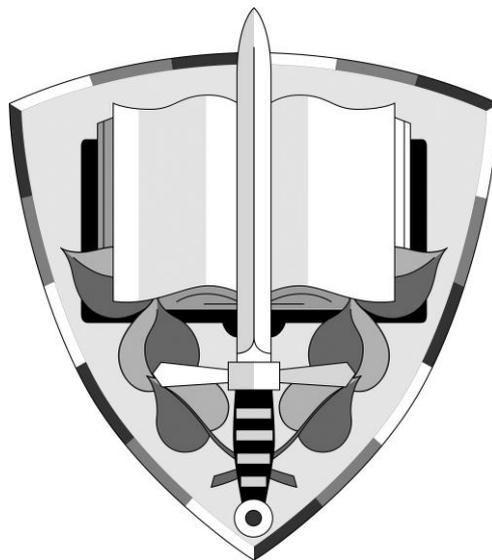


THE UNIVERSITY OF DEFENCE IN BRNO

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REGISTERED INTERNAL REGULATION



DISCIPLINARY CODE FOR STUDENTS OF THE UNIVERSITY OF DEFENCE IN BRNO

Brno 2017

PART ONE
INTRODUCTORY PROVISIONS

Article 1
Introductory Provisions

- (1) The Disciplinary Code for students of the University of Defence in Brno (hereinafter referred to as the "Code ") is an internal regulation of the University of Defence in Brno (hereinafter referred to as "University") pursuant to Section 17 (1) (Higher Education Act), as amended, and pursuant to Article 25 of the Statute of the University of Defence in Brno.
- (2) The Code defines the infringements of disciplinary rules by University students and the imposition of sanctions for such infringements, and further regulates the details on the consideration of infringements of disciplinary rules of students not enrolled at any of the faculties of the University, details of the imposition of sanctions for such infringements, and disciplinary proceedings with these students.
- (3) Details on the consideration of the infringements of disciplinary rules of students enrolled at some of the faculties of the University, details of the sanctioning of these infringements, and disciplinary procedures with these students are defined in the Disciplinary Code of the Faculty.

PART TWO
INFRINGEMENTS OF DISCIPLINARY RULES OF THE UNIVERSITY STUDENTS
AND SANCTIONS

Article 2
Infringement of Disciplinary Rules and Sanctions

- (1) An infringement of disciplinary rules is a violation of the obligations stipulated by the legal regulations or internal regulations of the University and its components.¹
- (2) The following sanctions may be imposed on the student for an infringement of disciplinary rules²:
 - a) admonition,
 - b) conditional expulsion for a set time period and conditions for proving one's discipline during the period of conditional expulsion,
 - c) expulsion from study.
- (3) The following factors are taken into consideration before the imposition of sanctions: the nature of the conduct which resulted in the infringement; the circumstances of the infringement and its consequences; the extent of fault; and the previous conduct of the student in question and his efforts to remedy the consequences.³
- (4) The imposition of sanctions may be waived if the mere consideration of the infringement leads to its correction⁴, mainly in the case of an infringement of disciplinary rules resulting from negligence, or a minor infringement.

¹ S. 64 of Act No. 111/1998 Coll., on *Higher Education Institutions and on the Amendment and Supplementation of Other Acts (Higher Education Act)*, as amended.

² S. 65 (1) of the Higher Education Act.

³ S. 65 (3) of the Higher Education Act.

⁴ S. 65 (2) of the Higher Education Act.

