

Disciplinary Code **CEVRO, z. ú. University**

2018
Prague

Part I. – General Provisions

Article 1. Introductory Provisions

1. This Disciplinary Code (hereinafter referred to as "Code" is issued in compliance with requirements stated in Act number 111/1998 Col. to regulate higher education institutions and to change and amend other laws (Higher Education Act), as amended, and it follows the Statute and the Code of Study and Examination of CEVRO, z. ú. University.
2. This Code deals with details regarding disciplinary delicts of CEVRO, z. ú. University students (hereinafter referred to as "University"), imposing sanctions, as well as the course of disciplinary proceedings.

Part II. – Disciplinary Delicts, Dealing with them a Making Decisions

Article 2. Disciplinary Delict and Sanction

1. A disciplinary delict (hereinafter referred to as "delict") is causing a breach of duties stipulated by legal regulations or internal regulations of the University.
2. For a delict, the following sanctions may be imposed on a student:
 - a) admonition,
 - b) conditional expulsion from the University with time limit and conditions for proving one's discipline,
 - c) expulsion from the University.
3. When sanctions are imposed, the character of conduct which led to a disciplinary delict is considered, as well as its circumstances, consequences, extent of fault and previous behaviour of the student who committed the disciplinary delict, and his/her effort to its rectification. If two or more disciplinary delicts are dealt with in one proceeding, only one sanction for the most serious delict is imposed.
4. It is possible to refrain from imposing a sanction if mere dealing with the disciplinary delict leads to rectification, especially if the disciplinary delict was committed out of negligence, or if a less serious disciplinary delict is concerned.
5. Admonition can be imposed only for a disciplinary delict committed out of negligence, or for a less serious disciplinary delict.
6. Expulsion from the University can be imposed only for a serious disciplinary delict committed deliberately.
7. Conditional expulsion from the University can be imposed only if conditions for imposing expulsion from the University are met, and if it is not a disciplinary delict committed in a particularly disgraceful manner; if the student showed repentance, and if there is a reason to expect that the student would not commit another serious disciplinary delict.
8. Time limit and conditions for proving one's discipline in the course of conditional expulsion from the University are stipulated according to the extent of seriousness of the disciplinary delict; this time limit is at least six (6) months and no more than three (3) years. The period of suspended study is not included in the time limit. If the student commits

another disciplinary delict in the time limit for proving his/her discipline, except for a less serious disciplinary delict committed out of negligence, s/he will be expelled from the University.

9. Admonition is either a non-public sanction announced only to the student; or it is public, and then it is published for 30 days on the official university notice board. The Disciplinary Committee decide about the form of admonition.

10. Conditional expulsion from the University and expulsion from the University are public sanctions and are published for 30 days on the official university notice board.

11. The student is expelled from the University if s/he was sentenced for an intentionally committed crime to imprisonment for more than one year, or if the student was admitted to the University as a result of his/her fraudulent conduct.

Article 3. Disciplinary Committee

1. A disciplinary delict of the student is discussed by the Disciplinary Committee (hereinafter referred to as "Committee").

2. The Committee is a self-governing body of the University. The task of the Committee when discussing the disciplinary delict is to find out actus reus of the matter concerned, assess student's extent of fault and decide about imposing a sanction.

3. The Committee has six members who are appointed by the rector out of members of the academic community. Three members are students. The vice-rector for studies (hereinafter referred to as the "vice-rector") is always a member and chairperson of the Committee.

4. Term of office for Committee members is two years long. The rector when establishing the Committee heeds the principle of its continuous activity.

5. Members of the Committee are obliged to participate in the Committee meetings which they were invited to. Presence at committee meetings is irreplaceable.

6. The Committee meeting is run by its chairperson. Administrative matters associated with Committee meeting are handled by the vice-rector's secretariat.

7. The Committee is competent to decide by resolution if more than 50 % of its members are present. The Committee resolution is accepted if more than 50 % of present members voted for it. If the number of votes is equal, the chairperson's vote decides.

8. Minutes from the Committee meetings are taken. Information about the Committee vote is recorded in a report. A file about individual cases of delicts discussed by the Committee is kept. The contents of the file include especially the proposal for commencing the proceeding, minutes from the meetings and other documents regarding the matter (e.g. summons for the Committee meeting). A part of the file is also the report about the votes of individual Committee members.

9. Committee members and its chairperson are obliged to keep confidentiality about facts they learnt in connection to performing their office unless they were freed from this obligation by the rector.

