

# **Student Disciplinary Code**

## **PART ONE**

### **FUNDAMENTAL PROVISIONS**

#### **Article 1**

##### **Subject of Amendment**

**(1) The Disciplinary Code for students of the Faculty of Economics and Administration, Masaryk University (hereinafter “the Disciplinary Code”) is an internal regulation of the Faculty of Economics and Administration (hereinafter “the Faculty”) pursuant to Section 33(2)(e) of Act No. 111/1998 Coll. on Higher Education Institutions and on Amendments and Supplements to some other acts (The Higher Education Act) as amended by subsequent regulations (hereinafter “the Higher Education Act”).**

(2) The Disciplinary Code defines disciplinary offences, specifies details of disciplinary hearings of students enrolled in the Faculty, details of imposing penalties for committing disciplinary offences, and details of disciplinary proceedings including Disciplinary Committee sessions.

(3) Should the Disciplinary Code or the Higher Education Act not address a particular disciplinary offence satisfactorily, the disciplinary offence concerned shall be judged in accordance with Act No. 500/2004 Coll., Code of Administrative Procedure, as amended by subsequent regulations (hereinafter “the Code of Administrative Procedure”).

#### **Article 2**

##### **Disciplinary Offence**

(1) A disciplinary offence is a deliberate violation of duty stipulated by:

- a) the Higher Education Act or another legal regulation,
- b) an internal regulation of Masaryk University (hereinafter „MU“), or
- c) an internal regulation of the Faculty.

(2) A disciplinary offence is in particular constituted by :

- a) any kind of cheating, copying or unauthorized cooperation during studies;
- b) plagiarising someone else’s work, especially by using parts of another person’s work in one’s own paper without duly referencing it, or using parts of someone else’s work verbatim without properly quoting it, e.g. in inverted commas;
- c) submission of an identical or only slightly adapted paper in order to fulfil various study duties without previous consent granted by at least one instructor on the course in which the paper is submitted;

- d) providing one's own written work to another student knowing that it will be used for deceptive behaviour in fulfilling duties, or helping another student during a proficiency test;
- e) any form of unauthorised manipulation with selected examination questions or exchanging tests during a written exam, as well as using materials, information, and technical aids which are not allowed when fulfilling study duties;
- f) gross or repeated violation of duties, rules, and prohibitions arising out of the Faculty's internal regulations;
- g) notably serious or repeated violation of rules and instructions with respect to the use of MU's computer network set by either MU's or the Faculty's regulation;
- h) intentional destruction of, damage to, or alienation of a thing, or misappropriation of property belonging to the Faculty, University or of property belonging to their employees or of property belonging to a person acting in cooperation with Masaryk University;
- i) aggressive or disturbing behaviour, whether physical or verbal, towards a member of the academic staff, an MU's employee, or a person acting in cooperation with the Faculty;
- j) consumption of alcoholic beverages and use of addictive drugs on MU's premises; entering MU's premises or attending lectures and seminars under the influence of addictive drugs;
- k) failure to pay tuition fees,
- l) failure to immediately notify the Faculty of incorrect data in the study records.

### **Article 3**

#### **Disciplinary Committee**

- (1) A disciplinary committee is an independent academic body of the Faculty consisting of four members.
- (2) Members of the Disciplinary Committee are nominated and removed by the Dean from the ranks of the Faculty's academic staff after the approval has been granted by the Academic Senate of the Faculty. The Dean of the Faculty must not be a member of the Disciplinary Committee.
- (3) Half of the Disciplinary Committee's members are students, who do not have any labour-law relations with MU.
- (4) The term of office of a member of the Disciplinary Committee expires 2 years after their appointment. Their mandate expires when their membership is terminated in the part of the Faculty's academic community from which they were nominated.
- (5) The Disciplinary Committee elect and dismiss the Chairman from among their members. The first session of the Disciplinary Committee, at which the Chairman shall be elected, is called by the Dean within 30 days of the appointment of the Committee's members.

