

*Under Section 36 (2) of Act 111/1998 Sb. on Higher Education and on Changes in and Amendments to some other acts (the Higher Education Act), the Ministry of Education, Youth and Sports registered the Code of Disciplinary of Charles University in Prague under Ref. No. 16 753/99-30 on April 26, 1999.*

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## **CODE OF DISCIPLINARY PROCEDURE FOR STUDENTS OF CHARLES UNIVERSITY IN PRAGUE**

*Under sections 9 (1) (b) and 17 (1) (h) of Act No. 111/1998 Sb., on Higher Education and Changes in and Amendments to some other Acts (The Higher Education Act) the Academic Senate of Charles University has adopted the following Code of Disciplinary Procedure for Students of Charles University, as an internal regulation.*

### **Article 1 Introductory Provision**

The Code herein shall provide the details of infringements of disciplinary rules by students of Charles University (hereinafter referred to as the “University”), the imposition of sanctions and the disciplinary proceedings and review proceedings in this matter\*.

### **Article 2 Infringement of Disciplinary Rules and Sanctions**

1. An infringement of disciplinary rules shall be an intentional breach of duties provided in the Higher Education Act, internal regulations of the University or its parts, or an intentional breach of duties provided in other legal regulations.
2. The following sanctions may be imposed on the student for an infringement of disciplinary rules:
  - a) admonition,
  - b) study on probation consisting of a probationary period with specific conditions set, the infringement of which would lead to permanent expulsion,
  - c) expulsion from study.
3. The following factors shall be taken into consideration before the imposition of sanctions: the nature of conduct which resulted in the infringement; the circumstances of the infringement and its consequences; the extent of fault; and the previous conduct of the student in question and his efforts to remedy the consequences.

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\* Translator’s note: Words importing the masculine shall include the feminine, and unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.

4. The imposition of sanctions may be waived if such consideration of the infringement leads to its correction, mainly in the case of an infringement of disciplinary rules resulting from negligence, or a minor infringement.
5. An admonition may be issued only for an infringement resulting from negligence or for a minor infringement.
6. The sanction of expulsion from study may be imposed only for a serious and intentional infringement of disciplinary rules. The sanction of probation may be imposed only if the conditions for the expulsion from study were fulfilled, and if the student has shown repentance and he can be reasonably expected not to commit any serious infringement in the future, unless the infringement was committed in a most contemptible way.
7. The probationary period and conditions set when the student is put on probation shall be determined according to the seriousness of the infringement of disciplinary rules; the period shall not be shorter than six months or longer than three years. If the student commits an infringement of disciplinary rules again during the probationary period, other than a minor infringement caused by negligence, he shall be expelled from study.
8. The sanction of admonition shall be either non-public whereby only the student is notified of it, or public whereby such admonition is announced on the official notice board of the Faculty for a period of thirty days.
9. The sanctions of probation and expulsion from study shall always be public and shall be announced on the official notice board of the Faculty for a period of thirty days.

### **Article 3**

#### **Disciplinary Board**

1. Any accusation of an infringement of disciplinary rules shall be considered by the Disciplinary Board of the Faculty (hereinafter referred to as the “Board”).
2. The President of the Board, its members and alternate members shall be appointed by the Dean from among the members of the Academic Community of the Faculty; he shall appoint them and discharge them, subject to the approval of the Academic Senate.
3. The Board shall have at least six members. The President shall be a member of the Board. Half of the members shall consist of students. Alternate members shall be two members of the academic staff and two students.
4. The term of office of the members of the Board shall not be longer than two years. When establishing the Board, the Dean shall bear in mind the principle of the continuity of its activities.
5. Members and alternate members shall participate in those sessions of the Board to which they are invited. If it is known that a member of the Board is not able to participate in the session, the President shall invite the appropriate alternate member so that the parity of composition of the Board is preserved. Such alternate member shall have the rights and duties of a member of the Board at a session to which he has been invited.

6. The session of the Board shall be presided over by its President.
7. The Board shall have a quorum if a majority of its members is present at the session. If the students do not create a half of the present members of the Board, the President shall adjourn the session upon a motion of a member of the Board. A resolution of the Board shall be passed if a majority of present members vote for it.
8. Minutes shall be taken of sessions of the Board; a record shall be made of the voting of the Board.
9. The Codes of Disciplinary Procedures of individual Faculties shall provide further details concerning the number and the term of office of the members of the Board, the rules of order of the Board and the provision of expert assistance for the Board.