Article 4. Commencing Disciplinary Proceeding

1. The basis to commence delict proceedings is rector's written proposal which includes the description of the deed, especially indicating the perpetrator, as well as where, when, to whom, how and with what consequence it was committed, proposed evidence which the proposal relies on, and reasoning why, according to this Code, the deed constitutes a delict.
2. Disciplinary proceeding is commenced on the day when the Committee deliver the announcement about commencing the proceeding, including the proposal for commencing the proceeding, to the student concerned. This student is considered innocent until his/her guilt is pronounced in a legally effective decision.
3. It is possible to deal with the delict within one year after it was committed or after a legally effective judgment of conviction in a criminal case. The one-year period does not include the time period when the person is not a student.

Article 5. Discussing the Proposal

1. There is an oral hearing where the student concerned is present. The hearing is summoned, without further delay, by the chairperson of the Committee after receiving the proposal.
2. The student must be invited for hearing concerning the delict. The announcement about the hearing must be delivered to the student in a written form into his/her own hands with the description of all relevant facts concerning the delict, at least five working days prior to the hearing.
3. The student accused of the delict has a right to be present at the Committee meeting, except for the Committee session and vote, and s/he has a right to comment on all facts which s/he is blamed for, as well as all evidence. S/he has a right to ask witnesses who testify at the meeting questions and apply all facts and propose evidence for his/her defence, and file proposals and counterproposals. S/he cannot be forced to testify and to confess. S/he has a right to look into all written document and look into the minutes of the Committee meeting and take excerpts from these documents, except for the report of vote.
4. The student may choose his/her representative (hereinafter referred to as "chosen representative"), who needs to prove his/her identity by written authorisation of the student concerned. Student may authorise the representative directly before the Committee.
5. The Committee is obliged to submit necessary evidence and discuss the whole matter in such a way that it is found out, without any doubts, whether the student committed the delict. Any member of the Committee whose unbiasedness may be doubted in term of his/her relation to the matter or the student concerned, or to the student's representative, is excluded from dealing with the matter. If excluding a Committee member means that the Committee is not able to decide by resolution, the rector adds a member of academic community of the University to the Committee to deal with this delict. If it is the vice-rector who is excluded from dealing with the matter, the rector appoints a new Committee chairperson.
6. The Committee may meet and decide about imposing a sanction even if the student is not present when neither the student nor his/her chosen representative arrived at the Committee meeting without providing serious reasons and proper apology even though he/she was invited accordingly, or if he/she thwarts discussing the matter or refuses providing an explanation for no reason. An apology must be in a written form and must be delivered to the Committee chairperson before the Committee meeting commences.

7. During the proceeding, the Committee submit all necessary evidence, and discuss the matter in such a way that they are able to reach a decision within 30 days after their first meeting. If it is a kind of matter which cannot be handled within 30 days, the rector decides about extending the deadline based on a written and reasoned Committee proposal. The deadline may be postponed by thirty days, no more than twice.

Article 6. Decision

1. After discussing the matter, the Committee approve a recommendation for final decision about the disciplinary delict.
2. Based on the recommendation, the Committee chairperson issues a decision about imposing a sanction which is delivered to the student in 5 working days after approving the Committee resolution.
3. The decision of the vice-rector for studies is issued in a written form; the decision includes a statement part, reasoning, and advice of the right to appeal. The written decision is affixed with the University seal and the vice-rector for studies' own signature. The statement part may contain one or more statements. In reasoning, there are reasons which led to approving the decision listed in the statement. In the advice part, it is stated whether, in what deadline and to whom it is possible to file an appeal against the decision in the first instance.
4. Statement of the decision which found the student guilty of committing the delict must contain description of the deed with the indication of the place, time and way it was committed, proclamation of guilt, type and extent of the sanction, or decision to abandon imposing the sanction, or decision to discontinue the disciplinary proceeding.
5. If it comes out that the deed was not a disciplinary delict, if it cannot be proved that the disciplinary delict was committed by a student, if the person concerned ceased to be a student or if the delict cannot be dealt with because the deadline expired according to Article 4, paragraph 3, the Committee chairperson discontinues the disciplinary proceeding.
6. The decision of the vice-rector for studies becomes legally effective when this decision is issued, after the time period for filing an appeal passed, or the moment the student gave up his/her right to file an appeal, or in cases when filing an appeal is impermissible.

