

In accordance with Section 36(2) of Act 111/1998 Coll., on Higher Education Institutions and on Amendments and Additions to Other Acts (the Higher Education Act), the Ministry of Education, Youth and Sports registered on 25 August 2017 the Disciplinary Regulations for Students of the Silesian University in Opava under No. MSMT-12380/2017.

.....
Mgr. Karolína Gondková
Director of the Department of Higher Education



Disciplinary Regulations for Students of the Silesian University in Opava dated 25 August 2017

Disciplinary Regulations for Students of the Silesian University in Opava dated 25 August 2017

Article 1

Introductory provisions

- 1) The Disciplinary Regulations of the Silesian University in Opava (hereinafter referred to as “the Disciplinary Regulations”) are internal regulations of the Silesian University in Opava (hereinafter referred to as “the University”) pursuant to Section 17 (1) (i) of Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments and Additions to Other Acts (the Higher Education Act) as amended (hereinafter referred to as “the Act”).
- 2) These Disciplinary Regulations apply to students in programmes run jointly by the University and the higher education institute.
- 3) The disciplinary offence is decided upon by the rector.
- 4) Students enrolled in faculties are subject to the disciplinary regulations of their respective faculty.

Article 2

Disciplinary offence

- 1) A disciplinary offence is a culpable violation of the obligations laid down by law or the internal regulations of the University and its units. In particular:
 - a) conduct that is publicly offensive or insulting to another member of the University academic community or University employee,
 - b) intentional damage to University property,
 - c) fraudulent conduct in connection with studying or participating in creative activities,
 - d) the inclusion of a significant text from another person in a written thesis produced in

accordance with the terms of the relevant study plan at the end of a course of study, without properly identifying the relevant source and without explicitly citing the source.

- 2) A student may be subject to any of the following sanctions for a disciplinary offence:
 - a) reprimand,
 - b) suspension from studies with a time limit and conditions for approval,
 - c) expulsion from studies.
- 3) When imposing sanctions, consideration shall be given to the nature of the conduct leading to the disciplinary offence, the circumstances surrounding its occurrence, the resulting consequences, the level of culpability, the prior behaviour of the student in question, and the efforts made to mitigate the impact of the offence.
- 4) Regarding the suspension from studies, the duration and conditions for approval shall be determined based on the severity of the disciplinary offence. It shall be deemed a violation of the approval conditions if the student commits another disciplinary offence during the approval period, except in the case of a less serious offence committed due to negligence.
- 5) A student may only face expulsion from studies for the deliberate commission of a disciplinary offence.
- 6) Expulsion from studies is the sole sanction for fraudulent conduct that led to a student's admission to the programme.

Article 3

Disciplinary Committee of the University

- 1) The University Disciplinary Committee (hereinafter referred to as "the Committee") has four members, including a chairperson, two members from the academic staff of the University and two members from students of the University.
- 2) The members of the Committee are appointed and dismissed by the rector, subject to prior approval from the Academic Senate of the University. The chairperson is elected by the members of the Committee. The term of office for Committee members is two years.
- 3) The meetings of the Committee shall be presided over by the chairperson. In the event of the chairperson's absence, a member of the Committee designated by the chairperson shall assume the role of chairing the meeting.
- 4) The meetings of the Committee are not open to the public.
- 5) The Committee achieves a quorum when more than half of its members are present. It is mandatory to have at least one student member present at all times.
- 6) If there are doubts about the impartiality of a Committee member concerning the matter under consideration or the student suspected of committing a disciplinary offence, that member shall not participate in the Committee's deliberations. Each Committee member is obligated to disclose any potential bias they may have or that exists within another member of the Committee. The chairperson of the Committee will make a decision to exclude a member based on the notification of bias. In case of bias on the part of the chairperson, the rector will decide on their removal and delegate the chairmanship to another member of the Committee.

