

Disciplinary Code for Students of the Faculty of Social Studies, Masaryk University

(in the version effective from 25 May 2017)

Pursuant to Section 28, Subsection 1 of Act No. 111/1998 Sb., on Higher Education Institutions and on Amendments and Supplements to Other Acts (Higher Education Act), as amended, I issue this Disciplinary Code of the Faculty of Social Studies, Masaryk University.

Part one Fundamental provisions

Article 1

Subject matter

- (1) This Disciplinary Code for Students of the Faculty of Social Studies, Masaryk University (hereinafter referred to as the “Code”) is an internal regulation of the Faculty of Social Studies, Masaryk University (hereinafter referred to as the “Faculty”) within the meaning of Section 33 Subsection 2 (e) of Act No. 111/1998 Sb., on Higher Education Institutions and on Amendments and Supplements to Other Acts (Higher Education Act), as amended (hereinafter referred to as the “Act”).
- (2) This Code defines offences and regulates details on the hearing of offences of students enrolled at the Faculty, on the imposition of sanctions for these offences, and on disciplinary proceedings, including on meetings of the Disciplinary Committee.
- (3) Act No. 500/2004 Sb., the Administrative Procedure Code, as amended (hereinafter referred to as the “Administrative Procedure Code”) shall apply to decisions on offences under this Code in the event that this Code or the Act do not contain special regulations.

Article 2

Offence

- (1) An offence is a culpable breach of an obligation stipulated by:
 - a) law or other legal regulation,
 - b) an internal regulation of Masaryk University (hereinafter referred to as “MU”), or
 - c) an internal regulation of the Faculty.
- (2) An offence is in particular:
 - a) any form of cheating, copying or unjustified cooperation in the performance of study obligations,
 - b) publishing someone else's work as one's own, especially by using part of someone else's work in one's own work without proper reference or by literally using part of someone else's work without clearly marking the citation, for example with quotation marks,
 - c) submission of the same or slightly modified work to fulfil various study obligations without the prior consent of at least one of the teachers of the course in which the work is submitted,
 - d) providing written work to another student with the knowledge that it will be used for fraudulent conduct in the performance of obligations, or prompting another student who is being tested during a test of knowledge,
 - e) any form of unauthorized manipulation of randomly drawn examination questions, or exchanging tests when doing written tasks, as well as the use of unauthorized materials, information and aids in the performance of study obligations,
 - f) gross or repeated violation of obligations, rules and prohibitions arising from the internal regulations of the Faculty,
 - g) particularly serious or repeated violation of the rules and instructions for use of the MU computer network stipulated by a regulation of MU or the Faculty,

- h) intentional destruction, damage, or theft of items or misuse of property of the Faculty or University, or the property of a member of the academic community, an employee of MU, or a person acting in cooperation with MU,
- i) aggressive or disruptive behaviour, whether physical or verbal, towards a member of the academic community, MU employees, or a person acting in cooperation with MU,
- j) consumption of alcoholic beverages and abuse of other addictive substances on MU premises, entry into MU premises or attendance at classes under the influence of addictive substances,
- k) non-payment of a validly assessed tuition fee,
- l) breach of the obligation to notify without undue delay of inaccuracies in the data in the academic records.

Article 3

Faculty Disciplinary Committee

- (1) The Faculty Disciplinary Committee is an autonomous university body of the Faculty consisting of 6 members.
- (2) The members of the Disciplinary Committee are appointed and removed by the Dean from among the members of the Faculty academic community with the prior consent of the Faculty Senate. The Dean of the Faculty cannot be a member of the Disciplinary Committee.
- (3) Half of the members of the Disciplinary Committee are students enrolled at the Faculty. They must not be employed by MU.
- (4) The term of office of a member of the Disciplinary Committee is 2 years from the date of their appointment. Their mandate always expires with the termination of membership in the part of the academic community of the Faculty that was decisive for their appointment.
- (5) The committee shall elect and remove its Chair from among its members. The first meeting of the committee, the agenda of which is the election of the Chair of the Disciplinary Committee, will be convened by the Dean within 30 days of the appointment of the members of the committee.

