

*The Ministry of Education, Youth and Sports registered in accordance with Section 36(2) of Act No. 111/1998 Coll., on higher education institutions and on amendments and supplements to other acts (the Higher Education Act) on under ref. no. Disciplinary Rules for Students of Silesian University in Opava.*

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# **Disciplinary Code for Students of Silesian University in Opava dated**

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## **Article 1**

### **Introductory provisions**

- 1) The Disciplinary Rules of Silesian University in Opava (hereinafter referred to as the "Disciplinary Rules") are internal regulations of 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 Supplements to Other Acts (the Higher Education Act), as amended (hereinafter referred to as the "Act").
- 2) These disciplinary rules apply to students who are enrolled in study programmes offered by the University in cooperation with a higher education institute.
- 3) The rector shall decide on disciplinary offences.
- 4) Students enrolled at faculties are subject to the disciplinary rules of the relevant faculty.

## **Article 2**

### **Disciplinary offence**

- 1) A disciplinary offence is a culpable violation of the obligations established by legal regulations or internal regulations of the university and its constituent parts, in particular
  - a) behaviour causing public outrage or insulting another member of the university's academic community or a university employee,
  - b) intentional damage to university property,
  - c) fraudulent conduct in connection with studies or participation in creative activities,
  - d) the inclusion of a large amount of someone else's text in a written work prepared in accordance with the conditions of the relevant study plan at the end of a course or study programme, without the relevant passage being properly marked and without the source being explicitly cited.
- 2) For a disciplinary offence, a student may be subject to any of the following sanctions:
  - a) a warning,

- b) conditional expulsion from studies with a set deadline and conditions for certification,
  - c) expulsion from studies.
- 3) When imposing sanctions, consideration is given to the nature of the conduct constituting the disciplinary offence, the circumstances under which it occurred, the consequences caused, the degree of fault, the previous conduct of the student who committed the disciplinary offence, and the efforts made to remedy its consequences.
  - 4) In the case of conditional expulsion from studies, the period and conditions for certification shall be determined according to the seriousness of the disciplinary offence. A violation of the conditions for certification shall always be deemed to have occurred if the student commits another disciplinary offence during the certification period, with the exception of a less serious disciplinary offence committed through negligence.
  - 5) A student may only be expelled from study for intentionally committing a disciplinary offence.
  - 6) The only sanction for fraudulent conduct on the basis of which a student was admitted to study is expulsion from study.

### **Article 3**

#### **University Disciplinary Committee**

- 1) The University Disciplinary Committee (hereinafter referred to as the "Committee") has four members, including the chairperson; two members are academic staff of the University and two members are students of the University.
- 2) The members of the committee are appointed and dismissed by the rector with the prior consent of the university's academic senate. The members of the committee elect a chairperson from among their members. The term of office of the members of the committee is two years.
- 3) The chairperson presides over the committee's meetings; in his or her absence, a committee member appointed by the chairperson presides.
- 4) The committee's meetings are closed to the public.
- 5) The committee is competent to pass resolutions if more than half of its members are present at the meeting. At least one member of the committee from among the students must always be present at the meeting.
- 6) A member of the committee whose impartiality may be questioned in view of the matter under discussion or the person of the student suspected of committing a disciplinary offence may not participate in the committee's proceedings. Each member of the committee is obliged to report any possible bias on their part or on the part of another member of the committee. The chair of the committee shall decide on the exclusion of a member of the committee for bias on the basis of the report. The rector shall decide on the exclusion of the chair of the committee for bias and shall at the same time appoint another member of the committee to perform the duties of chair for the case in question.
- 7) A resolution is adopted if a majority of the committee members present vote in favour of it.

- 8) A record of the vote must be made on the resolution on the proposed sanction or other procedure for dealing with the disciplinary offence under consideration, showing how each member of the committee voted. This record shall be signed by all members of the committee present.
- 9) Written minutes shall be taken of the committee's proceedings and shall be signed by the chair of the committee or, in his or her absence, by the committee member whom the chair has authorised to chair the proceedings in accordance with paragraph 3. The minutes shall be sent to all members of the committee.
- 10) Within five working days of the end of the meeting, the chair of the committee shall submit to the rector the minutes of the meeting with a proposal for a decision and, in a sealed envelope, the minutes of the vote on the proposed sanction or other procedure for dealing with the disciplinary offence under consideration.
- 11) The members of the committee shall ensure the confidentiality of the committee's proceedings.

## **Article 4**

### **Commencement of disciplinary proceedings**

- 1) Disciplinary proceedings shall be initiated by the committee at the proposal of the rector.
- 2) The rector's proposal must contain:
  - a) a description of the act,
  - b) the reasons why the act is considered a disciplinary offence,
  - c) proposed evidence.
- 3) An oral hearing of the disciplinary offence is held by the committee. The hearing is convened without undue delay after receipt of the rector's proposal by the chair of the committee or a member of the committee authorised by the chair in a manner that ensures that all members of the committee are duly invited.
- 4) Disciplinary proceedings shall commence upon notification of the proposal to initiate disciplinary proceedings to the student. Notification of the proposal shall also be deemed to constitute delivery of the invitation to the student to attend the oral hearing of the committee.
- 5) The student must be invited to the oral hearing of the committee in writing. The invitation to the oral hearing must include the date, time and place where the hearing will take place and, in the case of the first oral hearing, the details specified in paragraph 2.
- 6) The oral hearing of the committee may take place no earlier than 3 working days after delivery of the invitation, unless the student gives written consent to an earlier hearing.
- 7) If the student has a representative pursuant to Article 6(1), the invitation shall be delivered to that representative.

