

On 24 April 2017, pursuant to Section 36, paragraph 2, Act No. 111/1998 Coll., on Higher Educational Institutions and on Amendments and Supplements to Other Acts (Act on Higher Educational Institutions), the Ministry of Education, Youth and Sports registered the Disciplinary Rules of the Czech University of Life Sciences Prague under no. MSMT-10592/2017.

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Director of the Higher Educational Institutions Section



DISCIPLINARY RULES
OF THE CZECH UNIVERSITY OF LIFE SCIENCES PRAGUE
[ČESKÁ ZEMĚDĚLSKÁ UNIVERZITA V PRAZE]
DATED 24 APRIL 2017

UNOFFICIAL TRANSLATION

This internal regulation was published on 10 May 2017 on the public part of the CULS website.

Disciplinary Rules of the Czech University of Life Sciences Prague dated 24 April 2017

Article 1

Introductory Provisions

The Disciplinary Rules of the Czech University of Life Sciences Prague (hereinafter “Disciplinary Rules”) are an internal regulation of the Czech University of Life Sciences Prague (hereinafter “CULS”) pursuant to Act No. 111/1998 Coll., on Higher Educational Institutions and on Amendments and Supplements to Other Acts (Act on Higher Education), as amended, (hereinafter the “Act”) and they regulate disciplinary proceedings toward students if they are not registered at any of its faculties, the meetings of the CULS Disciplinary Committee (hereinafter the “Committee”) when dealing with disciplinary offenses of CULS students who are not registered at any of its faculties, and the submission of motions for decisions.

Article 2

CULS Disciplinary Committee

- (1) The legal status and powers of the Committee are set out by Section 13 of the Act.
- (2) Members of the Committee are appointed and dismissed by the Rector from amongst the members of the CULS Academic Community upon the prior consent of the CULS Academic Senate (hereinafter “CULS AS”). When proposing members of the Committee, the Rector is committed to the principle of continuity of the activities of the Committee, and to the principle of proportional representation of students in the Committee.
- (3) The Committee has six members, half of which are students. The Committee elects and dismisses its Chairman from amongst its members via the absolute majority of votes of all of the members of the Committee. If a Chairman is not elected, or if the Chairman is not present at a Committee meeting, the oldest member of the Committee shall act as its Chairman.
- (4) The term of office of members of the Committee is two years.
- (5) The term of office of a member of the Committee shall be terminated on the date of:
 - a) the termination of employment at CULS for members of the Committee who are academic employees;
 - b) the termination or interruption of studies at CULS for a member of the Committee who is a member of the Committee on the basis of his or her position as a student;
 - c) the delivery of a written resignation of a member of the Committee to the hands of the Rector;
 - d) a Committee meeting that a member of the Committee does not take part in without a prior justification to the Chairman.
- (6) If the office of a member of the Committee is terminated before the expiration of his or her term of office, a new member shall only be appointed for the remainder of the term of office.
- (7) The procedure for appointment set out in paragraph 2 shall be used for appointing a member of the Committee pursuant to paragraph 6
- (8) Membership in the Committee is irreplaceable.

Article 3
CULS Disciplinary Committee Meetings

- (1) The Committee discusses the disciplinary offenses of students if they are not registered at any of its faculties, and it submits proposals for the decisions of the Rector to conduct disciplinary proceedings.
- (2) The Chairman convenes a Committee meeting at least 7 days in advance. Members of the Committee shall be obliged to take part in a Committee meeting that they were invited to in writing.
- (3) Committee meetings are not public.
- (4) Members of the Committee that take part in a Committee meeting ensure its confidentiality.
- (5) A student who is a party to disciplinary proceedings shall also be invited to a Committee meeting pursuant to Article 5, paragraph 3.
- (6) The Committee shall have a quorum if more than half of its members are present.
- (7) If all of the members of the Committee are not appointed on the date of the Committee meeting, or if the term of office of any of the members of the Committee was terminated at the latest as of the date of the Committee meeting, the Committee shall meet in a reduced number of currently appointed members of the Committee.
- (8) The Committee shall act on the basis of voting. Voting is secret in cases wherein at least a third of the present members of the Committee request a secret vote; in other cases the voting of the Committee shall be public.
- (9) The consent of the majority of all present members of the Committee is necessary for the approval of every resolution, and for the approval of other matters.
- (10) Minutes shall be taken from the Committee meeting which shall be verified and signed by the Chairman. The minutes shall contain the course of the Committee meeting and adopted resolutions.
- (11) The university institute shall ensure the administrative tasks arising from the work of the Committee which were given to it by the Chairman.