# **PART TWO**

## **DISCIPLINARY PROCEEDINGS**

### **Article 4**

#### **The purpose of disciplinary proceedings**

In the disciplinary proceedings, it is essential to ascertain or determine:

- a) whether or not the alleged disciplinary offence took place,
- b) whether or not the act concerned should be qualified as a disciplinary offence,
- c) whether or not the disciplinary offence was committed by a student,
- d) whether the student concerned has already been penalized for committing another disciplinary offence in the past, or whether the penalty was waived because the hearing of the disciplinary offence itself led to rectification, should the finding bear any relevance to judging the offence concerned.
- e) whether or not the disciplinary offence can be heard before the Committee,
- f) whether the disciplinary offence has been committed by negligence or intentionally,
- g) whether and what sort of disciplinary penalty should be imposed for committing the disciplinary offence concerned.

### **Article 5**

#### **Motion to initiate disciplinary proceedings**

(1) A motion to hear a disciplinary offence can be proposed by anyone. A motion is put forward to the Dean. If the motion seems to be well-founded, the Dean proposes to the Disciplinary Committee that disciplinary proceedings should be initiated.

(2) The motion to launch disciplinary proceedings put forward by the Dean contains in particular:

- a) description of the alleged disciplinary offence, stating the provisions of regulations violated, pursuant to Article 2, including when and where (time and place) the alleged disciplinary offence took place, if the information is available.
- a) identification of the student who is supposed to have committed the alleged offence,
- c) explanation of why the act should be considered a disciplinary offence,
- d) evidence in support of the motion.

(3) Disciplinary proceedings are initiated ex officio. The proceedings are initiated on the date when the student received a notification of initiation of disciplinary proceedings pursuant to section 46 of the Code of Administrative Procedure together with a duplicate of the Dean's motion. The notification of initiation of disciplinary proceedings may be accompanied by a subpoena to appear at an oral hearing pursuant to section 69 (1) of the Higher Education Act (section 59 of the Code of Administrative Procedure)

(4) Pursuant to section 137 of the Code of Administrative Procedure, prior to initiating proceedings, MU may procure necessary explanations to verify information the Disciplinary Committee

## **Article 6**

### **Circumstances impeding the hearing and disposing of a disciplinary offence**

A disciplinary offence cannot be heard or disposed of if the same matter has already been decided on, or if a period of one year has elapsed since the alleged disciplinary offence was committed or since the sentence of conviction in the same matter became effective. The period of one year does not comprise the time when the accused person is not a student.

## **Article 7**

### **Hearing of the Disciplinary Committee**

(1) A hearing of the Disciplinary Committee is called by its Chairman immediately after the disciplinary proceedings have been initiated. The date of the hearing of the Disciplinary Committee must be arranged so that the oral hearing of the offence should commence no later than 30 days after the motion to initiate the disciplinary proceedings was referred to the Disciplinary Committee. A Disciplinary Committee hearing is always public, except for discussions and voting on proposed decisions.

(2) The disciplinary proceedings are held in the presence of the student against whom the the disciplinary proceedings have been brought against. Only the student concerned is a participant in the proceedings. The student must be duly invited to the hearing (in accordance with section 59 of the Code of Administrative Procedure), at least five days prior to the proceedings. The invitation is usually sent alongside a notification of initiation of disciplinary proceedings pursuant Article 5(3). The disciplinary proceedings may only be held in the absence of the student if the student fails to appear at the proceedings without legitimate excuse delivered to the Chairman of the Disciplinary Committee no later than at the beginning of the oral hearing and based on relevant grounds preventing the student from being present.

(3) Relevant grounds may cover especially a sick leave documented by a medical certificate, attesting the student's state of health to the date of the oral hearing, which expressly states that an indisposition prevents the student from being present at the oral hearing. The Committee judges the legitimacy of the excuse and fixes a new date if the excuse has been accepted. The Chairman of the Disciplinary Committee ensures that the student is summoned again.

(4) The Disciplinary Committee may interrupt the hearing under circumstances specified in section 64 of the Code of Administrative Procedure.