Article 7. Appeal

1. The student may file a written appeal against the decision in the first instance to the rector via the vice-rector for studies. The time period for filing an appeal is 30 days after the decision is announced to the student. Only the rector may pardon exceeding the time period, and only for especially serious reasons if the appeal is filed without any delay after the obstacle which prevented filing an appeal in regular time period is removed.
2. The appeal may oppose the statement part of the decision, either an individual statement, several statements, or all statements. The appeal only against the reasoning of the decision is not acceptable. The appeal must make it clear against which decision it is aimed and what is being proposed.
3. Filing an appeal in time has a suspensive effect. As a result of the suspensive effect of the appeal, the decision does not become legally effective, it cannot be executed, and no other legal effects can be applied.

4. The vice-rector for studies may amend the proceeding if s/he finds it necessary.
5. The vice-rector for studies may cancel or change the decision if s/he completely complies with the appeal. It is not possible to file an appeal against such a decision of the vice-rector for studies.
6. If the vice-rector for studies does not find conditions for proceeding according to previous paragraph, s/he hands the file with his/her recommendation to the rector within 30 days after the appeal was delivered.
7. If the appeal is inadmissible or late, the vice-rector for studies hands the file to the rector without any delay and with his/her recommendation, including the decisive facts for assessing a delayed or inadmissible appeal.
8. The rector denies a delayed or inadmissible appeal and confirms a challenged decision. If there are no reasons for this proceeding, the rector re-examines the accordance of challenged decision and proceedings which preceded issuing the decision with legal regulations and internal regulations of the University. Flaws in the proceeding which could not affect the accordance of challenged decision with legal regulations or internal regulations of the University are not taken into consideration.
9. If the rector comes to the conclusion that the challenged decision is contrary to legal regulations or internal regulations of the University, the rector
 - a. cancels the challenged decision or cancels any part of it, and discontinues the proceeding,
 - b. changes the challenged decision or any part of it, and sends the matter back to the vice-rector for studies to deal with it again; in the reasoning, the rector expresses his/her legal opinion which is this matter binding for the vice-rector for studies,
 - c. changes the challenged decision or any part of it; the rector cannot change the challenged decision to the detriment of the student, unless the challenged decision is against legal regulations,
 - d. changes the challenged decision or cancels a part of it and confirms the rest of it; conditions in b) and c) are applied similarly.
10. If the rector does not find a reason for any proceeding according to previous paragraphs, the appeal is denied, and the challenged decision in the first instance is confirmed.
11. If the rector finds out that there is any fact that justifies discontinuing the proceeding, s/he cancels the decisions without any delay and discontinues the proceeding.
12. The rector issues a decision in the appellative proceeding in the time period of 30 days after the file was handed to the rector.
13. An appeal cannot be filed against the rector's decision. Rector's decision becomes legally effective the moment it is announced to the student.
14. If the student takes his/her appeal back anytime during the appellative proceeding, the appellative proceeding is discontinued on the day the appeal was taken back. The challenged decision in the first instance becomes legally effective the day after the proceeding was discontinued.

Article 8. Delivering

1. Delivering document to students and applicants for study complies with the conditions stipulated in relevant legal regulation.¹

Part III. Collective, Temporary and Final Provisions

Article 9. Collective Provisions

1. Legally effective decision is recorded into student's documentation.
2. If the student is expelled from the University, neither s/he nor any organisation which pays for his/her studies can claim reimbursing the tuition fees for his/her studies. Imposing a sanction does not mean that the student is deprived of his/her duty to compensate for the damage s/he caused.

Article 10. Temporary Provisions

1. Disciplinary proceeding commenced before this Code became legally effective are accomplished in compliance with this Disciplinary Code.

Article 11. Final Provisions

1. The Disciplinary Code of CEVRO, z. ú. University, registered by the Ministry of Education, Youth and Sports of the Czech Republic under number MSMT-9545/2016-1 on April 1st, 2016 is cancelled.
2. This Disciplinary Code was approved by the Academic Board on May 17th, 2018.
3. This Disciplinary Code becomes legally effective on the day it is registered by the Ministry of Education, Youth and Sports of the Czech Republic.
4. This Disciplinary Code becomes legally effective on the first day of academic year 2019/2020.

¹ Provision § 69a Act number 111/1998 Col., the Higher Education Act, as amended

.....
Mgr. Ladislav Mrklas, Ph.D.
Vice-rector for studies

.....
prof. Ing. Josef Šíma, Ph.D.
rector