Part two

Disciplinary proceedings

Article 4

Purpose of disciplinary proceedings

In particular, it is necessary to identify or determine in disciplinary proceedings whether:

- a) the act considered to be an offence has occurred,
- b) such an act is an offence,
- c) the offence was committed by the student,
- d) the student was sanctioned in the past for another offence, or whether the sanction was waived because the hearing of the offence itself led to a remedy, provided this finding is relevant for the assessment of the offence in question,
- e) the offence can be heard,
- f) the offence was committed negligently or intentionally,
- g) a disciplinary sanction, and if so what sanction, is to be imposed for committing the offence.

Article 5

Initiation of disciplinary proceedings

- (1) Anyone may file a motion to have an offence heard. The motion is submitted to the Dean. If the motion seems justified, the Dean submits a proposal to the Disciplinary Committee to initiate disciplinary proceedings.
- (2) The Dean's proposal to initiate disciplinary proceedings contains in particular:

- a) a description of the act considered to be an offence, stating the provisions of the violated regulations pursuant to Article 2, including the time and place where the offence is supposed to have been committed, if known,
 - b) identification of the student who is supposed to have committed the act,
 - c) a justification why the act is considered to be an offence,
 - d) an indication of the evidence on which the proposal is based.
- (3) Disciplinary proceedings shall be initiated ex officio. The proceedings are initiated on the day when a notice on commencement of proceedings was delivered to the student pursuant to Section 46 of the Administrative Procedure Code together with a copy of the Dean's proposal; a summons to oral proceedings pursuant to Section 69 (1) of the Act (Section 59 of the Administrative Procedure Code) may be associated with the notice on commencement of proceedings.
 - (4) Before initiating proceedings, MU may, in accordance with the wording of Section 137 of the Administrative Procedure Code, obtain the necessary explanations to verify notifications, other motions, and its own findings that could be a reason to initiate proceedings.

Article 6

Circumstances precluding the hearing of an offence

It is not possible to hear an offence if a decision has already been taken in the same case in disciplinary proceedings, or if a period of one year has elapsed since either the act considered an offence was committed or a conviction in a criminal case became final. This period does not include time when the person is not a student.

Article 7

Hearing an offence before the Disciplinary Committee

- (1) Immediately after the commencement of disciplinary proceedings, the Chair of the Disciplinary Committee shall convene a meeting of the committee. The date of the oral proceedings of the Disciplinary Committee must be set so that the oral proceedings of the offence begin no later than 30 days from the delivery of the motion to initiate disciplinary proceedings to the Disciplinary Committee. The proceedings of the Disciplinary Committee shall always be public, except for deliberations and votes on draft resolutions.
- (2) Disciplinary proceedings are held with the participation of the student against whom the disciplinary proceedings are conducted. Only the student is a party to the proceedings. The student must be duly invited to the oral proceedings (in accordance with Section 59 of the Administrative Procedure Code), at least five days in advance. The invitation is usually realized at the same time as the notice to commence disciplinary proceedings pursuant to Article 5, Clause 3. In the absence of the student, disciplinary proceedings may only be held only if the student is not forthcoming with a proper apology, which shall be received by the Chair of the Disciplinary Committee at the latest at the time of opening the oral proceedings and be based upon relevant reasons that prevent the student's participation.
- (3) In particular, incapacity for work evidenced by a medical certificate certifying the student's state of health on the day of the oral proceedings, explicitly stating that the medical condition prevents the student from participating in the oral proceedings, is considered to be a relevant reason. The committee assesses the justification for the apology and, if found to be acceptable, sets a new hearing date. The Chair of the Disciplinary Committee will ensure the student is summoned once again.
- (4) The Disciplinary Committee may, under the conditions of Section 64 of the Administrative Procedure Code, suspend the proceedings by a resolution.

Article 8

The course of disciplinary proceedings

- (1) The meeting of the Disciplinary Committee shall be opened by the Chair, or a member of the Disciplinary Committee authorized by the Chair, who acquaints those present with the content of the proposal to initiate proceedings and summarizes any results of previous meetings.
- (2) The student has, except for the committee's deliberations and voting, the right to be present at

the meeting of the committee, they can also propose and submit evidence, comment on all supporting information and documents for the meeting, view written information and documents, view the minutes of the committee with the exception of the voting record, and make extracts from them.

