

Pursuant to Section 36(2) of Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments and Supplements to Some Other Acts (the Higher Education Act), on 16 May 2017, the Ministry of Education, Youth and Sports registered the Disciplinary Code of Jan Evangelista Purkyně University in Ústí nad Labem under Ref. No. MSMT- 11973/2017.

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*Mgr. K. Gondková
Director of the Department of Higher Education Institutions*

DISCIPLINARY CODE OF JAN EVANGELISTA PURKYNĚ UNIVERSITY IN ÚSTÍ NAD LABEM OF 16 MAY 2017

Article 1 Introductory Provisions

1. The Disciplinary Code of Jan Evangelista Purkyně University in Ústí nad Labem (hereinafter “UJEP”) applies to the students of bachelor, master and doctoral study programmes provided by UJEP faculties (hereinafter “the student”).
2. A disciplinary procedure against a student is governed by Act No. 111//1998 Coll., on Higher Education Institutions and on Amendments and Supplements to Some Other Acts (the Higher Education Act), as amended, (hereinafter “the Act”), and by this Code and the disciplinary code of the UJEP faculty where the student is enrolled.
3. This Code regulates the details of the discussion of the student’s disciplinary offences, imposing sanctions for such offences and the disciplinary procedure. The disciplinary code of the UJEP faculty stipulates any further details in compliance with this Code.
4. The decision upon a disciplinary offence shall be governed by Act No. 500/2004 Coll., the Code of Administrative Procedure, as amended, unless the Act contains a special regulation.

Article 2 Disciplinary Offence

1. A student’s disciplinary offence is a culpable violation of the obligations stipulated in legal regulations or the internal regulations of UJEP and the UJEP faculty where the student is enrolled.¹⁾
2. The Code prohibits the student particularly from the following
 - a) committing any fraudulent acts or other unfair practices in relation to the studies or participation in a scientific and research, development and innovative, artistic or other creative activity (hereinafter “a creative activity”), as well as any fraudulent acts or other unfair practices towards UJEP and any UJEP faculty, their authorities, or towards another UJEP student or employee,
 - b) misusing the results of another person’s study or creative activity in one’s own personal favour, or handling such results in another unacceptable way, especially committing plagiarism, i.e., presenting another person’s work as one’s own or using a part of another person’s work without a clear citation,
 - c) to deliberately, in a generally unacceptable manner, discriminate against or favour another person or persons, as well as to behave aggressively, abusively or disgrace human dignity in relation to the membership or position in the UJEP academia,
 - d) wilfully damaging the property of UJEP, or misusing it in a substantial manner in one’s own personal favour,

¹⁾ Section 64 of the Act.

- e) knowingly spreading serious false information about UJEP and any UJEP faculty, their authorities, or another UJEP student or employee.

Article 3 Sanctions

1. The following sanctions may be imposed on the student for a disciplinary offence²⁾
 - a) reprimand,
 - b) conditional exclusion from the study with a term and conditions for certification,
 - c) exclusion from the study.
2. When the sanction is imposed, the following is considered: the character of the behaviour by which the disciplinary offence was committed, the circumstances under which it occurred, the consequences caused, the level of culpability, as well as the behaviour of the student who committed the disciplinary offence, and the expressed effort to remedy the consequences³⁾.
3. It is possible to waive the sanction when the discussion of the disciplinary offence leads to remedy⁴⁾, especially when the disciplinary offence was committed due to negligence, or it is a less serious disciplinary offence.
4. The sanction of reprimand may only be imposed for a disciplinary offence committed due to negligence, or for a less serious disciplinary offence.
5. The sanction of exclusion from the study may only be imposed for a serious deliberate disciplinary offence.
6. The conditional exclusion from the study for a serious deliberate disciplinary offence may only be imposed when it is not a disciplinary offence committed in an especially reprehensible way, the student showed honest remorse and it is reasonable to expect that the student will not commit another serious disciplinary offence.
7. The term and the conditions for certification in the case of conditional exclusion from the study are determined according to the seriousness of the disciplinary offence; the term is six months at least and three years at the most.
8. If the student in the case of conditional exclusion from the study meets the conditions for certification within the given term, the Dean will decide that the student has proven their worth; otherwise, the Dean will decide, even during the given term, that the sanction of exclusion from the study shall be imposed. The student is deemed to have proven their worth unless the Dean makes a decision on the certification according to the previous clause within two months after the lapse of the given term.