- 7) A resolution is considered adopted if a majority of the Committee members present vote in it's favor.
- 8) The resolution proposing a sanction or any other course of action to address the disciplinary offence under consideration will be documented in a voting record, indicating the voting decisions of each individual Committee member. This record shall be signed by all present members of the Committee.
- 9) A written record of the Committee meeting shall be signed by the chairperson of the Committee. In the absence of the chairperson, a designated member of the Committee, appointed by the chairperson, shall sign the record. This record shall then be distributed to all members of the Committee.
- 10) Within five working days following the conclusion of the meeting, the chair of the Committee shall deliver the meeting record, enclosed in a sealed envelope, to the rector. The record shall encompass the proposal for a decision concerning the disciplinary offence. Furthermore, it shall include the record of the vote on the proposal for a sanction or any other disciplinary procedure associated with the offence being considered.
- 11) Members of the Committee shall uphold the confidentiality of the Committee's proceedings.

Article 4

Initiation of disciplinary proceedings

- 1) Disciplinary proceedings are initiated by the Committee based on the proposal put forth by the rector.
- 2) The proposal put forward by the rector must include:
 - a) a description of the act,
 - b) a justification for why the act is considered a disciplinary offence,
 - c) proposed evidence.
- 3) The disciplinary offence shall be the topic of an oral hearing conducted by the Committee. The Committee's meeting shall be promptly convened after the chairperson of the Committee or a designated member of the Committee receives the rector's proposal. All members of the Committee shall be duly invited to ensure their presence at the meeting.
- 4) Disciplinary proceedings commence upon notifying the student of the proposal to initiate disciplinary proceedings. The invitation for the student to attend an oral hearing conducted by the Committee is also considered a notification of the proposal.
- 5) The student must receive a written invitation to attend the oral hearing conducted by the Committee. The invitation to the oral hearing must include the date, time, and location of the hearing. For the first oral hearing, it should also encompass the elements listed in paragraph 2.
- 6) An oral hearing of the Committee shall be scheduled no earlier than 3 working days following the student's receipt of the invitation unless written consent from the student is obtained for an earlier hearing.
- 7) If the student has an authorised representative as specified in Article 6(1), the invitation shall be delivered to that authorised representative.

Article 5

Delivery

All document service related to the disciplinary proceedings shall be conducted in accordance with the provisions of Article 25 of the University Statute.

Article 6

Hearing of a disciplinary offence

- 1) The oral hearing of the committee must take place in the presence of the student who is suspected of committing the disciplinary offence. The student has the option to participate in the proceedings on their own behalf or to be represented by an authorised representative.
- 2) If the student or their authorised representative is absent from the hearing without a valid and timely written excuse, despite being invited to attend in accordance with Article 4(5) and (6), the disciplinary offence may still proceed to be heard.
- 3) The committee has the responsibility to ascertain the facts, including the nature of the conduct that constitutes the disciplinary offence, the circumstances surrounding its occurrence, and the resulting consequences. These facts should be causally linked to the student's prior conduct.
- 4) Upon the invitation of the Committee's chairperson witnesses or other individuals who can provide an objective assessment of the disciplinary offence may attend the Committee's deliberations.
- 5) The student has the right to be present during the deliberations of the Committee, except during voting. They also have the right to propose and present evidence, provide comments on any relevant materials, examine written documents, and access the records of the deliberations of the Committee. The only exception is the records of the vote, which they may not inspect or take extracts from.
- 6) After discussing the matter, the committee shall agree on a proposal that the rector should
 - a) decide that the student has committed a disciplinary offence, and concurrently, the committee proposes the imposition of a specific sanction as outlined in Article 2(2),
 - b) decide that the student has committed a disciplinary offence, but also propose to waive the imposition of the sanction,
 - c) dismiss the disciplinary proceedings in accordance with paragraph 8.
- 7) If at the time of the disciplinary offence, the student is within the time limit for approval as stated in Article 2(4), the Committee shall resolve on a proposal that the rector should
 - a) decide that the student has deliberately committed a serious disciplinary offence and should be expelled from their studies,
 - b) decide that the student has committed a minor disciplinary offence due to negligence. Additionally, the Committee proposes either the imposition of a sanction under Article 2(2)(a) or the waiver of any sanction,
 - c) dismiss the disciplinary proceedings in accordance with paragraph 8.
- 8) The Committee shall reach a consensus on a proposal that the rector should discontinue the disciplinary proceedings if:

