

FACULTY OF ECONOMICS AND MANAGEMENT
OF THE CZECH UNIVERSITY OF LIFE SCIENCES PRAGUE



**DISCIPLINARY RULES OF THE FACULTY FOR STUDENTS
OF THE FACULTY OF ECONOMICS AND MANAGEMENT
OF THE CZECH UNIVERSITY OF LIFE SCIENCES PRAGUE**

Prague

2017

Upon the proposal of the Dean of the Faculty of Economics and Management of the Czech University of Life Sciences Prague, pursuant to Section 27, paragraph 1, letter b), and Section 33, paragraph 2, letter e), Act No. 111/1998 Coll., on Higher Education Institutions and Amendments and Supplements to other Acts (Act on Higher Education Institutions), as amended, on 21 June 2017, the Academic Senate of the Faculty of Economics and Management of the Czech University of Life Sciences Prague approved the draft of the Disciplinary Rules of the Faculty for Students of the Faculty of Economics and Management of the Czech University of Life Sciences Prague.

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Ing. Martin Pelikán, Ph.D.
Dean
of the Faculty of Economics and Management,
CULS Prague

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Mgr. Ing. Pavel Michálek, Ph.D.
Chairman of the Academic Senate
of the Faculty of Economics and Management, CULS Prague

Pursuant to Section 9, paragraph 1, letter b), item 2, Act No. 111/1998 Coll., on Higher Education Institutions and Amendments and Supplements to other Acts (Act on Higher Education Institutions), as amended, on 29 June 2017, the Academic Senate of the Czech University of Life Sciences Prague approved the Disciplinary Rules of the Faculty for Students of the Faculty of Economics and Management of the Czech University of Life Sciences Prague.

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Ing. Zdeněk Votruba, Ph.D.
Chairman of the Academic Senate
of the Czech University of Life Sciences Prague

DISCIPLINARY RULES OF THE FACULTY FOR STUDENTS OF THE FACULTY OF ECONOMICS AND MANAGEMENT OF THE CZECH UNIVERSITY OF LIFE SCIENCES PRAGUE

Article 1 Introductory Provisions

The Disciplinary Rules of the Faculty for Students of the Faculty of Economics and Management of the Czech University of Life Sciences Prague (hereinafter the “Disciplinary Rules”) are an internal regulation of the Faculty of Economics and Management of the Czech University of Life Sciences Prague (hereinafter “FEM” or the “faculty”) pursuant to Act No. 111/1998 Coll., on Higher Education Institutions and Amendments and Supplements to other Acts (Act on Higher Education Institutions), as amended (hereinafter the “Act”), and they regulate disciplinary proceedings toward students enrolled for studies at the faculty, the actions of the FEM Disciplinary Committee (hereinafter the “Committee”) in dealing with disciplinary offenses of CULS students enrolled at the faculty, and the submission of proposals for decisions.

Article 2 Disciplinary Committee of the Faculty

- (1) The legal status and powers of the Committee are set out by Section 31 of the Act.
- (2) The Dean of FEM (hereinafter the “Dean”) appoints and dismisses members of the Committee from amongst the members of the academic community of the faculty upon the prior consent of the Academic Senate of the faculty. When nominating members of the Committee, the Dean shall be committed to the principle of continuity of the activities of the Committee, and on the principle of proportional representation of students in the Committee.
- (3) The Committee has four members, half of which are students. The Dean of the faculty always appoints four members of the Committee and four alternates (two academic employees and two 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 position of Chairman shall be performed by the oldest member of the Committee.
- (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:
 - a) on the date of the end of employment at CULS as part of the faculty for members of the Committee who are academic employees;
 - b) on the date of the end or interruption of studies at CULS as part of the faculty for a member of the Committee who is member of the Committee on the basis of his or her position as a student;
 - c) on the date of the delivery of a written resignation of a member of the Committee to the Dean;
 - d) on the date of a Committee meeting that the member of the Committee did not attend without a prior excuse submitted 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 relevant term of office.
- (7) The procedure for appointment set out in paragraph 2 shall be used for appointing a new member of the Committee pursuant to paragraph 6.
- (8) Membership in the Committee is irreplaceable (with the exception of the participation of alternates).