Article 4
Disciplinary Proceedings and Disciplinary Offense

- (1) Unless specified otherwise by law, to the disciplinary proceedings pursuant to these disciplinary rules applies Act No. 500/2004 Coll., Code of Administrative Procedure, as amended, (hereinafter the "Code of Administrative Procedure").
- (2) A disciplinary offense pursuant to these disciplinary rules is a breach of obligations under the law, other legal regulations or internal regulations of CULS and the university institute, caused by the person to be sanctioned.
- (3) In disciplinary proceedings, one of the following sanctions may be imposed for a disciplinary offense:
 - a) a warning;
 - b) conditional exclusion from studies with setting of the deadlines and conditions for their successful passing;
 - c) exclusion from studies.
- (4) In the event of a disciplinary offense committed from negligence, a less serious disciplinary offense, or for other reasons, if the Committee decides as such, imposition of a sanction may be waived.
- (5) Imposition of a sanction may also be waived if the discussion of the disciplinary offense at the Committee meeting leads to the situation being rectified.

(6) Exclusion from studies is only possible in the event of intentional committing of a serious disciplinary offense.

(7) When imposing a sanction, the nature of the act by which the disciplinary offense was committed, the circumstances under which it occurred, the consequences, the degree of fault, as well as the behaviour of the student who committed the disciplinary offense, and the expressed effort to remedy the consequences thereof shall be taken into consideration.

(8) The time period and conditions for a successful passing of conditional exclusion from studies shall be determined according to the seriousness of the disciplinary offense; the time period shall be at least six months and at most three years; the time period shall not include the period for which the disciplinary proceedings participant's studies have been interrupted.

Article 5 Initiation of Disciplinary Proceedings

(1) Disciplinary proceedings pursuant to these disciplinary rules shall be initiated by the Committee upon the proposal of the Rector.

(2) A proposal pursuant to paragraph 1 must be in writing and contain a description of the act, or proposed evidence on which it is based, as well as reasoning why a disciplinary offense is perceived in the act.

(3) A party to disciplinary proceedings shall only be a student on whose rights and obligations CULS decides in disciplinary proceedings in the matter of a disciplinary offense.

(4) Disciplinary proceedings shall be initiated by familiarizing the student with the proposal, i.e. on the date when to the student is delivered a notification on initiation of proceedings together with a copy of the proposal for initiation of disciplinary proceedings pursuant to paragraph 1, as well as invitation to the first oral hearing pursuant to Article 6, paragraph 1, all of that to the student's data box, if the student informed CULS of the data box address in accordance with CULS internal regulations, or to the hands of the student, and pursuant to the Code of Administrative Procedure.

(5) A disciplinary offense cannot be discussed if a period of one year has elapsed from when the offense was committed, or from a final conviction in criminal matters. The period of one year does not include the period when the participant of disciplinary proceedings is not a student.

Article 6 Course of Disciplinary Proceedings before the CULS Disciplinary Committee

(1) An oral discussion of a disciplinary offense is held with the participation of the student. The student must be invited to each oral Committee meeting at least 5 business days in advance; the invitation to the meeting shall be announced to the student via a delivery to his or her data box, if the student informed CULS of the data box address in accordance with CULS internal regulations, or to the hands of the student, and pursuant to the Code of Administrative Procedure. Students shall be entitled to attend the Committee meeting in person, but they shall not be allowed to vote at it. Students shall be entitled to propose and submit evidence, make statements to all of the documents within disciplinary proceedings, view written documents and minutes from the Committee meeting, and to acquire copies or abstracts thereof.

(2) The Committee may decide to act in the absence of a student if the invitation to the meeting was properly and promptly delivered in accordance with paragraph 1 and the Code of Administrative Procedure and the student did not attend the meeting without providing an excuse. An excuse must be in writing and must be delivered to the Committee Chairman no later than on the day before the Committee meeting.

- (3) The Committee shall be obliged to take the necessary evidence and discuss the matter in such a way that it is possible ascertain whether or not the student committed the disciplinary offense. The Committee shall be obliged to proceed in such a way that the Rector issues a decision during the disciplinary proceedings pursuant to paragraph 4 by the deadlines for issuing a decision set out by the Code of Administrative Procedure.
- (4) After discussing the matter during the meeting, the Committee shall make a decision on the proposal for the Rector to issue a decision by which
- a) the Rector decides if the student committed the disciplinary offense, and the Rector shall impose a sanction on the student pursuant to Article 4, paragraph 3, which the Committee shall specify in the proposal,
 - b) the Rector halts the disciplinary proceedings if it is not possible to prove that the student committed the disciplinary offense,
 - c) the Rector halts the disciplinary proceedings if it is proven that the student committed the disciplinary offense, but in the opinion of the Committee, discussing the matter as part of the disciplinary proceedings is sufficient,
 - d) the Rector halts the disciplinary proceedings if these Disciplinary Rules set out as such,
 - e) the Rector halts the disciplinary proceedings if it becomes apparent that this is not a disciplinary offense pursuant to these disciplinary rules, or
 - f) the Rector halts the disciplinary proceedings if the participant of the disciplinary proceedings is no longer a student.
- (5) If the Committee does not decide on any of the proposals pursuant to paragraph 4, after discussing the matter during a meeting, or by the deadlines for issuing a decision set out by the Code of Administrative Procedure, the Rector shall be entitled to halt the proceedings because it is not possible to prove that the student committed the disciplinary offense.
- (6) The Committee Chairman shall be obliged to immediately, at the latest within 3 business days, to submit the Rector the resolution of the Committee pursuant to paragraph 4, or information on discussing the matter without issuing a resolution pursuant to paragraph 5, for subsequent procedure pursuant to Article 7.