Article 4 Faculty's Disciplinary Committee

1. The accusation of the student's disciplinary offence is discussed by the Disciplinary Committee of the UJEP faculty where the student is enrolled⁵⁾ (hereinafter "the Faculty").
2. The Faculty's Disciplinary Committee (hereinafter "the Committee") has at least four members. Half of the Committee members are students.⁶⁾ There is one academia member and one student as a substitute.

²⁾ Section 65(1) of the Act.

³⁾ Section 65 (3) of the Act.

⁴⁾ Section 65 (2) of the Act.

⁵⁾ Section 31(3) of the Act.

⁶⁾ Clause 2 of Section 31(1) of the Act.

3. The term of the office of the Committee members is two years.⁷⁾ The Dean considers the principle of continuity of the Committee's activity when appointing it.
4. The Dean appoints and recalls the Committee members and substitutes from among the members of the academia of the Faculty upon prior consent of the Academic Senate of the Faculty.⁸⁾ The Committee elects and recalls its Chair from among its members.
5. The term of office of a Committee member and substitute commences on the day they were appointed.
6. The term of office of a Committee member and substitute expires:
 - a) on the last day of the term of office for which they were appointed,
 - b) on the day the Dean receives a written letter of resignation from a Committee member or substitute,
 - c) on the day they were recalled by the Dean with prior consent of the Academic Senate of the Faculty,
 - d) on the day when they ceased to be a member of the Faculty's academia.
7. The appointment under Section 4 is subject to the written consent of the appointed.
8. The Disciplinary Code of the Faculty stipulates any other details regarding the number and the term of office of the Committee members.

Article 5

Rules for the Meeting of the Faculty's Disciplinary Committee

1. The first meeting of the Committee when the Chair is elected shall be summoned by the Dean within 30 days after the appointment of the Committee members. Other meetings are summoned by the Chair, or by the oldest member of the Committee when no Chair has been elected.
2. The Committee members and substitutes shall participate in the Committee meetings they have been invited to. When one of the Committee members, or the Chair, cannot participate in the Committee meeting, or when one of the members, or the Chair, have been excluded from the meeting in compliance with Section 3, the Chair shall invite a corresponding substitute so that the joint body of the Committee is preserved as stipulated in Art. 4, Section 2. The substitute has a status of a Committee member in the meeting they have been invited to.
3. When there is a doubt of impartiality of a Committee member in respect to the discussed matter, the accused student or other circumstances, the member shall not participate in the meeting. The Chair decides on the exclusion from the meeting. The decision as to whether or not the exclusion is justified rests with the Dean.
4. The meeting is managed by the oldest present Committee member until the Chair is elected. The Chair or another authorised member manages the meeting after the Chair is elected.
5. A quorum shall exist when an absolute majority of all the Committee members is present; the Chair is also included among the members.
6. Only the Chair and the Committee members may be present in the meeting and in the Committee's voting. A decision of the Committee is accepted when an absolute majority has voted in favour of it.
7. When it appears that the concerned matter is not a disciplinary offence, when it cannot be proven that the student committed the offence, or when the person is no longer a student, the disciplinary procedure shall be suspended.⁹⁾

⁷⁾ Section 31(2) of the Act.

⁸⁾ Clause 1 of Section 31(1) of the Act.

⁹⁾ Section 69(2) of the Act.

8. When the Committee does not reach a decision that there are reasons for the suspension of the disciplinary procedure under Section 7, and also:
 - a) the Committee does not reach a decision that a sanction shall be imposed, they propose that the Dean waives the sanction,
 - b) the Committee does not reach a decision to impose the sanction of exclusion from the study, they shall vote on the sanction of conditional exclusion from the study with determination of the term and conditions of certification under Art. 3, Section 7,
 - c) the Committee does not reach a decision to impose the sanction on conditional exclusion from the study, they propose that the Dean imposes the sanction of reprimand.
8. Minutes are taken at the Committee's meeting. The minutes shall contain, above all, the discussed proposals of the Committee's decision and the result of voting. The minutes shall be signed by all the members who are present in the meeting and participate in the vote.
9. The Disciplinary Code of the Faculty stipulates any other details regarding the meetings of the Committee, the minutes and their records.