## **Article 8**

### **Opening and the course of disciplinary proceedings**

- (1) A hearing of the Disciplinary Committee is opened by the Chairman of the Disciplinary Committee or an authorized member of the Committee by making everybody present acquainted with the contents of the motion submitted to initiate disciplinary proceedings and by summarizing results of previous hearing if there are any.
- (2) Except for discussion and voting, the student is entitled to be present at the Committee's hearing, to propose and present evidence, to comment on all documents presented at the hearing, to study written documents, to read the minutes of the hearing except for the record on voting, and to make excerpts from them.
- (3) The student summoned may choose to be represented by a proxy, who, having shown the Committee a written authority signed by the student concerned or being authorized to act on the student's behalf by the student before the Committee, has got all the rights listed in the previous paragraph.
- (4) Facts of the case are established by evidence gathered by the Disciplinary Committee on their initiative or presented to the Committee by the Dean or by the student. The Committee is obliged to gather necessary evidence and hear the case so that it could be ascertained without any doubt whether or not the student concerned has committed the offence.
- (5) If their testimony is proposed as evidence, each member of the University's academic staff of a university employee, who is not a member of the academic staff, is obliged to appear at the disciplinary hearing at the Disciplinary Committee's request to testify about facts important for the disciplinary proceedings. However, a person may refuse to give testimony which would include self-incriminating evidence or evidence incriminating a person close to the witness. The members of the academic staff or university's employees who were summoned to give testimony may not participate in the hearing prior to being heard by the Disciplinary Committee.

## **Article 9**

### **Termination of disciplinary proceedings**

- (1) If the Disciplinary Committee consider the evidence satisfactory for judging the matter, its members settle on a disciplinary decision.
- (2) The Disciplinary Committee will propose that the Dean should discontinue the disciplinary proceedings if it transpired during the proceedings that:
  - a) the act stated in the motion to initiate disciplinary proceedings either did not occur or cannot be qualified as a disciplinary offence,
  - b) the disciplinary offence had not been committed by the student concerned,
  - c) the person who committed the offence had either ceased to be a student pursuant to sections 55 or 56 of the Higher Education Act, or

d) the disciplinary offence cannot be heard (pursuant to Article 6).

(3) The proposed disciplinary decision must contain a verdict and its justification.

(4) Before the decision is notified, the student must be offered the opportunity to comment on the documents leading to the decision.

## **Article 10**

### **Disciplinary decision**

(1) A disciplinary decision is issued without unnecessary delay by the Dean, based on the Disciplinary Committee's proposal.

(2) Pursuant to Article 12, the Dean may either impose a penalty recommended by the committee or a milder penalty, or may waive the penalty.

(3) A disciplinary decision must be made in writing and must contain the following:

a) identification of the University, Faculty and the Dean,

b) the student's first name and last name, date of birth, university identification number (UČO), study programme, permanent address or delivery address, which the student notified MU pursuant to section 61 of the Higher Education Act.

c) the verdict which:

1. establishes that the student has committed a disciplinary offence (including the description of the offence and list of violated legal regulations), and

2. either imposes or waives sanctions pursuant to section 65 (2) of the Higher Education Act,

d) justification,

e) instruction regarding the student's right to appeal the disciplinary decision and the manner of exercising such right, specifying the recipient of such an appeal, the time limit for filing the appeal indicating when the time limit of appeal starts to run, and the authority which will consider the appeal.

(4) The disciplinary decision comes into force on the day of:

a) the expiry of the time limit to file an appeal for the disciplinary decision to be reviewed,

b) receipt of the Rector's decision which either alters, cancels or confirms the Dean's disciplinary decision.

c) waiving the right to appeal

## **Article 11**

### **Appeal**

(1) The student whose disciplinary offence has been decided on by the Dean, is entitled to appeal against the decision within 30 days of receipt of the decision.

(2) If a student waives his/her right to appeal after the disciplinary decision has been notified to him/her, they are not entitled to file an appeal. If a student has withdrawn a filed appeal, they may not file the appeal again.

(3) An appeal may contest the verdict part of the decision, individual verdict, or its secondary provisions. An appeal filed against the justification only is inadmissible. The appeal will contain the student's first name, last name, date of birth, permanent address. It shall be evident from the appeal which decision it contests, what it proposes, where the contradiction is seen between the decision or prior proceedings and legal or internal regulations. Should the student claim that he/she was not allowed to make a certain act during the first-instance proceedings, the act mentioned must be made alongside the appeal.