Article 3

Meetings of the Disciplinary Committee of the Faculty

- (1) The Committee discusses the disciplinary offenses of students enrolled for study at the faculty and submits proposals for decisions of the Dean, who leads the disciplinary proceedings.
- (2) The Chairman organizes the activities of the Committee and convenes meetings at least 7 days in advance. Members of the Committee are obliged to take part in Committee meetings that they were invited to in writing.
- (3) Committee meetings are not public.
- (4) Member of the Committee and persons invited to meetings shall ensure its confidentiality.
- (5) Students who are party to disciplinary proceedings pursuant to Article 5, paragraph 3, shall also be invited to Committee meetings.
- (6) The Committee shall have a quorum if the majority of its members are present.
- (7) In the event that all of the members of the Committee are not appointed as of the date of a Committee meeting, or if the term of office of any of member of the Committee was terminated at the latest on the date of the Committee meeting, the Committee shall act in a reduced number of currently-appointed members of the Committee.
- (8) The Committee shall adopt resolutions on the basis of voting. The voting is secret in cases where at least one third of the present members of the Committee request as such; otherwise, the Committee vote shall be public.
- (9) The approval of every resolution and the approval of other matters require the consent of the absolute majority of all of the present members of the Committee.
- (10) Minutes shall be taken of Committee meetings that shall be verified and signed by the Chairman. The minutes contain to course of the Committee meetings and adopted resolutions.
- (11) The faculty secures the administrative tasks resulting from the work of the Committee commissioned by the Chairman. The Committee closely cooperates with the FEM Study Department, which provides it with the necessary information about students and all of the necessary cooperation. Committee meetings are usually attended by an authorized employee of the Dean's Office, who cooperates according to the instructions of the Chairman in organizing the activities of the Committee, administratively-prepares the minutes and other documents of the Committee, arranges proper sending of a written copy of the decision of the FEM Dean on a disciplinary offense to the hands of the student, provides the Committee with information about the status of the studies of the student whose disciplinary offense is being discussed, and informs the Committee on whether the student is fulfilling the attestation conditions set out via the Dean's decision on the disciplinary offense when the conditional suspension sanction is imposed. The head of the FEN Study Department is responsible for adhering to deadlines, properly preparing documents and sending them to all of the participants.

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 means a culpable violation of the obligations set out by the law, other legal regulations or the internal regulations of CULS and the faculty.
- (3) In disciplinary proceedings, in accordance with the provisions of Section 65, paragraph 1 of the Act, one of the following sanctions may be imposed for a disciplinary offense:
 - a) a warning;
 - b) conditional suspension from studies with setting the deadline and the conditions for attestation;
 - c) suspension from studies.
- (4) In the event of a disciplinary offense committed due to negligence, a less serious disciplinary offense or for other reasons, if the Committee so decides, a sanction may not be imposed.
- (5) Suspension from studies is only possible in the event that a serious disciplinary offense is committed.
- (6) When imposing sanctions, taken into consideration shall be the nature of the conduct via which the disciplinary offense was committed, the circumstances under which it occurred, the caused consequences, the level of fault and the former behaviour of the student who committed the disciplinary offense, as well as the expressed efforts to remedy the consequences of the offense.
- (7) The time period and conditions for attestation for a conditional suspension from studies shall be determined according to level of seriousness of the disciplinary offense; this time period shall be at least six months and at most three years; this time period does not include the period during which the studies of the party to the disciplinary proceedings are 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 Dean.
- (2) The proposal pursuant to paragraph 1 must be in writing and must contain a description of the facts or the evidence on which it relies, as well as the justification for why it is in fact perceived as a disciplinary offense.
- (3) Parties to disciplinary proceedings shall only be students on whose rights and obligations a decision is being made in disciplinary proceedings in the matter of the disciplinary offense.
- (4) Disciplinary proceedings are initiated by familiarizing the student with the proposal i.e. on the date when the notification on the initiation of the proceedings was delivered to the student together with a copy of the proposal for initiating disciplinary proceedings pursuant to paragraph 1, as well as an invitation to the first verbal meeting pursuant to Article 6, paragraph 1. This shall be delivered to the student's data box, so long as the student reported the address of the data box in accordance with the internal regulations of CULS and the faculty, otherwise 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 passed from when it was committed, or from the final conviction in a criminal case. The period of one year shall not include the period during which the party to the disciplinary proceedings is not a student.