Article 6

Disciplinary Procedure Commencement

1. The Dean shall present the proposal to discuss the disciplinary offence to the Committee when the Dean ascertains that the student has violated the obligation stipulated in Art. 2, Section 2 or any other obligation stipulated by legal regulations or by other internal regulations of UJEP or any faculty by their conduct.
2. The Dean's proposal shall contain a description of the act, or suggested evidence it is based on, as well as reasons for viewing the act as a disciplinary offence.¹⁰⁾
3. The disciplinary procedure is commenced on the day when the student receives the notification of the procedure commencement together with a copy of the Dean's proposal.¹¹⁾
4. The disciplinary procedure may be commenced within one year after the commitment of the disciplinary offence, or after a final conviction in criminal matters. The period of one year does not include the time when the person was not a student.¹²⁾

Article 7

Discussing the Proposal

1. The Chair shall summon the Committee meeting immediately after the commencement of the disciplinary procedure.
2. The student shall be invited to each meeting of the Committee.
3. The student has the right to be present in the Committee meeting, except for the consultation and voting of the Committee, and the student may also propose and submit evidence, discuss all the documents for the meetings, consult the written documents and minutes of the Committee meetings and make extracts.
4. The Committee may decide to act in the absence of the student only when the student does not appear at the meeting without an excuse. The excuse shall be written and it shall be delivered to the Chair of the Committee no later than on the day of the meeting.
5. The Committee shall analyse all the required evidence and discuss the matter so that it may be undoubtedly ascertained whether or not the student has committed the disciplinary offence. The

¹⁰⁾ Clause 2 of Section 69(1) of the Act.

¹¹⁾ Clause 3 of Section 69(1) of the Act.

¹²⁾ Section 66 of the Act.

meeting shall be executed in a manner that enables the Committee to make a decision on the proposal for the Dean within 30 days after the first meeting on the matter.

6. The Dean issued a decision in the disciplinary procedure based on the Committee's proposal without unreasonable delay after the day the Dean receives the proposal.
7. The Dean shall suspend the procedure when a fact that prevents the discussion of the disciplinary offence under Section 66 of the Act occurs, or when a fact that is a reason for the suspension of the procedure under Art. 5, Section 7 occurs.
8. The Dean may return the matter to the Committee prior to the decision with written justification of further examination when the Dean deems it necessary for due clarification of the matter.
9. The student shall be given the opportunity to make a statement to the documents prior to the issuance of the decision. The student shall be informed of this opportunity by the Dean in a written call, prepared in a written form and delivered under Section 69a(2) of the Act.
10. The Dean may
 - a) impose a sanction that the Committee has proposed,
 - b) impose a more lenient sanction,
 - c) waive the sanction.
11. The decision shall be executed in writing. The decision consists in the statement, justification and advice of the student on the possibility to appeal.
12. The statement shall include the student's name, surname, date of birth, place of residence, study programme, description of the act, determination of the disciplinary offence and sanction, or determination of the disciplinary offence and waiver of the sanction, or the statement on the suspension of the disciplinary procedure.
13. A decision of the Dean that has been notified and that cannot be appealed against is in legal force.

Article 8 Appeal

1. The student may appeal against the Dean's decision.¹³⁾ A student who has waived the right to appeal after the notification of the decision does not have the right to appeal.¹⁴⁾ If the student retracts a submitted appeal, it is not possible to submit it again.¹⁵⁾
2. The time limit is 30 days after the date of the notification of the decision;¹⁶⁾ the time limit is observed when a letter containing the appeal is submitted to the postal licence holder on the last day of the time limit.¹⁷⁾
3. The appeal can be submitted after the decision is issued; if the appeal is submitted before the notification of the decision, it is deemed to have been submitted on the first day of the appeal time limit.¹⁸⁾
4. The appeal is submitted to the Dean.¹⁹⁾
5. The student shall include their name, surname, date of birth, place of residence and study programme in the appeal. The appeal shall specify the decision against which it appeals, where the decision or

¹³⁾ Section 81(1) of the Code of Administrative Procedure.