(4) The term of appeal is 30 days after the notification of the decision. The term of appeal is still valid if, on the last day of the time limit, a letter with an appeal is sent by post, i.e. registered with a postal licence holder. An appeal may only be filed after a decision has been issued. If an appeal has been filed prior to notification of the decision, it is considered to have been filed on the first day of the term of appeal. In case of missing, incomplete, or incorrect instruction, an appeal may be filed within 15 days of the notification of the correction decision, if it was issued, or no later than 90 days after the decision was notified to the student. A student who has demonstrably been informed of the decision cannot claim not to have been notified of the decision; in such a case, the student may file an appeal within 90 days from the day the he/she was informed of the decision.

(5) A student may ask a pardon for the failure to file an appeal within 15 days from the day the obstacle preventing him/her from filing an appeal was removed as long as the request for a pardon is accompanied by an appeal; in such a case the filing may have a suspensive effect should there be a danger of serious detriment to the student. The failure to file an appeal can be waived if the student proves that he/she was prevented from filing an appeal for serious reasons without his/her fault. A request for a pardon of the failure to file an appeal is to be decided by the Dean; the pardon cannot be granted if the period of one year has elapsed since the day the appeal should have been filed.

(6) An appeal which is admissible and has been duly filed has a suspensive effect; the suspensive effect means that the contested decision has no legal effect until the appeal has been resolved and consequences following from an appealed decision do not occur after the decision was taken. Suspensive effect of the appeal cannot be excluded.

(7) An appeal is to be filed with the Dean. Depending on the circumstances, the Dean may amend the proceedings, but not if the appeal was filed late or was not admissible. The Dean may either change or cancel their original decision, if the appeal is granted this way; such a decision can be appealed. Provisions stated in Article 9(4) are similarly valid.

(8) If the Dean does not find reasons to follow the procedure defined in the previous section, the record with the Dean's standpoint is referred to the Appellate Body, i.e. the Rector, within 30 days after the appeal was delivered. In case of a late or inadmissible appeal, the record is referred to the Rector within 10 days. The Dean's standpoint should be limited to listing decisive reasons for considering the lateness or inadmissibility of the appeal. Should the Dean, prior to referring the record to the Rector, learn about facts giving reasons for discontinuing the proceedings, the contested decision is immediately cancelled and the proceedings are terminated.

(9) The Rector reexamines the compliance of the contested decision and the proceedings preceding the decision with legal regulations and internal regulations. Faults in the proceedings which cannot be legitimately thought to have influenced the compliance of the contested decision with legal regulations or internal regulations are not taken into consideration.

(10) Should the Rector conclude that the contested decision contradicts legal regulations or internal regulations:

- a) the contested decision or its part is cancelled and the proceedings are terminated,
- b) the contested decision or its part is cancelled and the matter is returned to the Dean for a review hearing; the justification of the decision shall contain the Rector's legal opinion which is binding for the Dean at a review hearing; the new decision can be appealed or
- c) the contested decision or its part is changed; such a change cannot be made if it might be detrimental to the student causing the loss of the right to appeal; the student is entitled to comment on all the documents and evidence newly acquired by the Rector; if it is necessary to remove faults in the justification, the Rector changes the decision in the part of justification; the Rector may not change the contested decision to the detriment of the student unless the contested decision is in non-compliance with legal regulations.

(11) Should the Rector learn about facts giving reasons for discontinuing the proceedings, the contested decision is immediately cancelled and the proceedings are terminated.

(12) Late or inadmissible appeal shall be dismissed by the Rector; if the decision has already come into force, the Rector subsequently examines whether there are prerequisites for reviewing the decision in review proceedings, for reopening the proceedings, or for issuing a new decision. If prerequisites have been found to initiate review proceedings, to reopen the proceedings, or to issue a new decision, the late or inadmissible appeal is regarded as an impulse for review proceedings, or as a request for reopening the proceedings, or as a request for issuing a new decision. If the Rector concludes that the appeal was filed in time and is permissible, the matter is returned to the Dean.

(13) Should the Rector not find reasons to follow the procedure specified in sections 10,11 or 12, the appeal is dismissed and the contested decision is confirmed; if the Rector only changes or cancels part of the contested decision, the rest of the decision is confirmed.