- (3) The student may choose their own representative. The chosen representative who establishes themselves to the committee by a written authorization of the student, or whom the student authorizes before the committee, has the rights specified in the previous clause.
- (4) The factual state of affairs shall be ascertained by evidence heard by the Disciplinary Committee on its own initiative or on the proposal of the Dean, or the student. The committee is required to go through the necessary evidence and hear the matter in such a way that it can be established, without reasonable doubt, whether the student has committed an offence.
- (5) Each member of the academic community of MU or an employee of the university who is not a member of its academic community is obliged to appear at the summons of the Disciplinary Committee for oral proceedings and testify about facts important for the disciplinary proceedings if their testimony is proposed as evidence. However, anyone who would expose themselves or a person close to them to the risk of prosecution for a crime or administrative offence may refuse to testify. Members of the academic community or MU staff who have been summoned to appear before the Disciplinary Committee and testify may not attend the oral proceedings until they have been heard by the Disciplinary Committee.

Article 9

Termination of disciplinary proceedings

- (1) If the Disciplinary Committee recognizes the results of the taking of evidence as sufficient for the assessment of the present case, it shall vote on the proposed decision on an offence.
- (2) The Disciplinary Committee shall terminate disciplinary proceedings by a resolution if it becomes apparent during the proceedings that:
 - a) the act stated in the motion to initiate disciplinary proceedings has not become or is not an offence,
 - b) the offence was not committed by the student concerned,
 - c) the person who committed the offence ceased to be a student pursuant to Section 55 or 56 of the Act, or
 - d) the offence cannot be heard (according to Article 6).
- (3) The proposal for a decision on an offence must include, in particular, a statement and justification.
- (4) Before issuing a decision in a case, the student must be given the opportunity to comment on the supporting information and documents for issuing the decision.

Article 10

Deciding on an offence

- (1) Decisions in disciplinary proceedings shall be issued by the Dean based on a proposal from the committee without undue delay from the date on which Dean received the proposal.
- (2) Under the conditions of Article 12, the Dean may, by decision, impose a sanction proposed by the committee, or a lesser sanction, or waive the imposition of a sanction.
- (3) The decision on an offence shall be made in writing and must contain the:
 - a) designation of the University, Faculty and its Dean,
 - b) name and surname of the student, the date of birth, or birth certificate number of the student, the university number of the person (so-called UČO), degree programme, place of permanent residence, or address intended for delivery which the MU student reported according to Section 61 of the Act,
 - c) the operative part of the decision
 1. which stipulates that the student has committed an offence (with a description of the act and an indication of the violated legal regulations),
 2. and imposes sanctions or waives their imposition pursuant to Section 65, Subsection 2 of

the Act,

- d) justification,
 - e) instructions on the student's right to file an appeal and how to exercise this right, including an indication of where and within which period the appeal is submitted, from which date this period is calculated, and which administrative body shall decide on the appeal.
- (4) The Dean's decision on an offence shall take legal effect upon the day of the:
- a) expiration of the time limit for filing an appeal against a decision on an offence,
 - b) delivery of the Rector's decision by which the decision on an offence issued by the Dean is changed or confirmed,
 - c) waiver of the right of appeal.