#### **Article 4**

#### **Opening of Disciplinary Proceedings**

1. Disciplinary proceedings shall be held at the Faculty where the student accused of an infringement of disciplinary rules (hereinafter referred to as the “student”) is enrolled<sup>1)</sup>. If the student is enrolled at more than one Faculty, disciplinary proceedings concerning the same case may be held only at one of them; should there be any doubt concerning jurisdiction, the competent faculty shall be determined by the Rector.
2. The Board shall open disciplinary proceedings upon the proposal of the Dean. The Dean shall present a proposal in cases where the student’s conduct has damaged the reputation of the University.
3. The Dean’s proposal must contain the description of the act, including the evidence upon which the proposal relies, and the reasons for which the act is considered to be an infringement of disciplinary rules.
4. The disciplinary proceedings shall be considered to be commenced on the date of delivery of a counterpart (true copy) of the Dean’s proposal to the student; the counterpart shall be sent by the President of the Board.
5. The Dean may discontinue the disciplinary proceedings any time before a decision under Art. 6 is issued; he shall discontinue the proceedings if the Rector calls upon him under paragraph (1) to do so, or if a situation arises which makes it impossible to consider an infringement of disciplinary rules under s. 66 of the Higher Education Act; or if the student ceases to be a student under the Higher Education Act.
6. The disciplinary proceedings may not commence later than three months after the Dean has learnt about the suspicion that an infringement of Disciplinary Rules was committed; however not later than within a year after its commission or a final judgment of conviction in a criminal case.

**Article 5**  
**Consideration of Proposal**

1. The President of the Board shall convene a session of the Board immediately upon commencement of the disciplinary proceedings.
2. The student must be invited to every session of the Board.
3. With the exception of voting the accused student shall have the right to be present at the session of the Board, as well as to offer and submit evidence, express his opinion on all documents considered, inspect written documents and, with the exception of records of voting, inspect written minutes of sessions of the Board, and take extracts from them.
4. The student may choose his representative (hereinafter referred to as the “chosen representative”). The chosen representative shall show the Board the written authorisation of the student, or shall be granted authorisation by the student before the Board, and shall have the rights provided in paragraph (3).
5. The Board may resolve to act when the student is not present only if neither the accused nor his representative have appeared at the session without any justification. Justification must be in writing and must be delivered to the President of the Board not later than on the date of the session of the Board.
6. The Board shall be obliged to produce necessary evidence and to consider the case in such a manner that it may be established without any doubt whether the student has infringed disciplinary rules. The consideration must be led to enable the Board to make a proposal under paragraph (7), generally not later than thirty days from its first session.
7. Upon considering an accusation of infringement of disciplinary rules, the Board shall pass a resolution that the Dean should
  - a) decide that the student has infringed disciplinary rules and should impose a sanction under Art. 2 (2);
  - b) decide that the student has infringed disciplinary rules and should waive the imposition of a sanction under Art. 2 (4); or
  - c) discontinue the disciplinary proceedings;if, however, a probationary period has already been imposed upon the student under Art. 2 (7), the Board shall pass a resolution that the Dean should
  - d) decide that the student has infringed disciplinary rules under Art. 2 (7) and expel him from study; or
  - e) discontinue the disciplinary proceedings.
8. The Board shall in the resolution under paragraph (7) (a) propose a sanction, including the form of admonition under Art. 2 (8) in the case of a sanction of admonition, or the probationary period and conditions under Art. 2 (7) in the case of a sanction of putting the student on probation.

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<sup>1)</sup> S. 51 (2) of the Higher Education Act

9. The Board shall inform the student or his representative, if they are present at the session of the Board, of the resolution under paragraph (8).

