

Disciplinary Code of the Faculty of Arts of Masaryk University

Pursuant to Section 28, Paragraph 1 of Act No. 111/1998 Coll., on institutions of higher education and amendments to other laws (the Higher Education Act), as amended, I hereby issue the following Disciplinary Code of the Faculty of Arts of Masaryk University.

Part One Basic Provisions

Article 1

Subject of the regulations

- (1) This Disciplinary Code for students of the Faculty of Arts of Masaryk University (hereinafter referred to as 'the Code') is an internal regulation of the Faculty of Arts of Masaryk University (hereinafter referred to as the 'FA') in the meaning of Section 33, Paragraph 2 (e) of Act No. 111/1998 Coll., on institutions of higher education and amendments to other Acts (the Higher Education Act), as amended (hereinafter referred to as 'the Act').
- (2) This Code defines disciplinary offenses and regulates: the particulars of the discussion of disciplinary offences of students enrolled at the Faculty of Arts; the imposition of sanctions for such offences; and disciplinary proceedings, including the proceedings of the Disciplinary Board.
- (3) Act No. 500/2004 Coll., the Administrative Procedure Code, as amended (hereinafter referred to as 'the Administrative Procedure Code') will apply to decisions on disciplinary offence under this Code in the event that this Code or the Act does not contain particular regulations.

Article 2

Disciplinary offences

- (1) A disciplinary offence is an attributable breach of an obligation stipulated by:
 - a) the law or another legal regulation,
 - b) an internal regulation of Masaryk University (hereinafter referred to as 'MU'), or
 - c) an internal FA regulation.
- (2) A disciplinary offence is particularly:
 - a) any form of cheating, copying the work of another student or unauthorized cooperation in the performance of one's study obligations;
 - b) passing off 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 verbatim use of part of someone else's work without overtly indicating citations, for example, by means of quotation marks;
 - c) submitting the same or a slightly modified work to fulfil different study obligations without the prior consent of at least one of the teachers of the course for which the work is being submitted;
 - d) providing written work to another student in the knowledge that it will be used fraudulently in the fulfilment of their obligations, or assisting another test taker during a test;
 - e) any form of unauthorized manipulation of the examination questions drawn or exchange of tests when doing written tasks, and the use of unauthorized materials, information and aids in the performance of one's study obligations;
 - f) gross or repeated violation of obligations, rules and prohibitions arising from FA internal regulations;

- g) a particularly serious or repeated violation of rules and instructions for the use of the MU computer network as stipulated in MU or FA regulations;
- h) the intentional destruction, damage, unauthorized misappropriation or misuse of the property of the FA, university or the property of a member of the academic community, an employee of the FA or a person acting in cooperation with the FA;
- i) aggressive or disruptive behaviour, be it physical or verbal, towards a member of the academic community, an employee of the FA or a person acting in cooperation with the FA;
- j) consuming alcoholic drinks or using any other addictive substances on the premises of the FA or the entrance area to the premises of the FA, or participating in tuition under the influence of addictive substances;
- k) non-payment of a legally valid tuition fee;
- l) a breach of the obligation to draw attention to inaccuracies in data in the study records without undue delay.

Article 3

Disciplinary Board of the FA

- (1) The Disciplinary Board of the FA (hereinafter referred to as 'the Disciplinary Board') is a self-governing academic body of the Faculty consisting of six members.
- (2) Members of the Disciplinary Board are appointed and removed by the Dean with the prior consent of the Academic Senate of the FA and are drawn from members of the academic community of the FA. The Dean of the FA cannot be a member of the Disciplinary Board.
- (3) Half of the members of the Disciplinary Board will be students who are enrolled at the faculty. These individuals must not be in employment at the FA.
- (4) The term of office of a member of the Disciplinary Board is 2 years from the date of their appointment. Their mandate will always expire upon the termination of their membership of that part of the academic community of the FA that was fundamental to their appointment.
- (5) The Disciplinary Board elects its chairman from among its members and makes the decision to remove individuals from the post. The first meeting of the Board will be convened by the Dean within 30 days of the appointment of the members of the Board and the agenda will include the election of the chairman of the Board.

