

# **DISCIPLINARY RULES FOR STUDENTS OF THE FACULTY OF SOCIAL SCIENCES OF MASARYK UNIVERSITY**

## ***PART ONE –DISCIPLINARY OFFENCE***

### **Clause 1 – Disciplinary Offence**

(1) A disciplinary offence is a breach of the duties stipulated in Act No. 111/1998, on Universities, (hereinafter the “Act”), other laws, the internal regulations of Masaryk University (hereinafter the “University”) and internal regulations of the Faculty of Social Sciences of MU (hereinafter the “Faculty”).

(2) A disciplinary offence cannot be dealt with after the expiry of the period of one year from its occurrence or a judgement in a criminal case or other decision on the offence by state authorities which has come into force and effect; the period during which the studies were suspended does not figure in the former period. Furthermore, a disciplinary offence cannot be dealt with if Disciplinary Committee already proposed a decision on the matter according to Clause 12.

### **Clause 2 – Types of Disciplinary Offences**

(1) Disciplinary offences can be committed either intentionally or by negligence, depending on the extent and manner in which they were committed.

(2) A disciplinary offence is committed by negligence if the student a) knew that his/her action might breach the duties stipulated in the laws specified in Clause 1, but believed unreasonably that the breach would not occur; or b) the student did not know that his/her action might breach the said duties, although he/she could or should have known it, considering the circumstances.

(3) A disciplinary offence is committed intentionally if the student a) knew that his/her action might breach the duties stipulated in the laws specified in Clause 1 and had been warned that his/her action might breach the duties; or b) the student wanted to breach the duties stipulated in the laws specified in Clause 1.

### **Clause 2a – Facts of Disciplinary Offences**

Disciplinary offences are mainly the following actions:

- a) passing another person’s work off as one’s own work, especially by using parts of another person’s work in one’s own work without proper reference or quoting parts of such work without clearly marked quotes, e.g. inverted commas;
- b) submitting identical or slightly modified work in order to fulfil the various requirements of studies without the previous consent of at least one teacher of the course in which the work is

submitted; c) committing any form of copying or unauthorized cooperation while fulfilling the requirements of studies; d) passing on one's own work or giving hints to other exam-takers during knowledge tests; e) intentionally damaging, destroying or stealing items or misusing the property of the Faculty, the property of its employees or the property of persons collaborating with the Faculty; f) behaving aggressively or disruptively, physically or verbally, towards members of the academic community, employees of the Faculty or persons collaborating with the Faculty.

## ***PART TWO***

### ***DISCIPLINARY PROCEEDINGS***

#### **Clause 3 – The Purpose of Disciplinary Proceedings**

Disciplinary proceedings ascertain primarily the following facts:

- a) whether an action considered a disciplinary offence has occurred;
- b) whether the action is a disciplinary offence;
- c) whether the disciplinary offence may be dealt with;
- d) whether the disciplinary offence has been committed by a student;
- e) whether the disciplinary offence has been committed intentionally or by negligence;
- f) whether a penalty should be imposed on the guilty party and what kind of penalty.

#### **Clause 4 – Motion for Disciplinary Proceedings**

- (1) Disciplinary proceedings start by submitting a motion.
- (2) It is usually the head of a department who submits a motion for disciplinary proceedings to the dean. If the dean of the Faculty believes that certain facts justify the assumption that a student has committed a disciplinary offence, he/she will submit the motion to the Disciplinary Committee via its chairman.
- (3) A motion for disciplinary proceedings should contain the following requisites: a) an accurate depiction of the action considered a disciplinary offence, a reference to the relevant provisions of the laws specified in Clause 1 and the time and place of the alleged disciplinary offence;  
b) justification of why the action is considered a disciplinary offence; c) identification of the student believed to have committed the disciplinary offence; d) evidence on which the motion is based.

#### **Clause 5 – Rejection of the Motion for Disciplinary Proceedings**

- (1) The Chairman of the Disciplinary Committee will reject the motion for disciplinary proceedings in the following instances: a) the motion does not contain the requisites in Clause 4; or b) the motion makes it obvious that the disciplinary offence cannot be handled.

(2) The Chairman of the Disciplinary Committee will promptly inform the dean of the Faculty about the rejection.

### **Clause 6 – The Start of Disciplinary Proceedings**

(1) If the motion for disciplinary proceedings is not rejected according to Clause 5, the Chairman of the Disciplinary Committee will ensure that a copy of the motion is delivered to the student against whom the proceedings should start.

(2) The disciplinary proceedings start on the day when the student receives a copy of the motion for disciplinary proceedings.

(3) The Chairman of the Disciplinary Committee should set the beginning of the oral hearing no later than 30 days from the date when Disciplinary Committee received the motion; the writ of summons for an oral hearing should be delivered to the student via registered mail. If this method of delivery fails, the writ of summons may be delivered by an alternative method specified in Clause 26.