Article 7

Decisions in Disciplinary Proceedings

- (1) Decisions in disciplinary proceedings (hereinafter the “decision”) are issued by the Rector on the basis of a Committee proposal by the deadlines for issuing a decision set out by the Code of Administrative Procedure.
- (2) Before issuing a decision, the Rector may return the matter to the Committee with a written justification for further investigation, if the Rector considers it necessary for the proper clarification of the matter. If something occurs that prevents discussion of the disciplinary offense pursuant to Article 5, paragraph 5, the Rector shall decide to halt the disciplinary proceedings.
- (3) Within issuing a decision on the committing of a disciplinary offense, the Rector may impose a sanction that the Committee proposed, or a milder sanction, or the Rector may halt the disciplinary proceedings even if the Committee proposed to impose a sanction, but in the opinion of the Rector it is sufficient to discuss the matter in the disciplinary proceedings.
- (4) If the Committee proposed that the Rector halt the disciplinary proceedings via his decision, the Rector shall issue a decision on halting the disciplinary proceedings. If the Rector has serious doubts about the correctness of such a procedure, the Rector shall return the matter to the Committee along with specification of reasons do that it can be discussed again. If the Committee insists on its original resolution, the Rector shall be bound by it.

(5) Decisions shall be completed in writing. A decision shall contain a propositional part, justification and instructions for the student on the possibility to lodge an appeal. Section 68 of the Act and the Code of Administrative Procedure relates to the issuing of a decision by which the Rector decides on whether or not a disciplinary offense was committed, or on halting disciplinary proceedings. The decision shall be delivered to the student's data box, if the student informed CULS of the data box address in accordance with CULS internal regulations, or to the hands of the student, and pursuant to the Code of Administrative Procedure.

(6) In the propositional part of the decision shall be specified the designation of the student according to his or her name, surname, date of birth or birth number, place of permanent residence and study programme, description of the act, findings of the disciplinary offense and determination of the sanction, findings of the disciplinary offense and waiving of a sanction, or a statement on halting disciplinary proceedings.

(7) A decision that was announced in accordance with Section 72, Code of Administrative Procedure, and against which an appeal cannot be lodged, is in legal force.

Article 8 **Appeals in Disciplinary Proceedings**

(1) A student may lodge an appeal against a decision. The right to lodge an appeal does not pertain to a student who waived such a right after the announcement of the decision. If the student takes back a lodged appeal, the student may not lodge it again.

(2) An appeal may challenge the propositional part of a decision, and individual statement or its secondary provisions. An appeal against only a justification of a decision is not permissible. In the appeal, the student shall specify his or her name, surname, date of birth and place of permanent residence. It must be evident from the appeal against which part of decision it is directed, in what scope it is being challenged, what is perceived as a conflict with the law, other legal regulation or internal regulations of CULS and the university institute, or inaccuracy of the decision or proceedings that preceded it. If it is not specified in the appeal in what scope the student is challenging the decision, it shall apply that the student is seeking to cancel the entire decision.

(3) New facts and proposals for acquiring other documents or providing evidence specified in an appeal, or during the course of appeal proceedings, shall only be taken into consideration if these are facts, evidence or proposals that the student could not have exercised earlier; if the student objects that he or she was not able to carry out a certain act in proceedings in the first instance, such an act must be made together with the appeal.

(4) The appeal period is 30 days from the date of the announcement of the decision. This period shall be maintained if on the last day of the period a mail shipment that contains an appeal is submitted to a holder of a postal licence. An appeal may only be lodged after a decision was issued; if an appeal is lodged before the announcement of the decision, it shall apply that it was lodged on the first day of the appeal period.

(5) In the event of a missing, incomplete or incorrect instruction, the appeal may be lodged within 15 days from the date of notification of the corrective resolution, if it was issued, but no later than 90 days after the date of the announcement of the decision. Failure to announce a decision cannot be pleaded by a student who has demonstrably familiarized himself or herself with the decision; in such a case an appeal may be lodged within 90 days of becoming familiarized with the decision.