Part Two

Disciplinary proceedings

Article 4

Purpose of disciplinary proceedings

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

- a) whether the act considered to be a disciplinary offence occurred;
- b) whether this act is a disciplinary offence;
- c) whether the disciplinary offence was committed by a student;
- d) whether the student has been sanctioned in the past for another disciplinary offence and whether the sanction has been waived, because the disciplinary hearing of that offence led to a remedy, and whether this finding is relevant in assessing the offence in question;
- e) whether it is possible to hear the disciplinary offence;
- f) whether the disciplinary offence was committed negligently or intentionally;

- g) whether and what disciplinary sanction is to be imposed for the committing of the disciplinary offence.

Article 5

Initiation of disciplinary proceedings

- (1) Anyone may initiate proceedings to hear a disciplinary offence. A complaint is submitted to the Dean. If the subject of the complaint seems justified, the Dean submits a motion to the Disciplinary Board to start disciplinary proceedings.
- (2) The Dean's motion to initiate disciplinary proceedings must contain in particular:
 - a) a description of the act which is considered to be a disciplinary offence, stating the violated regulations pursuant to Article 2, including the time and place where the disciplinary offence was allegedly committed, if known;
 - b) the identification of the student who allegedly committed the act;
 - c) a justification of why the act is considered to be a disciplinary offence;
 - d) a statement of the evidence on which the proposal is based.
- (3) Disciplinary proceedings are initiated ex officio. The proceedings commence the day the student receives notice of the initiation of proceedings pursuant to Section 46 of the Administrative Procedure Code together with a copy of the Dean's motion; a summons to an oral hearing pursuant to Section 69, Paragraph 1 of the Act (Section 59 of the Administrative Procedure Code) may be associated with the notice of the initiation of proceedings.
- (4) In accordance with the wording of Section 137 of the Administrative Procedure Code, before initiating proceedings, MU may procure the necessary explanations to verify the notice, other information and its own findings that may constitute the reason to initiate proceedings.

Article 6

Circumstances precluding the hearing of a disciplinary offence

- (1) It is not possible to hear a disciplinary offence if a disciplinary proceeding has already taken place in regard of the act and a decision has already been made or if a period of one year has elapsed since the committing of the act considered to be a disciplinary offence or since a final conviction in a criminal case. This period does not include the time when the individual concerned is not a student.

Article 7

A disciplinary offence hearing before the Board

- (1) Immediately upon the commencement of disciplinary proceedings, the chairman of the Disciplinary Board convenes a meeting of the Board. The date of the oral hearing of the Board must be set so that the oral hearing of the offence takes place no later than 30 days from the Disciplinary Board's receipt of the motion to initiate disciplinary proceedings. The proceedings of the Board are always public, with the exception of its deliberations and voting on proposed rulings.
- (2) Disciplinary proceedings are held with the participation of the student against whom the disciplinary proceedings are directed. Only the student is party to the proceedings. The student must be duly invited to the oral hearing (in accordance with Section 59 of the Administrative Procedure Code) at least five days before the hearing. The invitation is usually sent at the same time as the notice of the initiation of disciplinary proceedings pursuant to Article 5, Paragraph 3. Disciplinary proceedings may be held in the absence of the student only where that person has failed to appear without a proper excuse being delivered to the chairman of the Disciplinary Board

by the beginning of the oral hearing at the latest based on pertinent reasons preventing their participation.

- (3) A pertinent reason is considered to be, in particular, incapacity for work as evidenced by a medical certificate certifying the student's state of health on the day of the oral hearing and from which it explicitly follows that the medical condition prevents the student attending the oral hearing. The Board will assess the reasonableness of the excuse and if it deems it acceptable, sets a new date for the oral hearing. The chairman of the Disciplinary Board will ensure that the student is summoned to appear once more.
- (4) Under the conditions of Section 64 of the Administrative Procedure Code, the Disciplinary Board may suspend the proceedings by means of a resolution.