Article 6

Course of Disciplinary Proceedings before the Committee

- (1) Verbal meetings about the disciplinary offense are held in the presence of the student. The student must be invited in writing to each verbal Committee meeting at least 5 business days beforehand; an invitation to a meeting is sent to the student via delivery to the student's data box, so long as the student reported the address of the data box in accordance with the internal regulations of CULS and the faculty, to the hands of the student and pursuant to Code of Administrative Procedure. With the exception of its voting, the student shall be entitled to be at the Committee meeting in person. The student shall be entitled to propose and submit evidence, make statements regarding all facts as part of the disciplinary proceedings, view written documents and minutes from Committee meetings and obtain extracts and copies thereof.
- (2) The Committee may adopt the resolution that it shall act whilst the student is not present in the event that the invitation to the meeting was delivered to the student duly and on time pursuant to paragraph 1 and the Code of Administrative Procedure and the student did not attend the meeting without an excuse. The excuse must be in writing and must be delivered to the Chairman of the Committee at the latest on the day prior to the Committee meeting.
- (3) The Committee shall be obliged to provide the necessary evidence and discuss the matter in such a way that it is possible to ascertain whether the student committed the disciplinary offense, whether the fact occurred in which the disciplinary offense was perceived, whether such a fact is a disciplinary offense, whether the student was discussed in the past and sanctioned for any disciplinary offense, whether the disciplinary offense can be discussed, whether the disciplinary offense was committed due to negligence or intentionally, and to propose the sanction that is to be imposed for committing the disciplinary offense. The Committee shall be obliged to proceed in such a way that in the disciplinary proceedings the Dean shall issue a decision pursuant to paragraph 4 by the deadline for issuing a decision set out by the Code of Administrative Procedure.
- (4) After discussing the matter as part of the meeting, the Committee shall adopt a proposal that the Dean issues a decision by which:
 - a) the Dean shall decide that the student committed the disciplinary offense and shall propose imposing a sanction pursuant to Article 4, paragraph 3, which the Committee shall specify in the proposal, or possibly a lighter sanction,
 - b) the Dean shall decide that the student committed the disciplinary offense, but in the opinion of the Committee, discussion of the matter in the disciplinary proceedings is sufficient,
 - c) the Dean shall halt the disciplinary proceedings if it is not possible to prove that the student committed the disciplinary offense,
 - d) the Dean shall halt the disciplinary proceedings if it becomes apparent that this is not a disciplinary offense pursuant to these Disciplinary Rules, or
 - e) the Dean shall halt the disciplinary proceedings due to the fact that the party to the disciplinary proceedings ceased to be a student.
- (5) If the Committee does not adopt a resolution on any of the proposals pursuant to paragraph 4, after discussing the matter as part of a meeting or by the deadlines for issuing a decision set out by the Code of Administrative Procedure, the Dean shall be

entitled to halt the proceedings due to the fact that it was not possible to prove that the student committed the disciplinary offense.

- (6) The Chairman of the Committee shall be obliged to immediately submit the resolution of the Committee pursuant to paragraph 4, or information on discussing the matter without issuing a resolution pursuant to paragraph 5, to the Dean for subsequent proceedings pursuant to Article 7, at the latest within five business days.