Article 11

Appeal

- (1) A student on whose offence a decision has been made by the Dean of the Faculty has the right to file an appeal against this decision, namely within 30 days from the date of notice.
- (2) The right to file an appeal does not belong to a student who has waived this right after notification the decision. If the student withdraws a submitted appeal, they cannot re-file it.
- (3) An appeal may challenge an operative part of the decision, an individual operative part, or its ancillary provisions. An appeal against the grounds of the decision alone is inadmissible. In the appeal, the student states their name, surname, date of birth, and place of permanent residence. It must be clear from the appeal against which decision it is directed and what is proposed, where the inconsistency lies in the decision or the procedure which preceded it, or where it is inconsistent with the legal regulations or internal regulations. If the student objects that they were not allowed to perform a certain act in the first-instance proceedings, this act must be performed together with the appeal.
- (4) The appeal period is 30 days from the date of notice of the decision. The deadline is observed if, on the last day of the period, a postal item containing an appeal is submitted to the holder of a postal license. An appeal can only be filed after a decision has been issued. If the appeal was filed before the decision was notified, it shall be deemed to have been lodged on the first day of the appeal period. In the case of a missing, incomplete or incorrect instruction, an appeal may be lodged within 15 days from the date of notice of a corrective order, if issued, but no later than 90 days from the date of notice of the decision. Failure to notify a decision cannot be invoked by a student who has demonstrably become acquainted with the decision; in such a case, an appeal may be made within 90 days from the date of becoming acquainted with the decision.
- (5) The student may request the remission of a missed appeal within 15 days from the day when the obstacle that prevented them from filing the appeal has passed, but only if they attach the appeal to the application; this submission may be granted a suspensive effect if the student is in danger of serious harm. Missing the appeal will be remitted if the student proves that the obstacle arose due to serious reasons that occurred without the student being at fault. The Dean shall decide on the waiver of a missed appeal by a decision; a missed appeal may not be excused if one year has elapsed since the date on which it was to have been filed.
- (6) A timely and admissible appeal has a suspensive effect; the suspensive effect of the appeal means that the validity, enforceability or other legal effects of the decision do not arise. The suspensive effect of an appeal cannot be ruled out.
- (7) An appeal is filed with the Dean. The Dean will complete the proceedings as appropriate; this shall not apply if the appeal was filed late or if it was inadmissible. The Dean may revoke or amend the decision if it fully satisfies the appeal; this decision may be appealed. The provisions of Article 9 Clause 4 shall apply analogously.
- (8) If the Dean does not find the conditions for the procedure under the previous paragraph, they shall forward the file with their opinion to the appellate administrative body, i.e. the Rector, within 30 days from the delivery date of the appeal. In the event of an inadmissible or delayed appeal, the Dean shall submit the file to the Rector within 10 days. In their opinion, the Dean shall limit themselves to stating reasons which are decisive for assessing the delay or inadmissibility of the appeal. If the Dean finds out before handing over the file to the Rector that a fact has arisen which justifies a suspension of the proceedings, they shall immediately annul the contested decision and suspend the proceedings.

- (9) The Rector reviews the compliance of the contested decision and the proceedings that preceded the issuance of the decision with the legal regulations and internal regulations. Defects in the proceedings which cannot reasonably be said to have affected the compliance of the contested decision with legislation or internal rules are disregarded.
- (10) If the Rector concludes that the contested decision is inconsistent with the legal regulations or internal regulations, they shall:
 - a) annul the contested decision or part thereof and suspend the proceedings,
 - b) annul the contested decision or part thereof and return the matter to the Dean for new proceedings; in the justification of this decision, the Rector shall express the legal opinion by which the Dean is bound when the matter is re-examined; an appeal may be filed against the new decision, or
 - c) amend the contested decision or part thereof; the change cannot be made if this would jeopardize the loss of the opportunity to appeal; the student has the right to comment on the supporting information and documents informing the decisions newly made by the Rector; if necessary to eliminate defects in the grounds, the Rector shall change the decision in the grounds; the Rector cannot change a contested decision to the detriment of the student, unless the contested decision is inconsistent with the legal regulations.
- (11) If the Rector finds that a fact has arisen which justifies the termination of the proceedings, they shall immediately annul the contested decision and suspend the proceedings.
- (12) A late or inadmissible appeal shall be rejected by the Rector; if the decision has already taken legal effect, the Rector shall subsequently examine whether the conditions exist for reviewing the decision in the review procedure, for reopening the proceedings, or for issuing a new decision. If the Rector finds the conditions for initiating a review procedure, for reopening the procedure, or for issuing a new decision, a late or inadmissible appeal shall be considered as a motion for a review procedure, or a request for reopening proceedings, or a request for a new decision. If the Rector concludes that the appeal was filed in time and that it is admissible, they will return the matter to the Dean.
- (13) If the Rector finds no reason for any procedure under Clauses 10, 11 or 12, they shall reject the appeal and confirm the contested decision; if the Rector changes or annuls the contested decision only in part, they will confirm it in the rest.
- (14) The decision in appeal proceedings shall be issued by the Rector within 30 days; the period begins on the day the file is handed over to the Rector. The provisions of Article 9 Clause 4 apply to the Rector's decision in a similar manner.
- (15) The decision of the Rector cannot be further appealed; the Rector's decision has taken legal effect if it has been notified to the student. The Dean's decision which was confirmed in accordance with Clause 13 shall become final together with the Rector's decision.
- (16) If a student withdraws a filed appeal, the appeal proceedings are stopped on the day of the withdrawal of the appeal; on the day following the termination of the proceedings, the contested decision shall take legal effect; a decision is issued on the fact that the proceedings have been discontinued, which is only noted in the file and the student is notified of it; the appeal may be withdrawn at the latest until the Rector's decision is issued.
- (17) Following a decision pursuant to Clause 10, the Rector or Dean shall take such measures to restore the student's rights and to remove or at least mitigate the consequences caused by the defective decision.

