



## Disciplinary Code for Students

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*The Ministry of Education, Youth and Sports registered the Disciplinary Code for Students of Moravian Business College Olomouc in compliance with § 36, paragraph 2 and paragraph 4, § 41, paragraph 2 and § 87, Letter a) of the Act No. 111/1998 Coll., on Higher Education Institutions and on Alterations and Amendments to Other Acts (Higher Education Act, under reference number MSMT-4914/2017-1, dated the 28<sup>th</sup> of March 2017.*

# DISCIPLINARY CODE FOR STUDENTS

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Proprietor of this activity: the Disciplinary Commission

The Guarantor of the Process: the Rector

Checked by: the Quality Manager

Approved by: the Director **RNDr. Josef Tesařík**



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## **Article 1 Introductory Provisions**

The disciplinary code governs the procedures to be followed when negotiating disciplinary infringements committed by students of Moravian Business College Olomouc (hereinafter referred to only as “MVSŮ“)

## **Article 2 Disciplinary Commission**

1. Disciplinary infringements committed by students of MVSŮ are negotiated by the Disciplinary Commission.
2. The status of the members of the disciplinary commission are governed by the MVSŮ statute.
3. The disciplinary commission can vote if more than a 50 percent majority of its members are present.
4. A decision of the disciplinary commission goes into effect if more than a 50 percent majority of the members present vote for it.

## **Article 3 Disciplinary Infringement**

A disciplinary infringement is caused by a breach of the duties set down in the legal regulations or internal regulations of MVSŮ.

## **Article 4 Disciplinary Procedures**

1. Formal disciplinary action is started by the MVSŮ disciplinary commission based on a recommendation by the Rector or an authorised representative of the Rector. A written proposal for the starting of a disciplinary process includes a description of the deed, suggested evidence and proof if available, on which the accusation is based as well as an explanation of why the deed is considered to be a disciplinary infringement.
2. A disciplinary process is begun by acquainting the student with the accusation. The day on which the student received an invitation for an oral interview regarding the disciplinary infringement is regarded as the day on which the student was familiarised with the content of the disciplinary process proposal.
3. The written invitation can be delivered to any known address of the student. In its place, it is also possible to deliver the invitation in the form of a data message over the networking node of a data site, the operator of which manages an electronic mailing address account for the student.
4. If it isn't feasible to deliver the invitation IAW paragraph 3 of Article 4, then it is possible to deliver it by placing it on the official MVSŮ notice board.



5. The invitation is delivered in such a way so that the student has at least five days to prepare a defence to be presented to the MVSJ disciplinary commission.
6. The disciplinary infringement shall be discussed at an oral hearing at which the student must be physically present. An exception to this is if the student does not show up for the hearing and does not excuse her- or himself from the session, in spite of the fact that the invitation was sent on time and in accordance to the rules, in which case, it will be conducted in the absence of the student.
7. In order to be officially excused from the negotiations, the written excuse letter must be delivered to the chair of the disciplinary commission at the latest one day before the day on which the meeting is scheduled. The excuse must include relevant proof of the valid reason for which it is being submitted. The Chair of the Disciplinary Commission will set up a make-up term for the sitting only upon having acknowledged the validity of the reason.
8. Furthermore, it is also possible to hold a second oral hearing in the absence of the student if the student does not show up for the rescheduled/postponed commission session.
9. The meeting of the disciplinary commission is not open to the public.
10. A record of the proceedings from the disciplinary commission session will be readied, in which the disciplinary commission will set forth its recommendation for the decision by the Rector.

### **Article 5 Sanctions**

1. One of the following sanctions can be given if the student is found to have committed a disciplinary offence:
  - a. An admonition
  - b. suspension from studies for a given period of time with set conditions which the student must fulfil in order to continue studying,
  - c. Expulsion from studies.
2. The imposition of a penalty may be waived in cases where the disciplinary infringement negotiations lead directly to a resolution of the situation which caused the hearing to be held.
3. In the process of deciding which sanctions to enact, an effort is made to make the punishment fit the crime, in other words, the nature of the disciplinary infringement is taken into account as well as the circumstances under which it occurred, the damage caused, the degree of guilt and especially to the general behaviour of the student, who committed the disciplinary infringement and to her or his efforts to repair the damage.
4. A student can be expelled from studies only in cases where a serious disciplinary infringement was committed intentionally.
5. A student who was admitted to studies as a result of cheating or other misrepresentation of her-or himself will also be expelled.



6. A decision, regarding a disciplinary infringement, which is to result in expulsion from studies IAW paragraph 2, will be annulled in cases where reasons for annulling the disciplinary process subsequently become apparent.

## **Article 6 Decisions**

1. Sanctions are set by the Rector based on the proposal by the disciplinary commission. The Rector cannot inflict stricter sanctions than those proposed by the disciplinary commission. Sanctions must be imposed within thirty (30) days of the day on which the disciplinary process began.
2. A decision on the imposition of a sanction must be issued in writing and must include a statement, a specification of the sanction, the reason(s) for the sanction and guidance on how to appeal the decision, which must be delivered directly into the hands of the student. If the student lists a data box address, the decision will be delivered via a public data site into the data box indicated by the student.
3. The student can lodge an appeal against the sanctioning decision within thirty 30 days of the day on which the decision to impose a sanction due to a disciplinary offense was delivered. If this deadline is missed, it can be waived for serious reasons. A request for a waiver of a missed deadline is to be submitted to the Rector.
4. The Rector will change or declare to be invalid any decision to impose a sanction which was issued illegally or in conflict with the internal regulations of MVSO.

## **Article 7 Abatement of disciplinary proceedings**

1. Disciplinary proceedings will be stopped, if:
  - a. it becomes clear that it is not a case of disciplinary infringement
  - b. it cannot be proven that the disciplinary infringement was committed by the student,
  - c. the person involved is no longer a student,
  - d. The one-year deadline of one year, since the infringement was committed or since the legal condemnatory sentence in the case of a punishable offence was issued, has passed.
2. An appeal against the decision always has the effect of postponing the enforcement of the decision.

## **Article 8 Revocation Provisions**

The previous disciplinary code, registered with the Ministry of Education, Youth and Sports, is cancelled and subsequently replaced by the current disciplinary code.



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### **Article 9 Force and Effect**

This disciplinary code takes effect IAW § 36, Paragraph 4 and § 41, Paragraph 2 of Law No. 111/1998 of the Book of Laws, on colleges, and also based on amendments to further valid laws (the law regarding colleges). It enters into force on the date of its registration with the Ministry of Education, Youth and Sports.