Article 7

Decisions in Disciplinary Proceedings

- (1) A decision in disciplinary proceedings (hereinafter the “decision”) shall be issued by the Dean on the basis of the proposal of the Committee by the deadlines for issuing a decision set out by the Code of Administrative Procedure.
- (2) Before issuing the decision, the Dean may return the matter to the Committee with a written justification for subsequent investigation, if the Dean considers it necessary for the proper clarification of the matter. If a fact occurs that prevents the disciplinary offense from being discussed pursuant to Article 5, paragraph 5, the Dean shall decide on halting the disciplinary proceedings.
- (3) As part of issuing the decision on the committing of a disciplinary offense, the Dean may impose the sanction that the Committee proposed, or a lesser sanction, or the Dean may waive the imposition of a sanction if it is the Dean’s opinion that simply discussing the matter in disciplinary proceedings is sufficient.
- (4) If the Committee proposed that the Dean halt the disciplinary proceedings via his decision, the Dean shall issue a decision on halting the disciplinary proceedings. If the Dean has serious doubts about the correctness of this procedure, the Dean shall return the matter to the Committee, along with the reasons why, so that it can be newly discussed. If the Committee persists in its original resolution, the Dean shall be bound by it.
- (5) The decision shall be made in writing. The decision contains a statement part, justification and instructions to the student about the possibility of appealing the decision. In the statement part of the decision shall be specified the student’s name, surname, date of birth or birth number, place of permanent residence and study programme, a description of the facts, ascertainment of the disciplinary offense and determination of the sanction, or ascertainment of the disciplinary offense and waiving of a sanction, or a statement on halting the disciplinary proceedings. To the issuing of a decision by which Dean decides on the committing of a disciplinary offense or on halting the disciplinary proceeding applies Section 68 of the Act and the Code of Administrative Procedure. The decision shall be delivered to the student’s data box if the student reported the address of the data box in accordance with the internal regulations of CULS and the faculty, otherwise to the hands of the student and pursuant to the Code of Administrative Procedure.
- (6) A decision that was announced in accordance with Section 72, Code of Administrative Procedure, and which cannot be appealed, shall be in legal force.

Article 8

Appeals during Disciplinary Proceedings

- (1) Students may appeal decisions. The right to lodge an appeal does not pertain to students who waived such a right after the announcement of the decision. If a student withdrew the appeal, the student may not lodge another appeal.
- (2) An appeal may contest the statement part of the decision, an individual statement or its secondary provision. An appeal against only the justification of the decision is not permissible. In his or her appeal, the student shall specify his or her name, surname, date of birth and place of permanent residence. The appeal must indicate which decision it is directed against, the extent to which it is contested, wherein resides the conflict with the law, other legal regulations or the internal regulations of CULS and the faculty, or the inaccuracy of the decision or proceedings that preceded it. If the appeal does not state the extent to which the student is contesting the decision, it shall apply that the student is seeking annulment of the entire decision.
- (3) New facts and proposals for obtaining other documents or providing evidence specified in the appeal, or during the course of appeals proceedings, shall only be taken into consideration if these are facts, evidence or proposals that the student could not exercise earlier; if the student objects that he or she was unable to carry out a certain action during the proceedings of first instance, such an action must be carried out together with the appeal.
- (4) The appeal period is 30 days from the date of the announcement of the decision. The time limit shall be preserved if a postal shipment containing the appeal is submitted to a postal license holder on the last day of the deadline. An appeal may be lodged only after the decision has been issued; if an appeal was lodged prior to the notification 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 amending resolution, if it was issued, but no later than 90 days from the date of the notification of the decision. The fact of not being notified of the decision cannot be invoked by a student who has demonstrably become acquainted with the decision; an appeal in such a case can be lodged within 90 days of becoming acquainted with the decision.
- (6) A student may request forgiving of missing the time limit for lodging the appeal within 15 days from the date when the obstacle which prevented the student from submitting his application was removed. This submission can be granted a suspensive effect if the student is at risk of serious harm. If the student does not simultaneously lodge an appeal, the request shall not be handled. Missing an appeal shall be forgiven if the student demonstrates that the obstacle consisted of serious reasons that occurred without his or her fault; the decision to forgive missing the appeal shall be decided on by Dean via a resolution. Missing an appeal cannot be forgiven if one year has passed since the day it was due to be lodged.
- (7) A permissible appeal submitted on time shall have a suspensive effect; legal force, enforceability or other legal effects of the decision shall not occur as a consequence of a suspensive effect on the appeal. The suspensive effect of the appeal cannot be excluded.
- (8) An appeal shall be submitted to the Rector via the Dean as the administrative body that issued the contested decision.
- (9) The Dean shall supplement the proceedings according to the circumstances; this shall not apply if the appeal was lodged late or if it is not permissible.
- (10) The Dean may cancel or change a decision if it fully complies with the appeal. Such a decision can be appealed.

