

**DISCIPLINARY CODE OF
UNIVERSITY OF ECONOMICS AND MANAGEMENT**

This Disciplinary Code provides the details on consideration of disciplinary misdemeanors and on imposition of sanctions on students of University of Economics and Management.

The disciplinary code is an internal regulation of University of Economics and Management.

Article 1
Introductory Provision

The Disciplinary Code of University of Economics and Management (hereinafter "VŠEM") provides, in accordance with Act No. 111/1998 Sb. on Higher Education Institutions and on the Amendments and Supplements to Some Other Acts (the Higher Education Act), as amended (hereinafter "the Act"), the details on consideration of disciplinary misdemeanors and on imposition of sanctions on students of VŠEM.

Article 2
Disciplinary Misdemeanor

A disciplinary misdemeanor is an intentional or negligent breach of duties provided for in legislation or in internal regulations of VŠEM.

Article 3
Sanctions

1. One of the following sanctions may be imposed on the student for a disciplinary misdemeanor:
 - a) admonition,
 - b) conditional expulsion from study,
 - c) expulsion from study.
2. In case of conditional expulsion from study a time period and conditions for proving one's discipline must be set.
3. Expulsion from study can only be imposed for an intentional disciplinary misdemeanor.
4. Student accepted for study due to his/her fraudulent behavior shall be expelled from study in accordance with § 67 of the Act.

Article 4
Imposition of Sanctions

1. The following factors are taken into consideration when imposing sanctions: the nature of the conduct constituting the misdemeanor; the circumstances of the misdemeanor; its consequences; the extent of liability; previous behavior of the student in question; and his/her demonstrated efforts to remedy the consequences.
2. The imposition of a sanction may be waived if the mere consideration of the disciplinary misdemeanor clearly leads to correction.

Article 5
Authorities of Disciplinary Proceedings

1. Authorities of disciplinary proceedings are as follows:
 - a) the Rector,
 - b) VŠEM Disciplinary Committee (hereinafter "the Committee") composed of at least 4 members, half of them being students.
2. Members of the Committee shall be appointed by the rector for a two-year term of office.
3. Members of the Committee shall be proposed by the VŠEM Academic Council, the student members by the VŠEM Student Council.
4. Committee membership terminates:
 - a) at the end of the period for which the member in question was appointed,
 - b) by death of the Committee member or by loss of his/her legal capacity,

- c) by removal of the member by the Rector, effective on the date of delivery of such decision, unless its provisions set a later date,
 - d) by resignation of the member, effective on the date of delivery of such decision to the Rector.
5. The Committee shall elect and dismiss the Chairperson from among its members.
6. The Committee considers disciplinary misdemeanors and proposes decisions on infringements to the Rector, especially on imposing sanctions.

Article 6

Disciplinary Proceedings

1. Disciplinary proceedings are initiated by the Committee upon proposal of the Rector.
2. The proposal shall contain:
 - a) the description of the conduct where a disciplinary misdemeanor is seen,
 - b) the reasons for classifying the conduct as a disciplinary misdemeanor,
 - c) the evidence proposed.
3. The proposal to commence disciplinary proceedings shall be delivered to the student personally and in writing. The proposal is considered to be delivered on the day it was received, on the day it was refused to be received, or after being stored at the post office or at premises of another postal licensee used for the purpose of delivering the document.

Article 7

Procedure of Disciplinary Proceedings

1. The disciplinary proceedings are commenced upon acquaintance of the student with the proposal.
2. The disciplinary misdemeanor is considered on a Committee hearing with the student being present.
3. The student shall be invited to the Committee hearing in writing. The invitation shall contain the proposal as well as the day, time, and place of the session.
4. The invitation shall be delivered to the student in person, with possible substitute delivery by way of storage at a postal licensee.
5. In absence of the student a disciplinary misdemeanor may be considered if the student does not attend the hearing without excuse, although he/she was invited to attend it properly, or if the student states explicitly that he/she does not want to attend the session.
6. At its session the Committee is obliged to determine the nature of the conduct which resulted in the misdemeanor, the circumstances of the conduct, if the disciplinary misdemeanor was committed by the student, and the consequences caused.
7. The Committee sessions shall be recorded in minutes, to be signed by the Chairperson and by the member charged with drafting the minutes (the drafter). The minutes, along with the proposal for decision, shall be forwarded to the Rector within 5 days of the conclusion of the Committee session at latest.
8. The Rector shall decide on the disciplinary misdemeanor within a period of 30 days starting at the day when the disciplinary proceedings were commenced. In his/her decision the Rector is not authorized to impose a more severe sanction than what was proposed by the Committee. Otherwise the Rector is not bound by the Committee proposal.
9. A disciplinary misdemeanor cannot be considered after expiration of a period of one year from the commission of the act or from coming into force of a judgment of conviction in a criminal case forming grounds for disciplinary liability of the student for a disciplinary misdemeanor.