## **Article 5**

### **Delivery**

All delivery of documents within the disciplinary proceedings shall be governed *mutatis mutandis* by Article 25 of the University Statutes.

## **Article 6**

### **Hearing of disciplinary offences**

- 1) The oral hearing of the committee shall be held in the presence of the student suspected of committing a disciplinary offence. The student may appear in person or be represented by an authorised representative.
- 2) In the absence of the student or their representative, the disciplinary offence may be heard if the student or their representative fails to appear at the hearing without a timely and proper written excuse, even though they were invited to attend in accordance with Article 4(5) and (6).
- 3) The committee is obliged to ascertain the facts of the case, in particular the nature of the conduct constituting the disciplinary offence, the circumstances in which it occurred and the consequences caused, which are causally related to the student's previous conduct.
- 4) At the invitation of the chair of the committee, witnesses or other persons who can assist in the objective assessment of the disciplinary offence may attend the committee's proceedings.
- 5) The student has the right to be present at the committee's proceedings, except during voting; they may propose and submit evidence, comment on all materials for the proceedings, inspect written materials and, with the exception of the voting record, inspect the minutes of the committee's proceedings and make extracts from them.
- 6) After discussing the matter, the committee shall decide on a proposal that the rector
  - a) decide that the student has committed a disciplinary offence and, at the same time, the committee shall propose the imposition of a specific sanction in accordance with Article 2(2),
  - b) decide that the student has committed a disciplinary offence and, at the same time, the committee shall propose to refrain from imposing a sanction,
  - c) the disciplinary proceedings in accordance with paragraph 8 be discontinued.
- 7) If, at the time of committing the disciplinary offence, the student is within the period for certification pursuant to Article 2(4), the committee shall decide on a proposal that the rector
  - a) decide that the student has intentionally committed a serious disciplinary offence and expel him or her from study,
  - b) decide that the student has committed a less serious disciplinary offence committed through negligence, and at the same time the committee shall propose to impose a sanction in accordance with Article 2(2)(a) or to refrain from imposing a sanction,
  - c) the disciplinary proceedings in accordance with paragraph 8.
- 8) The committee shall decide on a proposal for the rector to discontinue disciplinary proceedings if
  - a) it becomes apparent that no disciplinary offence has been committed,
  - b) it cannot be proven that the student committed the disciplinary offence,
  - c) the person suspected of committing the disciplinary offence has terminated their studies,
  - d) it cannot be proven that the student is responsible for committing the disciplinary offence.
- 9) The committee shall communicate the decision pursuant to paragraphs 6 to 8 to the student or his or her authorised representative, if present at the hearing.

## **Article 7**

### **Decision on disciplinary offences**

- 1) The rector shall decide on the disciplinary proceedings without undue delay on the basis of the committee's proposal.
- 2) If, during the hearing of the disciplinary offence, important facts necessary for the proper clarification of the matter were not taken into account, the rector has the right to return the matter to the committee for further investigation before issuing a decision with a written justification.
- 3) If the committee agrees on a proposal under Article 6(6)(a), with the exception of the penalty for the disciplinary offence referred to in Article 2(6), or under Article 6(6)(b) and (7)(b), the rector may
  - a) impose the sanction proposed by the committee, or
  - b) impose a milder sanction, or
  - c) refrain from imposing a sanction if the mere discussion of the disciplinary offence leads to a remedy.
- 4) If the committee agrees on a proposal under Article 6(6)(a) in a matter referred to in Article 2(6) or under Article 6(7)(a), the rector shall issue a decision in accordance with the committee's proposal.
- 5) If the committee decides on a proposal under Article 6(6)(c) or (7)(c) to discontinue disciplinary proceedings, the rector shall issue a decision to discontinue disciplinary proceedings, unless he or she has serious doubts that important facts necessary for the proper clarification of the matter have been taken into account; in which case he shall return the matter to the committee for further consideration, providing written reasons. If the committee maintains its original decision, the rector shall be bound by it.
- 6) The rector's decision must be made in writing and delivered to the student or their authorised representative. It must contain the ruling, the reasons and information on the possibility of appeal.
- 7) The decision to impose a sanction for a disciplinary offence shall be filed in the student's file.

## **Article 8**

### **Appeal proceedings**

- 1) The appeal procedure is governed by Section 68 of the Act.
- 2) The student may appeal against the decision within 30 days of its notification.
- 3) Appeals against the decision shall be submitted to the rector.
- 4) The filing of an appeal always has suspensive effect.

## **Article 9**

### **Transitional provisions**

Disciplinary proceedings that were legally concluded before the effective date of these disciplinary rules shall be completed in accordance with the existing internal regulations.

## **Article 10**

### **Final provisions**

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

doc. Ing. Pavel Tuleja, Ph.D., v.r.  
Rector