### **Clause 7 – Oral Hearing**

(1) The Disciplinary Committee holds an oral hearing in the presence of the student against whom the proceedings are conducted, the dean of the Faculty or his/her authorized subdean.

(2) The matter may be discussed in the absence of the student if he/she was properly summoned according to Clause 6(3) but refused to attend the oral hearing or did not attend the hearing and did not submit a proper excuse based on relevant reasons explaining his/her absence to the chairman by the start of the oral hearing at the latest.

(3) Relevant reasons include especially illness documented by a medical certificate valid at the time of the oral hearing, i.e. it confirms the illness of the student as of the date of the oral hearing and expressly states that the illness prevents the student from attending the oral hearing. The committee will decide on the legitimacy of the excuse by a resolution according to Clause 22(6); if the committee finds the excuse not to be legitimate, it should specify the reasons for its conclusion in a report.

(4) During the oral hearing, the chairman or another member of the Disciplinary Committee authorized by the chairman will first communicate the contents of the motion for disciplinary proceedings and the results of previous oral hearings, if any.

### **Clause 8**

The right to defence in disciplinary proceedings. The student subject to disciplinary proceedings may deny the facts and statements specified in the motion, defend himself/herself by facts and statements that he/she considers relevant and propose additional or new evidence.

### **Clause 9 - Evidence**

(1) The Disciplinary Committee gathers the evidence necessary for identifying the facts of the matter a) if requested by the dean in the motion for disciplinary proceedings; b) by its own decision; c) if requested by the student subject to the disciplinary proceedings.

(2) Evidence is only gathered during the oral hearing.

- (3) Evidence in disciplinary proceedings may include all means that can identify the facts of the matter.
- (4) Generally known facts and the contents of the regulations in Clause 1 do not require evidence.
- (5) If requested by the Disciplinary Committee, every member of the academic community of the Faculty should attend the oral hearing and provide testimony on facts that they know about the discussed matter. However, they may refuse to give testimony if it poses a danger to the start of criminal or disciplinary proceedings against their person or an associate.

#### **Clause 10**

The end of the oral hearing. If the Disciplinary Committee finds the results of the oral hearing sufficient for a verdict according to Clause 3, it will end the hearing. However, the committee should give the student subject to disciplinary proceedings the opportunity to present his/her arguments without being interrupted before ending the hearing.

#### **Clause 11 – The End of Disciplinary Proceedings**

The Disciplinary Committee will end the disciplinary proceedings if the oral hearing reveals the following facts:

- a) the action considered a disciplinary offence
  - aa) did not occur or
  - bb) is not a disciplinary offence;
- b) the disciplinary offence may not be handled;
- c) the disciplinary offence was not committed by a student; or
- d) the person who committed the disciplinary offence has ceased to be a student.

#### **Clause 12 – Motion for Decision on a Disciplinary Offence**

(1) If the disciplinary proceedings are not ended according to Clause 11, the Disciplinary Committee will agree on a motion for a decision on the disciplinary offence.

(2) The motion for a decision on a disciplinary offence should contain the following requisites: a) a finding that a disciplinary offence has been committed and the relevant provisions of the laws specified in Clause 1 were breached

by the disciplinary offence; b) a finding on whether the offence was committed intentionally or by negligence; c) the identification of the student who commit the offence; d) a proposal for a penalty to be imposed on the guilty party; and e) the proposal of conditions to be fulfilled by the student and the deadline for this if the proposed penalty is a conditional expulsion of the student from studies.

(3) The Chairman of the Disciplinary Committee will submit the motion for decision on the disciplinary offence according to Section 1 to the dean of the Faculty within 3 days from the date of adopting the decision at the latest.

### **Clause 13 – Decision on a Disciplinary Offence**

- (1) The dean of the Faculty will make a decision on the disciplinary offence as proposed by the Disciplinary Committee according to Clause 12.
- (2) In the decision, the dean a) should not impose a stricter penalty on the student than that proposed by Disciplinary Committee; b) may waive a penalty if Disciplinary Committee proposes to waive it or if the dean believes that the disciplinary proceedings themselves may remedy the situation.
- (3) The decision on a disciplinary offence should provide justification and the right to have it reviewed; the decision should be delivered to the student via registered mail.