Article 8
Participation in Disciplinary Proceedings

1. Sessions of the Committee shall be held in private.
2. On invitation of the Chairperson of the Committee witnesses and a representative of the student can attend the session. Upon request the Committee shall allow the Rector or the vice-rector empowered to do so by the Rector to attend the session.
3. The student can provide a lawyer or other representative with a power of attorney to represent him/her at the session of the Committee.

Article 9
Resolution

1. The Committee is quorate when at least half of its members are present.
2. A resolution is adopted when more than half of the Committee members present voted in its favor. In case of equality of votes the Chairperson of the Committee shall cast the decisive vote.

Article 10
Discontinuation of the Disciplinary Proceedings

The disciplinary proceedings shall be discontinued by the Rector in case:

- a) of failure to prove that the conduct considered to be disciplinary misdemeanor was committed,
- b) it turned out that the conduct is not a disciplinary misdemeanor,
- c) of failure to prove that the conduct was committed by the student,
- d) the person suspected of committing a disciplinary misdemeanor ceased to be a student,
- e) of absence of conditions for liability of the student for the conduct according to general legislation.

Article 11
Decision

1. The decision of the Rector on disciplinary misdemeanor shall contain the statement, reasoning, and the notice of the right to apply for revision.
2. The decision shall be handed to the student in person or shall be sent by post to his/her address of permanent residence to be delivered in person.
3. The decision is considered to be delivered on the day it was received, on the day it was refused to be received, or after being stored at the post office or at postal licensee premises.

Article 12
Revision of the Decision

1. Within a period of 30 days from the day the decision on disciplinary misdemeanor was delivered to him/her the student has the right to apply for revision of the decision by the rector.
2. Failure to file the application within this period due to serious reasons can be waived by the rector. If the notice of the right to apply for revision is missing in the decision the rector shall always grant the waiver.
3. The application for revision of the decision shall be filed by the student to the hands of the rector.
4. Filing an application for revision of a decision has a suspensive effect.

5. The rector is authorized to accept the application for revision of a decision and change or cancel the decision (error coram nobis) if it was done in contravention of the law or of a VŠEM internal regulation. The decision shall be cancelled if circumstances appear that would give grounds for discontinuation of the proceedings.
6. The decision of the rector on revision is final.

Article 13

Consequences of the Decision

1. After the period set in the decision on conditional expulsion from study (the "trial period") has passed the rector shall decide if the student has fulfilled the conditions stated in the decision and if he/she has proved his/her discipline. If the rector fails to make a decision within 30 days of the end of the trial period, the student is deemed to have fulfilled the conditions and proved his/her discipline.
2. If, during the period set in the decision on conditional expulsion from study, another sanction was imposed on the student, the rector can decide that he/she has not proved his/her discipline.
3. The decision on imposing a sanction for disciplinary misdemeanor shall be recorded in the study dossier of the student managed by VŠEM.
4. The decision on imposing a sanction for disciplinary misdemeanor shall be deleted from the study dossier of the student managed by VŠEM:
 - a) in case of admonition, after a period of 12 months from the day of the decision on imposing the sanction,
 - b) in case of conditional expulsion from study, after the period set therein, but no sooner than 24 months after the day of the decision on imposing the sanction.

Article 14

Waiver of Disciplinary Proceedings

1. The Chairperson of the Disciplinary Committee may, if he/she deems it appropriate (the nature of the act is not serious), decide to waive the disciplinary proceedings.
2. In that case an admonition shall be imposed on the student.

Article 15

Concluding Provisions

1. Disciplinary proceedings are not subject to general legal provisions on administrative procedure.
2. The Rector is authorized to mandate one of his/her vice-rectors to perform his/her duties under this code, with the exception of deciding on applications for revision of a decision.
3. The Disciplinary Code comes into force, according to sec. 36(4) and sec. 39(9) of the Act, on the date of registration by the Ministry of Education, Youth and Sports.

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Rector