Article 8

Conduct of disciplinary proceedings

- (1) Hearings of the Disciplinary Board are initiated by the chairman or an authorized member of the Disciplinary Board by acquainting those present with the content of the motion to initiate proceedings and by summarizing the findings of any previous hearings.
- (2) The student has the right to be present at the hearing of the Board, apart from during its deliberations and voting. They may also propose and submit evidence, comment on all the documents for the hearing, inspect written documents, inspect the minutes of the Board with the exception of the voting record and he may obtain extracts from the documents.
- (3) The student may choose to have a representative. The chosen representative, as established to the Disciplinary Board by the written authorization of the student or by the student granting his authorization before the Board, has the rights specified in the previous paragraph.
- (4) The factual state of affairs will be ascertained by the evidence provided by the Disciplinary Board on its own initiative or that proposed by the Dean or the student. The commission is obliged to take into account the necessary evidence and discuss the matter so that it can be established without reasonable doubt whether or not the student has committed a disciplinary offence.
- (5) Any member of the MU academic community or MU employee who is not a member of its academic community is obliged to attend upon being summoned by the Disciplinary Board to an oral hearing and is obliged to give testimony relevant to disciplinary proceedings in the case where their testimony is proposed as evidence. However, this may be refused by anyone who would cause by it risk of prosecution for a criminal offence or administrative offence to themselves or to a person close to them. Members of the academic community or MU employees who have been summoned to appear at a hearing of the Disciplinary Board to give testimony may not appear at the oral hearing until they have been questioned by the Disciplinary Board.

Article 9

Termination of disciplinary proceedings

- (1) If the Disciplinary Board accepts the outcome of considering the evidence as being sufficient to make a judgement in the case, it decides on a draft resolution regarding the disciplinary offence.
- (2) The Disciplinary Board may terminate the disciplinary proceedings by a resolution if, during the proceedings, it has become apparent that:
 - a) the act stated in the motion to initiate disciplinary proceedings did not take place or is not a disciplinary offence;
 - b) the disciplinary offence was not committed by the student in question;

- c) the person who committed the disciplinary offence has ceased to be a student pursuant to Section 55 or 56 of the Act;
- d) it is not possible to hear the disciplinary offence (according to Article 6).
- (3) The draft resolution on the disciplinary offence must include, in particular, the verdict and the justification of it.
- (4) Before issuing a decision in a case, the student must be given the opportunity to comment on the basis for issuing the decision.

Article 10

Decision making on a disciplinary offence

- (1) The decision in disciplinary proceedings is issued by the Dean on the basis of a proposal from the Disciplinary Board without undue delay from the day of receipt of the proposal.
- (2) Under the conditions of Article 12, the Dean may decide to impose the sanction proposed by the Disciplinary Board or a lesser sanction, or waive the sanction.
- (3) The decision on a disciplinary offence must be in written form and must contain:
 - a) the appellation of MU, FA and its dean;
 - b) the name and surname of the student, their date of birth or the student's personal number, the student's university number (UČO), their study programme, and the permanent residence address or postal address that the student registered with MU according to Section 61 of the Act;
 - c) the decision statement which:
 - 1. stipulates that the student has committed a disciplinary offence (with a description of the act and a statement of the violated legal regulations);
 - 2. imposes sanctions or waives their imposition pursuant to Section 65, Paragraph 2 of the Act;
 - d) the justification,
 - e) information on the student's right of appeal and how to exercise that right, including a statement of where and within what time period it is to be submitted, the date from which this period is calculated and which administrative body decides on the appeal.
- (4) The Dean's decision on a disciplinary offence will come into effect on the day:
 - a) the time limit for filing an appeal against a decision on a disciplinary offence expires;
 - b) the Rector's decision, by which the decision on the disciplinary offence issued by the Dean is changed or confirmed, is delivered;
 - c) the right of appeal is waived.

Article 11

Appeal

- (1) A student whose disciplinary offence has been decided on by the Dean of the FA has the right to appeal against this decision within 30 days from the date of notification.
- (2) A student who has waived this right after notification of the decision does not have the right to appeal. If the student withdraws the submitted appeal, he cannot appeal again.
- (3) An appeal may contest the statement part of the decision, an individual statement or its ancillary provisions. An appeal that only contests the justification for the decision is inadmissible. In the appeal, the student states his name, surname, date of birth and permanent residence address. It must be evident from the appeal the particular decision it is directed against and what is being suggested, what is seen to be in conflict between the decision or the proceedings which preceded it, and the legal regulations or internal regulations. If a student claims that he or she was not

allowed to perform an action in the initial proceedings, this action must be done together with the appeal.