(14) A decision made in the appeal proceedings shall be issued by the Rector within 30 days; the time limit starts running on the day the record was referred to the Rector. Provisions stated in Article 9 (4) are similarly valid for the Rector's decision.



(15) A Rector's decision cannot be appeal; a Rector's decision comes into force if it has been notified to the student. The Dean's decision, confirmed pursuant to section 13, comes into force alongside the Rector's decision.

(16) If the student has withdrawn the appeal, the appeal proceedings are terminated on the day of the withdrawal; the contested decision comes into force on the following day after the termination of the proceedings; a resolution, stating that the proceedings have been terminated, is issued and is filed in the record and notified to the student; the appeal can be withdrawn before the Rector's decision is issued at the latest.

(17) With respect to the decision pursuant to section 10, the Rector or the Dean takes measures to effect that the student's rights are renewed and consequences caused by the defective decision are removed or moderated.

## **Article 12**

### **Imposing penalties**

(1) The following penalties can be imposed for committing a disciplinary offence:

- a) reprimand,
- b) conditional expulsion including the probation period and conditions for readmission, or
- c) permanent expulsion from the school if it is obvious that a disciplinary offence was committed intentionally.

(2) When imposing penalties, the following shall be taken into consideration: the nature of the disciplinary offence, the character of the action which led to the disciplinary offence, the circumstances of committing the disciplinary offence, the way it was committed, and the consequences of the offence, student's motives to commit the offence, the degree of fault, student's behaviour prior to committing the offence, including study results, and whether or not the student expressed regret about committing the disciplinary offence and showed an effort to remedy the detrimental consequences.

(3) If a penalty of conditional expulsion has been imposed, the decision shall contain an explicit condition stipulating that over a specified period of time the student must not commit another disciplinary offence or even more serious misconduct, otherwise the student will be expelled permanently.

(4) A penalty may also be waived if the the Committee presume that the hearing itself may lead to rectification.

(5) Should there be more disciplinary offences, only one penalty is imposed.

(6) A penalty which is more severe than the one proposed by the Disciplinary Committee cannot be imposed.

(7) A penalty is enforceable on the day the disciplinary decision comes into force.

(8) The penalty imposed shall be part of the student's record and shall be entered in the Information system (IS MU).

### **Article 13**

#### **Execution of penalties**

(1) A reprimand shall be executed by entering it in the student's record.

(2) The penalty of conditional expulsion shall be executed by entering it in the student's study record and the fulfilment the probation conditions will be supervised by an authorized member of the Student Administration Office for a specified period of time and will be reported to the Dean. Having taken into account the information from the Student Administration Office, the Dean shall decide whether or not the student may be readmitted. If the student has not met the conditions, the Dean shall issue a negative readmission decision, appropriately using regulations from Article 10 of the Disciplinary Code. The penalty of conditional expulsion combined with the Dean's negative readmission decision has got the effect of the student being expelled permanently.

(3) The penalty of permanent expulsion shall be executed by terminating the student's studies to the date when the disciplinary decision comes into effect.

## **PART THREE**

# **PROCEDURAL RULES OF THE DISCIPLINARY COMMITTEE**

### **Article 14**

#### **Internal Organization of the Disciplinary Committee**

(1) At the first meeting, the Chairman of the Disciplinary Committee is elected from among its members. The voting is valid if an absolute majority of all the members of the Disciplinary Committee are present. In the first round, the candidate who receives an absolute majority votes is elected. If none of the candidates receives the required number of votes, the second round takes place and the candidate who receives votes from a simple majority of the members of the Disciplinary Committee is elected the Chairman.

(2) The Chairman of the Disciplinary Committee:

a) organizes the functioning of the Disciplinary Committee and acts of the behalf of the Committee,

b) convenes, chairs and concludes the Disciplinary Committee's hearings, and proposes the agenda,

(2) The Disciplinary Committee elects a Vice-Chairman from among its members who acts as

a deputy to the Chairman if necessary, especially in the Chairman's absence.