¹⁴⁾ Section 81(2) of the Code of Administrative Procedure.

¹⁵⁾ Section 81 (3) of the Code of Administrative Procedure.

¹⁶⁾ Clause 4 of Section 68(4) of the Act.

¹⁷⁾ Section 40(1)(d) of the Code of Administrative Procedure.

¹⁸⁾ Clause 2 and 3 of Section 83(1) of the Code of Administrative Procedure.

¹⁹⁾ Section 86(1) of the Code of Administrative Procedure.

procedure that preceded it is in conflict with legal regulations or internal regulations of UJEP or the faculty, and what is proposed.

6. The appeal may be used to contest the statement part of the decision, individual parts of the statement or its subsidiary provisions. Appeal against the reasoning of the decision is not admissible.²⁰⁾
7. Any new facts and proposals of acquiring other evidence, stated in the appeal or in the course of the appeal procedure, shall only be taken into account when they are facts or proposals that the student could not have applied before.
8. If the student objects that they were not able to take a specific action in the procedure at the faculty, such action shall be taken together with the appeal.²¹⁾
9. A student who has been demonstrably aware of the decision cannot allege failure to notify of the decision; in this case, it is possible to appeal within 90 days from the date when the student became aware of the decision.²²⁾
10. The student may ask for pardon of the non-compliance with the time limit within 15 days after the obstacle preventing the student from submitting the appeal passed; such an appeal can have a suspensive effect provided that the student is at risk of serious harm; the submission shall not be handled unless the student also submits an appeal at the same time; the non-compliance with the time limit is pardoned provided that the student proves that the obstacle was caused by serious reasons that occurred without the student's fault; the Dean decides upon pardoning the non-compliance with the time limit; the non-compliance with the time limit cannot be pardoned after the lapse of one year since the day it should have been submitted.²³⁾
11. A timely submitted and inadmissible appeal has a suspensive effect; due to the suspensive effect, no legal force, enforceability or any other legal effects of the decision arise.²⁴⁾

Article 9

Action of Authorities in the Appeal Procedure

1. The Dean shall supplement the procedure according to the circumstances; this shall not apply when the appeal was submitted late or when it was inadmissible.²⁵⁾
2. The Dean may cancel or change the decision if that would fully comply with the appeal; it is possible to appeal against such a decision and the provisions of Art. 7, Section 9 and 10 shall apply similarly²⁶⁾.
3. Unless the Dean finds conditions for the procedure under Section 2, the Dean shall submit the file with the Dean's opinion to the Rector within 30 days after the delivery of the appeal; in the case of an inadmissible or delayed appeal, the Dean shall submit the file to the Rector within 10 days; the opinion shall be limited to the reasons crucial for the assessment of the delay or inadmissibility of the appeal.²⁷⁾
4. If the Dean ascertains that a fact which justifies the suspension of the procedure has occurred prior to submitting the file to the Rector, the contested decision shall be cancelled and the procedure suspended without any further measures.²⁸⁾

²⁰⁾ Section 82(1) of the Code of Administrative Procedure.

²¹⁾ Section 82(4) of the Code of Administrative Procedure.

²²⁾ Section 84(2) of the Code of Administrative Procedure.

²³⁾ Section 41(2) to (4) and (6) of the Code of Administrative Procedure.

²⁴⁾ Section 85(1) of the Code of Administrative Procedure.

²⁵⁾ Clause 2 and 3 of Section 86(2) of the Code of Administrative Procedure.

²⁶⁾ Section 87 of the Code of Administrative Procedure.

²⁷⁾ Section 88(1) of the Code of Administrative Procedure and Section 68(5) of the Act.

²⁸⁾ Section 88(2) of the Code of Administrative Procedure.