(6) A student may request a pardon of missing the deadline for an appeal within 15 days from the date on which the obstacle which prevented him or her from appealing has passed. This submission can be granted a suspensive effect if the student faces serious harm. If the student does not simultaneously lodge an appeal, the request shall not be handled. Missing an appeal shall be pardoned if the student demonstrates that the obstacle was due to serious reasons that occurred without it being the student's fault; the Rector shall make a decision on pardoning the missed appeal via a resolution. Missing an appeal cannot be pardoned if one year has elapsed since the day it was to be lodged.

- (7) An appeal that is admissible and submitted on time has a suspensive effect; due to the suspensive effect of the appeal, legal power shall not occur, or enforceability or other legal effect of the decision. The suspensive effect of the appeal cannot be ruled out.
- (8) An appeal is submitted to the Rector as the administrative body that issued the challenged decision.
- (9) The Rector shall supplement the proceedings according to circumstances; this shall not apply if an appeal was lodged late, or if it was inadmissible.
- (10) The Rector may cancel or change a decision if it fully complies with the appeal. Such a decision may be appealed.
- (11) If the Rector learns that a fact occurred that justifies halting proceedings, the Rector shall immediately terminate the challenged decision and halt the proceedings.
- (12) The Rector shall examine the compliance of the challenged decision and proceedings that preceded the issuing of the decision with the law, other legal regulations or the internal regulations of CULS and the university institute. Defects to proceedings which cannot reasonably be considered to have affected the compliance of the challenged decision with the law, other legal regulations or the internal regulations of CULS and the university institute, shall not be taken into consideration.
- (13) If the Rector comes to the conclusion that the challenged decision is at variance with the law, other legal regulations or the internal regulations of CULS and the university institute:
- a) the Rector shall cancel the challenged decision or part thereof and halt the proceedings;
 - b) the Rector shall cancel the challenged decision or part thereof and propose to the Committee a new hearing of the matter; an appeal may be lodged against the new decision;
 - c) the Rector shall change the challenged decision or part thereof; a change cannot be made if it could lead to harm due to the loss of the possibility to lodge an appeal; if it is necessary to remove a defect to a justification, the Rector shall change the decision in part of the justification; the Rector may not change a challenged decision to the detriment of a student unless the challenged decisions at variance with legal regulations.
- (14) If the Rector does not find a reason for the procedure pursuant to paragraphs 13, 15 or 16, the Rector shall deny the appeal and confirm the challenged decision. If the Rector changes or cancels a challenged decision only in part, the remainder shall be confirmed.
- (15) If the Rector learns that a fact occurred that justifies halting proceedings, the Rector shall immediately cancel the challenged decision and halt the proceedings.
- (16) The Rector shall deny a late or inadmissible appeal. If a decision already came into legal force, the Rector shall subsequently examine whether there are prerequisites for reviewing the decision in review proceedings, for renewal of proceedings or for issuing a new decision. If the Rector finds prerequisites for initiating review proceedings, for renewal of proceedings or for issuing a new decision, a late or inadmissible appeal shall be assessed as initiation of review proceedings, or a request to renew proceedings, or a request to issue a new decision.
- (17) The Rector shall issue a decision in appeal proceedings within 30 days; the deadline shall begin running on the date of submission of the file to the Rector. The provisions of Article 7, paragraphs 3 and 5 apply similarly to a decision of the Rector.
- (18) The decision of the Rector cannot be further appealed. The decision of the Rector shall be in legal force if it was announced to the student.
- (19) If a student withdraws a lodged appeal, the appeal proceedings shall be halted on the date of the withdrawal of the appeal; the challenged decision shall acquire legal force on the date following the halting of the proceedings. A resolution shall be issued about the fact that the proceedings were halted, and it shall only be noted in the file. The student shall also be informed thereof in writing. An appeal may be withdrawn at the latest before the issuing of the Rector's decision.

(20) In relation to a decision pursuant to paragraph 13, the Rector shall adopt such measures to ensure that the rights of the student are renewed, and that the consequences that caused the defective decision are removed or at least mitigated.

Article 9
Interim Provisions

Disciplinary proceedings initiated before the date these disciplinary rules come into force shall be completed pursuant to the existing legal regulation.

Article 10
Closing Provisions

(1) The Disciplinary Rules for students of the Czech University of Life Sciences Prague registered by the Ministry of Education, Youth and Sports on 24 April 2009 under no. MSMT-9 712/2009-30 are cancelled.

(2) These Disciplinary Rules were approved pursuant to Section 9, paragraph 1, letter b) of the Act by CULS AS on 20 April 2017.

(3) These Disciplinary Rules shall become valid pursuant to Section 36, paragraph 4 of the Act on the date of their registration by the Ministry of Education, Youth and Sports.

(4) These Disciplinary Rules shall become effective on the date they are published on the public part of the CULS website.

Prof. Ing. Jiří Balík, CSc., dr. h. c., in his own hand

Rector