(3) The Disciplinary committee closely cooperates with the Faculty's Student Administration Office, which provides the Committee with necessary information on students and helps the Committee if required. Hearings of the Committee are attended by an authorized member of the Student Administration Office, typically an officer, who:

a) participates in the organization of the Committee's activities,

b) takes the minutes of the hearing pursuant to section 18 of the Code of Administrative Procedure,

c) administratively processes the Committee's documents,

d) ensures that a written copy of the Dean's disciplinary decision is made and duly dispatched,

e) supplies information to the Disciplinary Committee on the course of studies of the student whose disciplinary offence is heard,

f) informs the Disciplinary Committee about whether or not the student has previously been given sanctions for committing a disciplinary offence, and

g) reports to the Dean on whether or not the students fulfils the probation conditions stipulated in the Dean's disciplinary decision when imposing the penalty of conditional expulsion.

## **Article 15**

### **Hearing of the Disciplinary Committee**

Hearings of the Disciplinary Committee are chaired by the Chairman of the Disciplinary Committee who also ensures that minutes of each proceedings and voting are taken.

## **Article 16**

### **Decision-making of the Disciplinary Committee**

(1) The Disciplinary Committee takes decisions on matters pertaining to its jurisdiction by adopting resolutions.

(2) The Disciplinary Committee has a quorum if the absolute majority of its members are present. A Committee's resolution is passed if the majority of the members present voted for it.

(3) In order for a resolution to be adopted, it must be approved by the majority of the Committee's members present. In case of a resolution which might lead to the penalty of expulsion from studies being imposed or executed, the resolution must be approved by the majority of the Disciplinary Committee's members.

(4) The Disciplinary Committee members decide successively on the guilt, whether or not a

penalty will be imposed, and on the type of penalty. Should the Committee not reach a resolution:

- a) that the student is guilty, the Committee proposes that the Dean terminates the proceedings
- b) that a penalty will be imposed, the Committee proposes that the Dean waives the penalty.
- c) on permanent expulsion, the Committee take a vote on conditional expulsion from studies.
- d) on conditional expulsion, the Committee proposes that the Dean imposes a reprimand.

## **PART FOUR**

### **COMMON, INTERIM AND FINAL PROVISIONS**

#### **Article 17**

#### **Delivery**

(1) Delivery of documents pertaining to the disciplinary proceedings is governed by section 69 (2) of the Higher Education Act and section 19 and the following of the Code of Administrative Procedure.

(2) Documents issued during official acts in the disciplinary proceedings shall be delivered via the Dean's Office to the address entered in the MU Information System by the student, unless they were delivered at the moment when the acts were performed.

(3) A document shall be sent by registered post

a) if it is

1. a summons for a student to appear at the disciplinary hearing,
2. a summons for a member of the academic staff or a university employee pursuant to Article 8 (5) of the Disciplinary Code
3. a disciplinary decision,
3. decision on the appeal against a disciplinary decision,
4. a decision that the student who had been given the penalty of conditional expulsion had not met the conditions and shall not be readmitted,

b) if it has been prescribed by the authority which issued the document.

(3) The day when the delivery was accepted by the addressee is deemed to be the day of delivery. Should the addressee refuse to accept the delivery, the documents are deemed to have been delivered.

(4) If a document cannot be delivered because the student failed to meet the obligation stated in section 63 (3) (b) of the Higher Education Act, or if the document cannot be delivered to the delivery address provided by the student, the document is delivered by a public notice, and the University is not obliged to appoint a custodian for the student.

## **Article 18**

### **Interim provisions**

(1) Proceedings commenced before this Disciplinary Code came into force will be completed in compliance with this Disciplinary Code.

(2) A Disciplinary Committee established before this Disciplinary Code came into force is regarded as a Committee established in compliance with this Disciplinary Code.

## **Article 19**

### **Final provisions**

(1) The Disciplinary Code for students of the Faculty of Economics and Administration, Masaryk University, of the 7th of October 2013 is cancelled in its entirety.

(2) This Disciplinary Code was approved by the Academic Senate of the Faculty of Economics and Administration on the 24th of April 2017.

(3) This Disciplinary Code was approved by the Academic Senate of Masaryk University on the 15th of May 2017, pursuant to section 9 (1) (b) of the Higher Education Act.

(4) This Disciplinary Code came into force on the day when it was approved by the Academic Senate of Masaryk University.

(5) This Disciplinary Code becomes effective on the day when it is published on the Faculty's public website.

prof. Ing. Antonín Slaný, CSc.

Dean