5. The Rector examines the compliance of the contested decision and the procedure that preceded the issuance of the decision with the legal regulations and internal regulations of UJEP and of the faculty.²⁹⁾ No consideration is given to any defects in the procedure that cannot be reasonably considered to have influenced the compliance of the contested decision with legal regulations or internal regulations of UJEP or of the faculty.³⁰⁾
6. When the Rector reaches the conclusion that the contested decision is in contradiction with legal regulations or internal regulations of UJEP or of the faculty:
 - a) the Rector shall cancel the decision or its part and suspend the procedure,
 - b) the Rector shall cancel the decision or its part and shall refer the matter back to the Dean; the reasoning of the decision shall include the legal opinion by which the Dean is required to renegotiate the matter; the new decision can be appealed,
 - c) the Rector shall change the contested decision or its part; the change cannot be executed if it would cause harm due to the loss of the possibility to appeal; the student is entitled to make a statement to the new background information acquired by the Rector; if necessary to remove defects in the reasoning, the Rector shall change the reasoning part of the decision; the Rector cannot change the contested decision to the detriment of the student, unless the contested decision is in conflict with legal regulations.³¹⁾
7. Unless the Rector finds conditions for the procedure under sections 6, 8 or 9, the Rector shall reject the appeal and confirm the contested decision; when the Rector only changes or cancels the contested decision in part, the Rector shall confirm the rest of the decision.³²⁾
8. If the Rector ascertains that a fact which justifies the suspension of the procedure has occurred, the contested decision shall be cancelled and the procedure suspended without any further measures.³³⁾
9. The Rector shall reject a delayed or inadmissible appeal; when the decision has already become effective, the Rector shall examine whether or not there are conditions for reviewing the decision in a review procedure, for reopening the procedure or for issuing a new decision; when the Rector finds conditions for the commencement of a review procedure, for reopening the procedure or for issuing a new decision, the delayed or inadmissible appeal shall be assessed as an instigation for a review procedure, or a request for reopening the procedure, or a request for issuing a new decision.³⁴⁾ When the Rector reaches the conclusion that the appeal was submitted on time and it is admissible, the matter shall be referred back to the Dean.³⁵⁾
10. The Rector shall issue a decision in the appeal procedure within 30 days; the time limit starts on the day when the file was submitted to the Rector.³⁶⁾ The provisions of Section 7(9) and (10) apply similarly to the Rector's decision.
11. It is not possible to further appeal against the Rector's decision; the Rector's decision becomes final when the student is notified of it.³⁷⁾ The Dean's decision, confirmed under Section 7, becomes final together with the Rector's decision.
12. When the student retracts the submitted appeal, the appeal procedure shall be suspended as of the day of the retraction; the contested decision becomes final on the day following the suspension of the procedure; a decision is issued based on the fact that the procedure has been suspended, recorded in

²⁹⁾ Section 68(6) of the Act.

³⁰⁾ Clause 3 of Section 89(2) of the Code of Administrative Procedure.

³¹⁾ Section 90(1) and (3) of the Code of Administrative Procedure.

³²⁾ Section 90(5) of the Code of Administrative Procedure.

³³⁾ Section 90(4) of the Code of Administrative Procedure.

³⁴⁾ Section 92(1) of the Code of Administrative Procedure.

³⁵⁾ Section 92(2) of the Code of Administrative Procedure.

³⁶⁾ Section 90(6) of the Code of Administrative Procedure.

³⁷⁾ Section 91(1) of the Code of Administrative Procedure.

the file, and the student is notified; the appeal can be retracted no later than by the issuance of the Rector's decision.³⁸⁾

13. The Rector or the Dean accepts measures in relation to the decision under Section 6 to restore the student's rights and to remove, or at least mitigate any consequences that were caused by the defective decision.³⁹⁾

Article 10

Final Provisions

1. The Disciplinary Code for students in the study programmes provided by Jan Evangelista Purkyně University in Ústí nad Labem registered by the Ministry of Education, Youth and Sports on 17 December 2007 under Ref. No. 28 895/2007-30 is repealed.
2. The Code was approved by the Academic Senate of Jan Evangelista Purkyně University in Ústí nad Labem under Section 9(1)(b)(3) of the Act on 19 April 2017.
3. The Code shall enter into force under Section 36(4) of the Act on the day of registration by the Ministry of Education, Youth and Sports.
4. The Code shall enter into effect on the day of registration.

doc. RNDr. Martin Balej, Ph.D., in his own hand

Rector

³⁸⁾ Section 91(3) of the Code of Administrative Procedure.

³⁹⁾ Section 68(7) of the Act.