- (5) An admonition may be issued only for an infringement resulting from negligence or for a minor infringement.
- (6) The sanction of expulsion from study may be imposed only for a serious and intentional infringement of disciplinary rules. The sanction of conditional expulsion may be imposed only if the conditions for the expulsion from study were fulfilled but the infringement was not committed in a most contemptible way, and if the student has shown repentance and can reasonably be expected not to commit a serious infringement in the future. The failure to meet other student's obligation in relation to studies as prescribed by the university's internal regulations or by the internal regulations of the relevant faculty without the reasons for special consideration is always considered to be a serious intentional disciplinary offense.
- (7) The period of conditional expulsion and conditions therefor are determined according to the seriousness of the infringement of disciplinary rules; the period is not shorter than six months or longer than five years.
- (8) If the student fulfils the set conditions within the period of conditional expulsion, the Rector decides that he has improved his behaviour; in the contrary case, the Rector decides that the sanction of expulsion from study will be applied, even during the course of the conditional expulsion. If the dean fails to make a decision within 30 days of the lapse of the period of conditional expulsion under the preceding sentence, the student is deemed to have improved his behaviour.
- (9) If a student commits a further infringement of disciplinary rules during the period of conditional expulsion, he will be expelled from the study.
- (10) The admonition is either non-public and is only announced to a student or is public and is published for 30 days on the University's website.
- (11) The sanction of conditional expulsion from studies and expulsion from studies is always public is published for 30 days on the University's website.

PART THREE
DISCIPLINARY PROCESSINGS OF THE STUDENT NOT ENROLLED AT ANY
FACULTY OF THE UNIVERSITY

Article 3
Disciplinary Board

- (1) Any accusation of an infringement of disciplinary rules is considered by the Disciplinary Board of the faculty⁵ (hereinafter referred to as “the Board”).
- (2) The members and alternate members of the Board are appointed and dismissed by the Rector from among the members of the academic community of the University, subject to the prior approval of the Academic Senate of the University⁶.
- (3) The Board has at least six members. Half of the members are students⁷. Two members of the academic staff and two students are the alternate members. The Board elects the chairperson from among its members.
- (4) The term of office of the members of the Board shall be two years.
- (5) Members and alternate members must participate in those sessions of the Board to which they are invited.
 If it is known that a member of the Board is not able to participate in a session, the chairperson invites the appropriate alternate member so that the parity of composition of

⁵ S. 13 (3) of the Higher Education Act.

⁶ S. 9 (1) (f) of the Higher Education Act.

⁷ S. 13 (1) of the Higher Education Act.

- the Board is preserved. Such an alternate member has the rights and duties of a member of the Board at a session to which he has been invited.
- (6) The session of the Board is presided over by its chairperson, in his absence, by a member of the Board appointed by the chairperson.
 - (7) The rector decides to exclude the chairman of the commission. In this case, the Commission shall elect from among its members for this meeting of the Chairperson. A member of the Board suspected of bias in relation to the case or to the student suspected of committing a disciplinary offense or to a person representing him or to any other circumstances, shall be expelled from the session of the Board. The chairperson of the Board shall decide on the expulsion of a member of the Board suspected of bias on the basis of the notification of the person who is a member of the Board or a person from the academic community who will draw attention to the possible bias of the Board member. The Rector shall decide on the expulsion of the chairperson of the Board. In this case, the Board shall for this particular session elect the chairperson from among its members.
 - (8) Only the members of the Board, or the registrar designated by the chairperson of the Board, may be present during consideration and voting.
 - (9) The Board decides in the given order:
 - a) the guilt and whether it was through negligence or intention,
 - b) whether to impose a sanction,
 - c) the type of sanction.
 - (10) In the case of voting pursuant to paragraph 9 (c), the Board first votes on the sanction of expulsion from study. In the case of the sanction of conditional expulsion from study, the Board votes on the period and conditions of conditional expulsion.
 - (11) The Board has a quorum if a majority of its members is present subject to parity. Each member of the Board must vote. A resolution of the Board is passed if a majority of present members vote for it.
 - (12) If the Board fails to reach a decision:
 - a) that the student is guilty, it proposes to the Rector to discontinue the proceedings,
 - b) that a sanction will be imposed, it proposes to the Rector to waive the imposition of a sanction,
 - c) to impose the sanction of expulsion from study, it votes on the imposition of sanction of conditional expulsion from study,
 - d) to impose the sanction of conditional expulsion from study, it proposes to the Rector to impose the sanction of admonition on the student.
 - (13) A record is made of the sessions and voting of the Board. Documentation on individual disciplinary cases is conducted by the chairperson of the Board.