- (4) The period of appeal is 30 days from the date of notification of the decision. The time limit is preserved if, on the final day of the time limit, a postal item containing an appeal is submitted to the holder of the postal licence. An appeal can only be lodged after the decision has been issued. If the appeal was lodged before the decision was notified, it shall be deemed to have been lodged on the first day of the appeal period. In case of missing, incomplete or incorrect information it is possible to appeal within 15 days from the date of notification of the corrective resolution, if issued, but no later than 90 days from the date of notification of the decision. Failure to notify the decision cannot be invoked by a student who has demonstrably become acquainted with the decision; in such a case it is possible to appeal within 90 days of the day of acquaintance with the decision.
- (5) A student may request a pardon for missing an appeal within 15 days of the day of the hindrance that prevented them from appealing, but only if they attach the appeal to the application; this submission may be accepted with a suspensory effect should the student be in risk of serious injury. Missing an appeal may be excused if the student proves that the hindrance was caused by a serious reason that occurred through no fault of the student. The Dean decides to excuse the missed appeal by means of a resolution; the missing of an appeal will not be excused if one year has elapsed from the date on which it was to have been lodged.
- (6) A timely and admissible appeal has a suspensory effect; in case of the suspensory effect of the appeal the legal effect, enforceability or other legal effects of the decision do not apply. The suspensory effect of an appeal cannot be excluded.
- (7) An appeal is lodged to the Dean. The Dean complements the proceedings as appropriate; this does not apply if the appeal was lodged 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. Provisions of Article 9, Paragraph 4 shall apply in a same manner.
- (8) If the Dean does not see the conditions for the procedure in the previous paragraph, he will forward the file with his opinion to the appellate administrative authority, which is the Rector, within 30 days of the date of the submission of the appeal. In the event of an inadmissible or delayed appeal, the Dean will submit the file to the Rector within 10 days. The opinion will be confined to stating the reasons which are decisive for the assessment of the delay or inadmissibility of the appeal. If, before passing the file to the Rector, the Dean discovers that a fact has arisen which justifies the suspension of the proceedings, he/she will 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 issuing of the decision with legal regulations and internal regulations. Any flaws in the proceedings that 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 breaches legal or internal regulations:
 - a) the Rector annuls the contested decision or part of it and halts the proceedings;
 - b) the Rector annuls the contested decision or part of it and returns the matter to the Dean for a new hearing. In giving reasons for this decision, the Rector expresses the legal opinion by which the Dean is bound when the matter is re-examined. An appeal may be lodged against the new decision; or
 - c) the Rector amends the contested decision or part of it; an amendment cannot be made if there is a risk of injury due to the loss of the opportunity to appeal. The student has the right to comment on the documents of the decision newly made by the Rector. If necessary, the Rector will amend the decision in the justification part in order to eliminate defects in the justification. The Rector

cannot amend the contested decision to the detriment of the student, unless the contested decision is in breach of legal regulations.

- (11) If the Rector discovers that a fact has arisen which justifies halting the proceedings, they will immediately annul the contested decision and suspend the proceedings.
- (12) A late or inadmissible appeal will be dismissed by the Rector. If the decision has already entered into force, the Rector will subsequently examine whether the preconditions are appropriate for reviewing the decision in review proceedings, for reopening the proceedings or for issuing a new decision. Should the Rector see the preconditions for initiating review proceedings, for reopening the proceedings or for issuing a new decision, a late or inadmissible appeal shall be considered an initiation of review proceedings or a request for a reopening of proceedings or a request for a new decision. If the Rector concludes that the appeal was lodged in time and that it is admissible, they will return the matter to the Dean.
- (13) If the Rector finds no reason for the procedure under Paragraphs 10, 11 or 12, they will dismiss the appeal and confirm the contested decision. If the Rector amends or annuls the contested decision only in part, then they are confirming the remaining part.
- (14) The decision in appeal proceedings will be issued by the Rector within 30 days. This period begins on the day the file is passed to the Rector. The provisions of Article 9, Paragraph 4 apply to the Rector's decision in a same manner.
- (15) The decision of the Rector cannot be further appealed. The Rector's decision is in effect once it has been notified to the student. Together with the Rector's decision, the Dean's decision, as confirmed in accordance with Paragraph 13, becomes final.
- (16) If a student withdraws the lodged appeal, the appeal proceedings are halted on the day of the withdrawal of the appeal. The contested decision becomes final the day after the proceedings have been halted. A resolution 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. An appeal can be withdrawn up until the Rector's decision is issued.
- (17) Following a decision pursuant to Paragraph 10, the Rector or the Dean will take such measures that the student's rights are restored and that any consequences due to the flawed decision are eliminated or at least mitigated.

