordance with university regulations.
- n) Evaluation Participation: Students have the right to participate in the evaluation of academic staff, guest lecturers, and university administration effectiveness.
- o) Mobility Rights: In the event of university dissolution without a successor, loss of authorization by a higher educational institution, or termination of an educational program, students are entitled to exercise mobility rights as per the law.
- p) Fair Evaluation: Students are entitled to fair and objective assessment of their knowledge, conducted in accordance with established procedures.
- q) Right to Legal Recourse: Students have the right to appeal university decisions against them in court.
- r) Other Rights: Students may exercise additional rights granted to them by this regulation, other university regulations, and Georgian legislation.
- s) Disability Support: The university provides accommodations for students with disabilities to ensure their full educational participation, in accordance with Georgian legislation and university regulations.

Article 4: Confidentiality and Freedom of Expression

4.1. Any personal information divulged by the student to academic staff, including views, beliefs, and political affiliations, acquired during the educational process, as well as information regarding disciplinary actions taken against the student, shall remain confidential unless the student grants permission or there exists a legitimate interest by the administration to safeguard the safety and lawful rights of others.

4.2. The university is prohibited from leveraging its authority or material-technical resources in a manner that could pose a threat of censorship or impinge upon freedom of expression, except in cases delineated by law.

Article 5: Student Rights During Disciplinary Proceedings

5.1. Disciplinary proceedings against a student must align with the severity of the disciplinary infraction and may only be initiated as outlined in the University's regulations, in adherence to legal provisions, and through a fair and transparent process.

5.2. The initiation of disciplinary proceedings against a student shall not curtail the student's right to engage in the educational process unless such participation jeopardizes the rights, health, university property, or safety of others.

5.3. Throughout the disciplinary proceedings, the student retains the following rights:

- a) Receipt of a written, substantiated decision regarding the initiation of disciplinary proceedings.
- b) Attendance at discussions pertaining to the disciplinary proceedings and the right to present a defense.
- c) Provision of available information and evidence to the university body responsible for disciplinary matters.
- d) Participation in the examination of evidence collected by the university body.
- e) Request for the discussion of disciplinary proceedings against them to be conducted in a public setting.

6.4. The burden of proof during disciplinary proceedings rests with the prosecution. Decisions to initiate disciplinary proceedings must be well-founded and supported by evidence collected in accordance with Georgian legislation and university regulations.

Article 6: Protection of Student Rights

Oversight and protection of students' rights and legal interests are ensured by the university's legal support service in collaboration with student self-government bodies.

Students have the autonomy to independently seek assistance from the university's legal support service, the rector, or relevant faculty members.

In safeguarding students' rights, the cooperative objective of the legal support service, faculties, and student self-government is:

- a) Identification of instances of rights infringement or restriction and appropriate response in compliance with legal and university regulatory frameworks, alongside recommendations to the university rector for ensuring the protection and realization of students' rights and freedoms.
- b) Mediation in conflicts arising from alleged rights violations.

The legal support service is tasked with:

- a) Monitoring the protection and observance of students' rights and freedoms by university personnel and fellow students, irrespective of race, gender, religion, political beliefs, ethnicity, social status, or other distinguishing factors.
- b) Reviewing students' grievances related to potential rights violations or discrimination.
- c) Investigating instances of direct or indirect discrimination, either through filed complaints or proactive inquiry, and formulating relevant recommendations.
- d) Advocating for the restoration of violated students' rights through recommendations to appropriate university personnel or departments when sufficient evidence of the infringement is available.

The Legal Assurance Service is responsible for:

- a) Ensuring oversight of the protection and respect of university students' rights and freedoms by university staff and fellow students, irrespective of any personal attributes or circumstances.
- b) Addressing students' appeals concerning possible rights violations or discrimination, investigating such claims, and formulating relevant recommendations.
- c) Initiating inquiries into instances of direct or indirect discrimination, either based on received complaints or proactively, and proposing recommendations accordingly.
- d) Recommending corrective measures to the appropriate university personnel or units to redress infringed student rights, supported by sufficient evidence.

- e) Requesting and receiving pertinent information/documents from university departments, seeking explanations from experts or specialists, and issuing recommendations to implement legal measures for protecting student rights.
- f) Recommending the establishment of a disciplinary commission, if required, to assess issues based on gathered information and evidence, ensuring the independence of its operations.
- g) Upholding principles of justice, objectivity, impartiality, and legality throughout its activities.
- h) Expecting cooperation from university personnel in facilitating its activities by providing necessary information/documents within their authority.
- i) Maintaining the confidentiality of information obtained during its operations.
- j) Mandating cooperation from university staff and students, including providing requested information and explanations during inspections.

The timeline for addressing student applications and subsequent responses is as follows:

6.1. Applications should be processed within one month.

6.2. If rights violations are confirmed:

- a) The Service may request the violator to rectify the situation and restore the student's rights.
- b) In cases of severe violations, it may recommend disciplinary action against responsible individuals or propose the formation of a disciplinary commission.
- c) It may offer suggestions for rectifying the infringements to relevant university units or personnel.
- d) It may refer cases to investigative bodies if criminal elements are detected.

Any violator must comply with the Service's directives within the specified timeframe. Failure to comply may result in legal measures being pursued.