Article 4

Commencement of Disciplinary Proceedings

- (1) Disciplinary proceedings are initiated by the Board on the proposal of the Rector⁸.
- (2) The Rector's proposal must contain the description of the act, including the evidence upon which the proposal relies, and the reasons for which the act is considered to be an infringement of disciplinary rules.

⁸ S. 69 (1) of the Higher Education Act.

Article 5

Consideration of the Proposal and Decision in Disciplinary Proceedings

- (1) The chairperson of the Board convenes a session of the Board immediately upon commencement of the disciplinary proceedings.
- (2) The student must be invited to every session of the Board.
- (3) With the exception of discussions and voting, the accused student has the right to be present at the sessions of the Board, as well as to offer and submit evidence, express his opinion on all documents considered, inspect written documents and, with the exception of records of voting, inspect written minutes of sessions of the Board, and take extracts from them.
- (4) The Board may resolve to act when the student is not present only if neither the accused nor his chosen representative has appeared at a session without any justification. Justification must be in writing and must be delivered to the chairperson of the Board not later than on the date of the session of the Board.
- (5) If a situation arises which makes the consideration of an infringement of disciplinary rules under section 66 of the Higher Education Act impossible, the Rector discontinues the proceedings.
- (6) If it becomes apparent that no infringement of disciplinary rules was committed, or if the Board fails to prove that an infringement of disciplinary rules was committed by the student, or if the person ceased to be a student, the disciplinary proceedings are discontinued.⁹
- (7) If the Rector believes it to be necessary for due clarification of the case, he may refer the case back to the Board for further examination, stating his reasons in written form, before he issues a decision.
- (8) The Rector may:
 - a) impose the sanction proposed by the Board,
 - b) impose a milder sanction; or
 - c) waive the imposition of a sanction.

PART FOUR

SPECIAL, TRANSITIONAL AND FINAL PROVISIONS

Article 6

Special Provisions

- (1) If the student is enrolled at more than one faculty or at a faculty and university, disciplinary proceedings concerning the same case may be held only at one of them. Disciplinary proceedings are held at the university or faculty where disciplinary proceedings started earlier.
- (2) Decisions on the rights and duties of students are governed by the Administrative Procedure Code¹⁰ with the derogations stipulated by the Higher Education Act.

⁹ S. 69 (2) of the Higher Education Act.

¹⁰ Act No. 500/2004 Coll., The Administrative Procedure Code, as amended.

Article 7
Transitional Provisions

- (1) The members of the Board appointed before the legal effect of this Code shall be considered as members of the Board under this Code; the term of office of the members of the Board shall also include the term of membership before the legal effect of this Code.
- (2) Proceedings started before the legal effect of this Code will be completed under this Code.

Article 8
Final Provisions

- (1) The Student Disciplinary Code of the University of Defence, registered on April 26, 2007, as amended, is hereby repealed.
- (2) The Code was approved by the Academic Senate of the University on June 13, 2017.
- (3) The Code comes into force on the date of registration by the Ministry of Defence¹¹.

signed

prof. MUDr. Jiří KASSA, CSc.
Chairman of the Academic Senate of the
University

signed

brig. gen. prof. Ing. Bohuslav PŘIKRYL, Ph.D.
Rector

¹¹ S. 95 (8) (a) of the Higher Education Act.

The Ministry of Education, Youth and Sports declared, pursuant to Section 95 (8) a) of Act No. 111/1998 Coll., on Higher Education Institutions and on the modification and amendment of other acts (Higher Education Act), on 31 August 2017, under Ref. No. MSMT-21548/2017-2 consent to registration of the Disciplinary Code for students of the University of Defence in Brno.

.....signed

Mgr. Karolína GONDKOVÁ

Director of the Higher Education Department

The Ministry of Defence has registered pursuant to Section 36 (2) and Section 95 (8) a) of the Act No. 111/1998 Coll., on Higher Education Institutions and on modification and Amendment of other acts (Higher Education Act, on September 6, 2017, under Ref. No. MO 179853/2017-7542 Disciplinary Code for students of the University of Defence in Brno.

.....signed

Ing. Petr VANČURA

State Secretary at the Ministry of Defence