- (11) If, before submitting the file to the Rector, the Dean learns that a fact occurred that justifies halting the proceedings, the Dean shall automatically cancel the decision and halt the proceedings.
- (12) The Rector shall review the compliance of the contested decision and the proceedings that preceded the issuing of the decision with the law, other legal regulations or the internal regulations of CULS and the faculty. Defects to proceedings that cannot be reasonably considered to have affected the compliance of the contested decision with the law, other legal regulations or the internal regulations of CULS and the faculty shall not be taken into consideration.
- (13) If the Rector comes to the conclusion that that the contested decision is at variance with the law, other legal regulations or the internal regulations of CULS and the faculty:
 - a) the Rector shall cancel the contested decision, or part thereof, and halt the proceedings;
 - b) the Rector shall cancel the contested decision, or part thereof, and return the matter to the Dean, who shall propose that the Committee newly discuss the matter; in the justification of this decision, the Rector shall express the legal opinion by which the Dean shall be bound in the new discussion of the matter; a new decision may be appealed;
 - c) the Rector shall change the contested decision or part thereof; a change may not be made if this would create the risk of harm due to the loss of the possibility to lodge an appeal; if required in order to remove defects to the justification, the Rector shall change the decision in the justification part; the Rector may not change the contested decision to the detriment of the student, unless the contested decision is at variance with legal regulations.
- (14) If the Rector does not ascertain a reason for the procedure pursuant to paragraphs 13, 15 or 16, the Rector shall deny the appeal and confirm the contested decision. If the Rector changes or cancels the contested decision only in part, the Rector shall confirm the remainder of the decision.
- (15) If the Rector learns that a fact occurred that justifies the halting of the proceedings, the Rector shall automatically cancel the contested 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 investigate whether there are preconditions for reviewing the decision in review proceedings, for renewal of the proceedings or for issuing a new decision. If the Rector ascertains preconditions for initiating review proceedings, for renewal of the proceedings or for issuing a new decision, a late or inadmissible appeal shall be assessed as an initiative for review proceedings, a request for renewal of the proceedings or a request to issue a new decision.
- (17) The decision in appeals proceedings shall be issued by the Rector within 30 days; the time period shall begin running on the date the file is submitted to the Rector. The provisions of Article 7, paragraphs 3 and 5 shall apply similarly for a decision of the Rector.
- (18) The decision of the Rector may not be further appealed. The decision of the Rector shall be in legal force if the student was notified of it. The decision of Dean confirmed pursuant to paragraph 14 shall come into legal force together with the decision of the Rector.
- (19) If a student withdraws a lodged appeal, the proceedings on the appeal shall be halted on the date of the withdrawal of the appeal; the contested decision shall come into legal force on the day following the halting of the proceedings. A resolution shall be issued on the fact that the proceedings were halted, which shall only be noted in the file. The

student shall be simultaneously informed of it in writing. An appeal may be withdrawn at the latest until the issuing of the decision of the Rector.

- (20) In relation to the decision pursuant to paragraph 13, the Rector or Dean shall adopt such measures 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 Transitional Provisions

- (1) Disciplinary proceedings initiated before the date these Disciplinary Rules come into effect shall be completed pursuant to the existing internal regulation of the faculty.

Article 10 Closing Provisions

- (1) The Disciplinary Rules of the Faculty for Students of the Faculty of Economics and Management of the Czech University of Life Sciences Prague date 25 September 2014 are cancelled.
- (2) These Disciplinary Rules shall become valid and effective on the date they are approved by the CULS Academic Senate pursuant to paragraph 3.