- a) it becomes evident that the act in question does not constitute a disciplinary offence,
 - b) the evidence fails to establish that the student committed the disciplinary offence,
 - c) the individual suspected of committing the disciplinary offence has terminated their studies,
 - d) there is insufficient proof to establish the student's responsibility for the disciplinary offence.
- 9) The Committee shall notify the student or their authorised representative, if present at the hearing, of the decision made under paragraphs 6 to 8.

Article 7

Decision on a disciplinary offence

- 1) Based on the proposal of the committee, the rector shall make a decision on the disciplinary proceedings without unnecessary delay.
- 2) If crucial facts that are essential for a thorough understanding of the matter have not been considered during the hearing of the disciplinary offence, before the final decision on the matter, the rector has the authority to return the matter to the Committee for additional investigation. The rector shall provide a written justification of the return.
- 3) If the Committee decides on a proposal under Article 6(6)(a), except for a sanction for a disciplinary offence referred to in Article 2(6), or under Article 6(6)(b) and (7)(b), the rector may
 - a) impose the sanction suggested by the Committee, or
 - b) impose a less severe sanction, or
 - c) choose not to impose any sanction if the hearing of the disciplinary offence itself will serve as a remedy.
- 4) If the Committee makes a decision on a proposal related to Article 6(6)(a) in a matter specified in Article 2(6), or in Article 6(7)(a), the rector shall issue a decision in alignment with the Committee's proposal.
- 5) If the Committee reaches a decision on a proposal in accordance with Article 6(6)(c) or (7)(c) to terminate the disciplinary proceedings, the rector is obliged to issue a decision to discontinue the proceedings. However, if the rector harbours serious doubts about whether crucial facts, necessary for a thorough understanding of the matter, have been considered, the rector shall refer the matter back to the Committee for a new deliberation accompanied by written reasons. If the Committee upholds its initial decision, the rector is bound by that decision.
- 6) The decision of the rector must be made in writing and delivered to the student or their authorised representative. It must contain a statement of the reasons for the decision and an indication of a possibility of an appeal.
- 7) The decision to impose a sanction for a disciplinary offence is recorded in the student's file.

Article 8

Appeal

- 1) The appeal procedure is regulated by Section 68 of the Act.

- 2) The student has the right to appeal the decision within a period of 30 days from the date of notification.
- 3) The appeal against the decision is lodged with the rector.
- 4) The lodging of the appeal shall always have a suspensive effect.

Article 9

Transitional provisions

Disciplinary proceedings that had reached a final conclusion before the effective date of these Disciplinary Regulations shall be concluded in accordance with the prevailing internal regulations that were in place at the time.

Article 10

Final provisions

- 1) The Disciplinary Regulations of the Silesian University in Opava, as registered by the Ministry of Education, Youth and Sports on 27 April 1999 under No. 19 997/99-30, and as subsequently amended, are hereby revoked.
- 2) These Disciplinary Regulations were endorsed by the Academic Senate of the University on 23 August 2017, pursuant to Section 9(1)(b)(3) of the Act.
- 3) These Disciplinary Regulations shall come into effect on the date of their registration by the Ministry of Education, Youth and Sports, pursuant to Section 36(4) of the Act.
- 4) These Disciplinary Regulations shall take effect on 1 September 2017.

doc. Ing. Pavel Tuleja, Ph.D., m.p.
Rector