Article 12

Imposition of sanctions

- (1) A sanction may be imposed for a committed disciplinary offence:
 - a) a reprimand;
 - b) conditional exclusion from studies, with a specified term and conditions; or
 - c) expulsion from studies, if it is clear that the disciplinary offence was committed intentionally.
- (2) The imposition of sanctions will take into account the nature of the disciplinary offence, the nature of the conduct by which the disciplinary 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 disciplinary offence, the degree of fault, the student's behaviour before the act, including his / her study results, and whether the student regrets the commission of a disciplinary offence, or expresses an effort to remedy the detrimental consequences caused.
- (3) If the sanction of conditional exclusion from studies is imposed, the decision always explicitly contains the condition that the student must not commit another disciplinary offence or a more serious act during the specified period they are excluded from study under the sanction.
- (4) The imposition of a sanction may be waived if it can be considered that the actual hearing of the disciplinary offence will lead to a remedy.

- (5) With regard to sanctioning for several disciplinary offences, only a single sanction will be imposed.
- (6) A sanction more severe than that proposed by the Disciplinary Board cannot be imposed.
- (7) The sanction is enforceable on the day the decision on the disciplinary offence comes into legal effect.
- (8) The imposed disciplinary sanction will be noted in the student's study file and in the in the study records of the information system (IS MU).

Article 13

1. Enforcement of sanctions

- (1) The sanction of a reprimand will be executed by making a record of it in the student's study file.
- (2) The sanction of conditional exclusion from studies will be executed by making a record of it in the student's study file and an authorized employee of the study department will supervise the fulfilment of the conditions for the specified period and report on this to the Dean. Based on the information from the study department, the Dean will assess whether the student has fulfilled the conditions or not. In the event that the student has not fulfilled the conditions, the Dean will issue a decision to this effect, whereby the provisions of the Article 10 will apply accordingly. The sanction of conditional exclusion from studies along with a decision that the student has not fulfilled the conditions has the effect of the sanction of expulsion from studies.
- (3) The sanction of expulsion from studies will be executed in such a way that the student's studies are terminated on the day the decision on the disciplinary offence comes into effect.

Part Three

Rules of Procedure of the Disciplinary Board

Article 14

Internal organization of the Disciplinary Board

- (1) At its first meeting, the Disciplinary Board elects a chairman from among its members.
- (2) An absolute majority of all members of the Disciplinary Board is required for the election to be valid. In the first round, the candidate who received the votes of an absolute majority of all members of the Disciplinary Board 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.
- (3) Chairman of the Disciplinary Board:
 - a) organizes the activities of the Disciplinary Board and acts on its behalf externally;
 - b) convenes, directs and terminates the proceedings of the Disciplinary Board and proposes the order of hearing the offences.
- 2) The Disciplinary Board elects a vice-chairman from among its members, who will, where necessary, represent the chairman of the Disciplinary Board, particularly in his absence.
- (4) The Disciplinary Board closely cooperates with the Study Department of the FA, which provides it with the necessary information about students and all necessary cooperation. The meeting of the Board is attended by an authorized employee of the Study Department of the FA, usually a staff member, who:
 - a) participates in organizing the Board's activities;
 - b) draws up minutes on the proceedings of the Disciplinary Board in accordance with Section 18 of the Administrative Procedure Code;

- c) processes other administrative documents of the Board;
- d) provides a written copy of the Dean's decision on a disciplinary offence and arranges for its proper distribution;
- e) provides the Disciplinary Board with information on the state of the studies of the student whose disciplinary offence is being heard;
- f) informs the Disciplinary Board whether the student has been sanctioned in the past for committing a disciplinary offence; and
- g) reports to the Dean on whether the student has fulfilled the conditions set in the Dean's decision on a disciplinary offence when the sanction of conditional exclusion has been imposed.