Article 12

Imposition of sanctions

- (1) Sanctions that may be imposed for a committed offence include:
 - a) a reprimand,
 - b) suspended expulsion, specifying the period and conditions of the probation, or
 - c) expulsion, if it is clear that the offence was committed intentionally.
- (2) The imposition of sanctions shall take into account the nature of the offence, the nature of the conduct by which the offence was committed, the circumstances under which it occurred, the manner of its commission and its consequences, the student's motives that led to the offence,

the degree of fault, as well as the student's behaviour to date, including their academic results, and whether they regretted the commission of an offence, or expressed an effort to remedy the harmful consequences.

- (3) If a sanction of suspended expulsion is imposed, the decision always explicitly contains a condition that, under the sanction of expulsion, the student must not commit another offence or an even more serious act within the specified period.
- (4) The imposition of a sanction may be waived if it may be considered that the very hearing of the offence will lead to a remedy.
- (5) When imposing sanctions for several offences, only a single sanction shall be imposed.
- (6) A sanction more severe than that proposed by the Disciplinary Committee may not be imposed.
- (7) The sanction is enforceable on the day the decision on an offence shall enter into effect.
- (8) The imposed disciplinary sanction shall be marked in the student's study file and in the information system (IS MU) in the academic records.

Article 13

Enforcement of sanctions

- (1) The sanction of a reprimand shall be carried out by making a record of it in the student's study file.
- (2) The sanction of suspended expulsion shall be carried out in such a way that a record is made of it in the student's study file and the authorized employee of the Office for Studies supervises the fulfilment of the probation conditions for a specified period. Based on the information of the Office for Studies, the Dean will assess whether the student has fulfilled the particular conditions of the probation or not. In the event that the student has not fulfilled the conditions of the probation, the Dean shall issue a decision to which the provisions of Article 10 shall apply *mutatis mutandis*. The sanction of suspended expulsion in connection with a decision on the fact that the student has not fulfilled the conditions of the probation has the effect of the sanction of expulsion.
- (3) The sanction of expulsion shall be carried out in such a way that the student's studies are terminated on the day the decision on an offence becomes valid.

Part three

Rules of procedure of the Disciplinary Committee

Article 14

Internal organization of the Disciplinary Committee

- (1) At its first meeting, the Disciplinary Committee shall elect a Chair from among its members. The presence of an absolute majority of all members of the Disciplinary Committee is required for the election to be valid. In the first round, the candidate who receives the votes of an absolute majority of all members of the Disciplinary Committee is elected. If none of the candidates obtains the required number of votes, the election is repeated and in the second round the candidate with the highest number of votes is elected.
- (2) The Chair of the Disciplinary Committee:
 - a) organizes the activities of the Disciplinary Committee and acts on its behalf externally,
 - b) convenes, directs and terminates the proceedings of the Disciplinary Committee, proposes the agenda of the heard offences.
- (3) The Disciplinary Committee shall elect a Vice-Chair from among its members who shall, if necessary, deputize for the Chair of the Disciplinary Committee, in particular in the Chair's absence.
- (4) The Disciplinary Committee closely cooperates with the Office for Studies of the Faculty, which provides it with the necessary information about students and all necessary cooperation. The meeting of the committee is attended by an authorized employee of the Office for Studies of the Faculty, usually an officer for studies, who:

- a) participates in the organization of the committee,
- b) draws up a report on the proceedings of the Disciplinary Committee in accordance with Section 18 of the Administrative Procedure Code,
- c) administratively processes other documents of the committee,
- d) ensures a written copy of the Dean's decision on an offence and its proper posting,
- e) provides the Disciplinary Committee with information on the state of study of the student whose offence is being heard,
- f) informs the Disciplinary Committee whether the student has been sanctioned in the past for committing an offence, and
- g) reports to the Dean on whether the student fulfils the conditions of the probation set by the Dean's decision on an offence when imposing a sanction of suspended expulsion.