### **Clause 14 - Penalties**

- (1) The following penalties may be imposed for disciplinary offences: a) reprimand; or b) conditional expulsion from studies.
- (2) Intentional disciplinary offences may also be penalized by expulsion from studies.
- (3) Penalties may be abandoned if the disciplinary proceeding themselves remedy the situation.
- (1) Penalties should take into account the nature of the disciplinary offence, the manner of committing it, its consequences, the reasons why the student committed the offence, the existing behaviour of the student, his/her study results and whether he/she regrets that he/she has committed the offence.
- (2) When imposing penalties for more disciplinary offences, the Disciplinary Committee should take into account all the offences and impose only one penalty.
- (3) Penalty in the form of a reprimand: a) the decision on the disciplinary offence will be posted on the official notice board of the dean's office for 15 days; and b) the disciplinary proceedings and the imposed penalty will be recorded in the student's personal file.
- (4) If the penalty of conditional expulsion from studies is imposed, it should always specify the conditions to be fulfilled by the student and the deadline thereof; the following rules should apply:
  - a) the conditions cannot be stricter and the period of expulsion cannot be longer than that proposed by Disciplinary Committee; b) the period for fulfilling the conditions should not exceed 12 months.
- (5) The penalty of conditional expulsion from studies should be imposed by recording it in the student's personal file; the dean of the Faculty will supervise the fulfilment of the conditions during the set period. If the dean believes that the conditionally excluded student has not fulfilled the conditions during the set period, he/she will propose that the Disciplinary Committee state this fact by the majority stipulated in Clause 22(7).
- (6) The penalty of expulsion from studies should be imposed by terminating the studies of the student on the day when the decision on the disciplinary offence comes into force and effect.
- (7) Likewise, the provision of Section 6 should be used if the dean takes into account the finding of the Disciplinary Committee according to the second sentence of Section 5 and lawfully decides that the conditionally excluded student has not fulfilled the conditions.

### **Clause 16 – Request for a Review of a Decision on Disciplinary Offence**

- (1) The student may request that the decision on the disciplinary offence be reviewed within 30 days from its receipt.
- (2) If the decision on the disciplinary offence was delivered in the alternative manner specified in Clause 26, the missed deadline may be pardoned only if the student proves that he/she was not present at the place of delivery at the time of delivery and during the period when the letter was deposited with the body in charge of its delivery.
- (3) The request according to Section 1 should be submitted to the dean of the Faculty, who a) accepts it and changes or cancels the decision on the disciplinary offence himself/herself or b) submits the request to the rector of the University, who will make an ultimate decision according to Sections 68 and 69 of the Act.

### **Clause 15 – Imposing and Executing Penalties**

### **Clause 17 – The Force and Effect of a Decision on Disciplinary Offence**

- (1) The decision on disciplinary offence comes into force and effect a) upon the expiry of the period in Clause 16(1), unless a request for the review of the decision is made; b) upon the confirmation by the rector of the University according to Clause 16(2b).
- 2) If the decision on disciplinary offence imposes a penalty, the penalty is executable on the day the decision comes into force and effect.

### **Clause 18**

#### Expungement of Decision on Disciplinary Offence

- (1) A decision on a disciplinary offence will be expunged upon the expiry of the period of one year from the imposed penalty – reprimand or a conditional expulsion from studies.
- (2) The expungement of a decision on a disciplinary offence will be recorded in the student's personal file.
- (3) The student for whom a decision on disciplinary offence has been expunged according to this clause should be considered a person never to have been subject to disciplinary proceedings in the particular matter.
- (4) The tasks specified in Sections 1 and 2 should be performed by the dean within the scope of his/her official duties.

## ***PART THREE DISCIPLINARY COMMITTEE***

### **Clause 19 – The Structure of the Disciplinary Committee**

- (1) The Disciplinary Committee consists of a chairman and 5 other members appointed and removed by the dean of the Faculty subject to the approval of the Academic Senate of the Faculty.

- (2) Any member of the academic community of the Faculty may become a member of the Disciplinary Committee. Neither the dean of the Faculty nor his/her subdean may be a member of the Disciplinary Committee.
- (3) Students should make up half of the number of members of the committee.
- (4) The term of office of a member of Disciplinary Committee will expire 2 years from the date of appointment, unless he/she is removed earlier. Members of the academic community may be members of the Disciplinary Committee for more than one term of office.

## **Clause 20**

The position of the Disciplinary Committee. The Disciplinary Committee is an autonomous academic body of the Faculty; it fulfils the tasks specified herein.