Article 15

Proceedings of the Disciplinary Board

The proceedings of the Disciplinary Board are chaired by its chairman. The chairman of the Disciplinary Board is responsible for ensuring that a record is kept of each meeting and vote.

Article 16

Decisions of the Disciplinary Board

- (1) The Disciplinary Board decides in matters within its competence by means of a resolution.
- (2) The Board is qualified to pass a resolution if a majority of its members are present. A resolution of the Board is adopted if the majority of its members who are present vote for it.
- (3) The approval of the majority of the members of the Disciplinary Board who are present is required for the adoption of a resolution of the Disciplinary Board. The consent of a majority of all members of the Disciplinary Board is required to adopt a resolution which could result in the imposition or execution of the sanction of expulsion from studies.
- (4) The Board votes progressively on the matter of culpability and whether a sanction will be imposed and what type of sanction. If the Board does not reach a resolution:
 - a) that the student is guilty, it proposes to the Dean that the proceedings be terminated;
 - b) that a sanction will be imposed, it proposes to the Dean that a sanction is not imposed;
 - c) on the imposition of the sanction of expulsion from studies, it votes on the imposition of the sanction of conditional exclusion from studies;
 - d) on the imposition of the sanction of conditional exclusion from studies, it proposes to the Dean that the sanction of reprimand is imposed on the student.

Part Four

Common, transitional and final provisions

Article 17

Delivery

- (1) Delivery of documents in disciplinary proceedings is governed by Section 69 (a), Paragraph 2 of the Act and Section 19 et seq. of the Administrative Procedure Code.
- (2) Documents issued during operations in disciplinary proceedings, where not delivered directly during the performance of these operations, are delivered from the Dean's Office of the FA to the address specified by the student in IS MU.

- (3) A document is delivered to the addressee only,
- a) in the case of:
1. summoning a student to disciplinary proceedings;
 2. summoning a member of the MU academic community or a MU employee pursuant to Article 8, Paragraph 5 of the Code;
 3. a decision on disciplinary offence;
 4. a decision on an appeal against the decision on a disciplinary offence;
 5. a decision on a student subject to the sanction of conditional exclusion from studies who has failed to fulfil the conditions during the set time period,
- b) if the authority which issues the document so stipulates.
- (4) The day of delivery of a document is the day the addressee receives the document. If the addressee refuses to accept the document, this has the effect of being in receipt of the document.
- (5) If a document fails to be delivered in disciplinary proceedings due to the fact that the student has not fulfilled the obligation specified in Section 63, Paragraph 3 (b) of the Act, or if the document fails to be delivered to the delivery address reported by the student, the document will be delivered by public notice, whereby the university is not obliged to appoint a guardian for the student.

Article 18

Transitional provisions

- (1) Proceedings initiated before this Code's came into effect will be completed in accordance with this Code.
- (2) A disciplinary board established before this Code came into effect will be deemed to be a board established under this Code.

Article 19

Final provisions

- (1) The Disciplinary Code of the FA of 27 February 2007 is repealed.
- (2) Pursuant to Section 27, Paragraph 1 (b) of the Act, this Disciplinary Code of the FA was approved by the Academic Senate of FA MU on 10 April 2017.
- (3) Pursuant to Section 9, Paragraph 1 (b) of the Act, this Disciplinary Code of the FA was approved by the MU Academic Senate on 15 May 2017.
- (4) This Disciplinary Code of the FA comes into effect on the day approved by the MU Academic Senate.
- (5) Pursuant to Section 33, Paragraph 5 of the Act, this Disciplinary Code of the FA will take effect on the day of its publication in the part of the FA website accessible to the public.

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