### **Article 6 Dean's Decision**

1. The Dean shall issue a decision on the disciplinary proceedings upon the resolution of the Board, generally within seven days from the date of delivery of the proposal.
2. If he believes it to be necessary for due clarification of the case, the Dean may refer the case back to the Board for further examination, stating his reasons in a written form, before he issues a decision.
3. If the Board proposes that the disciplinary proceedings be discontinued, the Dean shall do so unless he has serious doubt about the correctness of such proposal; in such a case he shall refer the case back to the Board for reconsideration, stating his reasons for so doing. If the Board insists on its original resolution, the Dean shall be bound by it.
4. The Dean may
  - a) impose the sanction proposed by the Board, or, unless it is a case under Art. 5 (7) (d),
  - b) impose a milder sanction, or
  - c) waive the imposition of a sanction.
5. The Dean's decision must be executed in writing and it must contain a statement describing the infringement of disciplinary rules and specifying the sanction, or a statement describing the infringement of disciplinary rules and specifying the waiver of a sanction, or a statement specifying the discontinuance of proceedings. It must also contain the reasoning, and the advice on the possibility of applying for a review of the decision.

### **Article 7 Review Proceedings**

1. The student, or his chosen representative upon an attached power of attorney, may within 30 days of the delivery of the Dean's decision apply for a review of the decision; the application for a review (hereinafter referred to as the "application") shall be filed with the Dean. The time limit shall start running on the day following the date of delivery of the Dean's decision to the student.
2. The filing of an application shall have the effect of suspending the proceedings.
3. The Rector may disregard the failure to file the application within the prescribed time limit, if caused by serious reasons and if the student so applies to the Dean in writing not later than fifteen days after the lapse of the original time limit for filing the application.

4. The Dean may decide on the application in the affirmative and change the decision, or repeal it. Should the Dean repeal the decision, he shall refer the case back to the Board for reconsideration.
5. If the Dean fails to decide according to paragraph (4), he shall complement the documents pertaining to and substantiating the decision, including the minutes of the sessions of the Board, and submit the application to the Rector immediately.
6. The Rector shall dismiss an application which was filed late or by an unauthorised person. In other cases the Rector shall
  - a) change or repeal the decision if it breaches the Higher Education Act, an internal regulation of the University or the relevant Faculty,
  - b) repeal the decision if facts justifying the discontinuation of the proceedings have emerged, or
  - c) dismiss the application and confirm the original decision of the Dean.
7. When changing a decision under paragraph (6) (a) the Rector shall impose a milder sanction or he shall waive the imposition of a sanction, unless it is a case under Art. 5 (7) (d).
8. The Rector's decision must be executed in writing and it must contain the statement, the reasoning, and the notice that the decision is final.
9. If the Rector repeals the Dean's decision under paragraph (6) (a), he shall refer the case with the reasoning back for a new decision. The Dean shall be bound by the legal opinion of the Rector. The student may apply for a review of the new decision.

## **Article 8 Complementary Provisions**

1. Notification of the Dean's proposal under Art. 4 (1) and (2) and any invitation to the session of the Board under Art. 5 (2) shall be delivered to the student's own hands under Art. 35 of the Constitution of the University (hereinafter the "Constitution"); similarly, the Dean's decision under Art. 6 (5) and Art. 7 (4) and the Rector's decision under Art. 7 (8) shall be delivered to the student's own hands, alternative delivery (Art. 35 (4) of the Constitution) shall not be permitted in this case.
2. Compliance with time limits applicable to the filing of documents shall be assessed as follows: the time limit has been complied with if the document was handed in to the University, or Faculty, or posted not later than on the last day of the set period; if the end of the time limit falls on a Saturday, Sunday or a national holiday, the last day of the time limit shall be the first working day that follows.
3. The Dean's decision shall be entered into the student's records kept by the Faculty.

4. The decision shall come into force on the day following the lapse of time for filing an application for review, or on the day following the student's written waiver of the right to file such application, or on the day following the delivery of the Dean's decision.
5. The Disciplinary Board of the University shall not be established.

**Article 9**  
**Common and Final Provisions**

1. Further details according to the Code herein shall be determined by the Code of Disciplinary Procedure of the Faculty.
2. The Code herein was approved by the Academic Senate of the University on January 22, 1999.
3. The Code herein shall come into force on the date of registration by the Ministry of Education, Youth and Sports<sup>2)</sup>.
4. The Code herein shall become effective on the first day of the academic year 1999/2000.

<sup>\*)</sup> Changes carried out during the course of registration were approved by the Senate on April 16, 1999.

Prof. RNDr. Jan Bednář, Csc.  
President of the Academic Senate

Prof. JUDr. Karel Malý, DrSc.  
Rector

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<sup>2)</sup> S. 36 (2) of the Higher Education Act. Registration was carried out on April 26, 1999.