### Clause 21 – The Organization of Disciplinary Committee

- (1) The Chairman of the Disciplinary Committee a) convenes, starts, presides over and ends meetings of Disciplinary Committee; b) proposes the order of the agenda of the meeting of the Disciplinary Committee; c) organizes the activity of the Disciplinary Committee; d) fulfils other tasks stipulated herein or assigned by the Disciplinary Committee.
- (2) The Disciplinary Committee selects a vice-chairman and minutes taker from among its members.
- (3) The Vice-chairman of the Disciplinary Committee represents the chairman during his/her absence and possesses the rights and duties of the Chairman of the Disciplinary Committee.
- (4) The minutes taker a) draws up the minutes of the meeting of Disciplinary Committee; b) draws up documents issued by the committee; c) organizes activities of the committee; and d) fulfils other tasks assigned by the committee.
- (1) Meetings of Disciplinary Committee are open to the public.
- (2) Nevertheless, oral hearing according to Clause 7 should not be attended by the members of the academic community invited to attend the meeting and give testimony according to Clause 9(5) who have not given their testimonies to Disciplinary Committee yet.
- (3) Consultations and voting on issues specified in Clauses 11 and 12 may only be attended by members of the Disciplinary Committee.
- (4) The Disciplinary Committee is competent to act and has a quorum if the majority of all members, including the chairman or vice-chairman, is present.
- (5) Members of the Disciplinary Committee may submit proposals on every issue discussed. Other persons or bodies may submit proposals to the Disciplinary Committee only in the instances specified herein.
- (6) The Disciplinary Committee decides on each proposal submitted to it by voting. A proposal is adopted if approved by the majority of members of the committee present; each member of the Disciplinary Committee should vote for or against a proposal; if a voting tie occurs, the vote of the Chairman of the Disciplinary Committee will decide the outcome.

(7) A proposal concerning disciplinary proceedings which may result in the penalty of the expulsion from studies needs to be approved by a two-thirds majority of the members of the committee present.

(8) The Disciplinary Committee may modify its procedural rules in detail by a resolution; however, this resolution may not assign duties to persons who are not members of the Disciplinary Committee.

## **PART FOUR – COMMON PROVISIONS**

### **Clause 23 – The Calculation of Terms**

(1) Terms do not include the day when the fact constituting the start of the period occurs.

(2) Terms based on months or years should end upon the expiry of the day, the number of which corresponds to the day when the fact constituting the start of the term occurred; if the last month of the term does not have such a day, the term should end on the last day of the month.

(3) If the term ends on a weekend or public holiday, the next working day should be considered the last day of the term.

(4) A set term will be observed if a letter is submitted to the post office within the term and addressed to the proper recipient, regardless of the actual date of delivery.

### **Clause 24 – Renewal of a Missed Term**

(1) A missed term may be renewed for significant reasons, at the discretion of the dean of the Faculty.

(2) The request for the renewal of the term should include the document to be delivered; if the request is accepted, the day of the acceptance of the request for the renewal of the term will be the day of the delivery of the document.

### **Clause 25 – Delivery**

(1) Documents issued in relation to actions specified herein will usually be delivered upon the execution of the actions, unless these rules specify otherwise.

(2) If a document is not delivered according to Section 1, it will usually be delivered by postal service to the address of the permanent residence of the recipient; if it is known that the recipient usually dwells at another locat, the document may be delivered there.

(3) The recipient of the document may also be notified of the delivery via e-mail.

(4) Documents should be delivered via registered mail if stipulated herein or by the issuer of the document. A decision on a disciplinary offence should always be delivered via registered mail; if this delivery fails, the document may be delivered by the alternative method specified in Clause 26.

(5) Registered mail means a registered letter with acknowledgement of receipt.



(6) If the recipient refuses to receive the letter, the day of the refusal will be considered the day of its delivery.

#### **Clause 26 – Alternative Delivery**

- (1) If the delivery of a letter according to Clause 25 fails, an alternative method will be used.
- (2) Notification according to Clause 25(3) is not considered a delivery.
- (3) The alternative delivery of a document means that the document will be posted on the official notice board of the dean's office of the Faculty for 8 days.
- (4) The day when the document is removed from the official notice board of the dean's office will be the day of its alternative delivery.

#### **Clause 27 – Access to Files**

- (1) Only members of the Disciplinary Committee, the dean of the Faculty or the subdean authorized by the dean, the rector of the University (if acting according to Clause 16[2b]) and persons to whom the file relates may access files on disciplinary proceedings.
- (2) The files may also be accessed by the Arbitrator and the Arbitration Committee of the Academic Senate of the Faculty in relation to their activities.
- (3) The right to access the files includes the right to take notes, make copies and extracts thereof if approved by the Disciplinary Committee.
- (4) Records on the consultations and voting of the Disciplinary Committee in issues specified in Clauses 11 and 12 may only be accessed by members of the Disciplinary Committee.

#### **Clause 22 – The Code of Procedure of the Disciplinary Committee**

### ***PART FIVE – FINAL PROVISIONS***

#### **Clause 28**

- (1) These rules were approved by the Academic Senate of the Faculty on 25 January 2000 and the Academic Senate by the University on 17 April 2000.

- (2) The amendment to these rules was approved by the Academic Senate of the Faculty on 18 January 2007 and the Academic Senate by the University on 19 February 2007.
- (3) The amendment to these rules was approved by the Academic Senate of the Faculty on 31 May 2007 and the Academic Senate by the University on 24 September 2007.
- (4) These rules and the amendment thereto come into force and effect upon their announcement according to Clause 26 of the Voting and Procedural Code of the Academic Senate of the Faculty.