Article 15

Proceedings of the Disciplinary Committee

The proceedings of the Disciplinary Committee shall be chaired by its Chair. The Chair of the Disciplinary Committee shall be responsible for ensuring that a record is drawn up of each proceeding and vote.

Article 16

Decision-making of the Disciplinary Committee

- (1) The Disciplinary Committee shall decide in matters falling within its competence by a resolution.
- (2) The committee constitutes a quorum if a majority of its members are present. A resolution of the committee is adopted if the majority of its members present have voted for it.
- (3) The approval of the majority of the members present of the Disciplinary Committee is required for the adoption of a resolution of the Disciplinary Committee. The approval of a majority of all members of the Disciplinary Committee is required for the adoption of a resolution that could result in the imposition or execution of a sanction of expulsion.
- (4) The committee shall successively vote on culpability, on whether a sanction will be imposed, and on the type of sanction. If the committee does not reach a decision:
 - a) that the student is culpable, it proposes to the Dean that the proceedings be stopped,
 - b) that a sanction will be imposed, it proposes to the Dean that the Dean refrains from imposing a sanction,
 - c) on the imposition of a sanction of expulsion, it votes on the imposition of a sanction of suspended expulsion,
 - d) on the imposition of a sanction of suspended expulsion, it proposes to the Dean that the Dean impose a sanction of a reprimand.

Part four

Common, transitional and final provisions

Article 17

Delivery

- (1) The delivery of documents in disciplinary proceedings is governed by Section 69a Subsection 2 of the Act and Section 19 et seq. of the Administrative Procedure Code.
- (2) Documents issued during acts in disciplinary proceedings, if they are not delivered directly during the performance of these acts, shall be delivered through the Dean's Office of the Faculty, to the address specified by the student in the MU Information System.
- (3) The document is delivered in person,
 - a) in the case of:
 - 1. summoning the student to disciplinary proceedings,

2. summoning a member of the academic community of the university or an employee of the university pursuant to Article 8, Clause 5 of this Code,
 3. the decision on an offence,
 4. the decision on the appeal against the decision on the offence,
 5. the decision that a student against whom has been imposed a sanction of suspended expulsion did not fulfil the conditions of probation in the specified period,
- b) if the authority which issued the document so provides.
- (4) The day of delivery of a document is the day when the addressee receives the document. If the addressee refuses to accept the document, this has the effect of receiving the document.
 - (5) If the document in disciplinary proceedings cannot be delivered due to the fact that the student has not fulfilled the obligation specified in Section 63 Subsection 3 (b) of the Act, or if the document cannot be delivered to the address for delivery reported by the student, the document will be delivered by a public decree, whereas MU is not obliged to appoint a guardian for the student.

Article 18

Transitional provisions

- (1) Proceedings initiated before this Code entered into effect shall be completed in accordance with this Code.
- (2) A committee established before this Code entered into effect shall be deemed to be a committee established under this Code.

Article 19

Final Provisions

- (1) The Disciplinary Code for Students of the Faculty of Social Studies at MU of 1 June 2009 is repealed.
- (2) This Code was approved by the Faculty Senate of the Faculty of Social Studies, MU on 25 April 2017.
- (3) This Code was approved pursuant to Section 9 Subsection 1 (b) of the Act by the MU Academic Senate on 15 May 2017.
- (4) This Code shall enter into force on the day of approval by the MU Academic Senate.
- (5) This Code shall enter into effect on the day of its publication in the public part of the Faculty's website.

In Brno on 25 May 2017

doc. PhDr. Břetislav Dančák, Ph.D., m.p.
Dean of the Faculty

Czech version of the contract is legally binding.