

# **The Code of Disciplinary Procedures at FAMO in Písek**

## **Article 1**

### **Introductory provisions**

This disciplinary procedure regulates the details of disciplinary delicts of FAMO students, the imposition of sanctions, as well as disciplinary proceedings.

## **Article 2**

### **Disciplinary delict and sanctions**

1. A disciplinary delict is a violation of the obligations laid down by law No. 111/1998 Coll., on Higher Education Institutions and on Amendment and Supplementation of Other Acts (Act on Higher schools, etc.), as amended (hereinafter referred to as the "Act"), by other legislation, or internal regulations of FAMO in Písek.
2. For a disciplinary offense, a student may be penalized by
  - a) authoritative warning,
  - b) conditional expulsion from the study programme setting a time-limit and conditions for remediation,
  - c) expulsion from study.
3. When imposing sanctions, it is important to take account of the nature of the act of disciplinary delict, the circumstances in which it occurred, the resulting consequences, the degree of fault, as well as the behavior of a student who has committed a disciplinary offense and also efforts to remedy its consequences.
4. It is possible to pardon the sanction, if the discussion of a disciplinary delict itself leads to redress, particularly if it is a disciplinary offense committed by negligence or less serious breach of discipline.
5. Authoritative warning can be imposed only for a disciplinary delict committed due to negligence or less serious disciplinary offense.
6. The sanction of expulsion from study may only be imposed for a serious, deliberate disciplinary delict. Conditional exclusion from studies may be imposed only if the conditions for the imposition of a sanction of exclusion from the course are met and if the disciplinary offense is not committed in a particularly despicable way, the student has shown sincere pity and it can be reasonably expected that another serious disciplinary delict will no longer be committed.

7. The time-limit and conditions for proving good in the course of conditional exclusion from studies shall be determined according to the severity of the disciplinary offense; this period shall be at least six months and not more than three years. If a student commits an additional disciplinary offense during the proving good period, except for a less serious disciplinary offense committed by negligence, he/she will be excluded from the study.

8. Sanction of warning is either non-public and is only reported to the student, or public, and therefore it is published for 30 days on the official board of the school

9. The sanction of conditional expulsion from studies and expulsion from studies is public and therefore it is published for 30 days on the official board of the school.

### **Article3**

#### **Disciplinary board**

1. The disciplinary offense is discussed by the disciplinary board of the school (hereinafter referred to as the "Board").

2. Members of the Board are appointed by the Rector from among the members of the academic community. The academic community then elects its chairman.

3. The Board has four members. The chairman is a member of the Board. Two members are students.

4. The Board has a quorum with the participation of at least two members.

5. The term of office of Board members shall not exceed two years.

6. Members are required to attend the Board meeting at which they were invited.

7. A member can not participate in the discussion and decision-making in a particular disciplinary proceeding if, in view of his / her relation to the matter, the student whose decision he / she violates or the student's representative may have doubts about his / her unfitness. A member can not participate in the discussion and decision-making in a particular disciplinary proceeding if, in view of his / her relation to the matter, the student whose decision he / she violates or the student's representative may have doubts about his / her impartiality. A member certifies impartiality by a solemn declaration made at the latest at the opening session.

8. If the student or his / her representative challenges the bias in the proceedings, it must be written and justified. The Rector decides on the objection to the member.

9. The meeting of the Board shall be managed by its Chairperson.

10. The Board shall act by a vote. Voting under Article 5 ( section 8) is always secret. The Board shall have a quorum if at least half of its members is present. The resolution of the board is adopted if most of its members present speak to them.

11. The board meetings are recorded in writing stating the essential facts and also facts that a student, a chosen representative or any member of the board suggests. A protocol on the board's vote is included, which is part of the minutes.

12. The activity of the board is provided by the school management.

#### **Article 4**

##### **Opening of disciplinary proceedings**

1. Disciplinary proceedings are opened by the Board on the proposal of the Vice-Rector. The Vice-Rector will submit this proposal if the student's behaviour somehow has damaged the reputation of the school.

2. The proposal for the Disciplinary Board must include a description of the act, the proposed evidence on which it is based, as well as giving the reason why it is considered a breach of discipline.

3. Disciplinary proceedings commence on the date when the student receives the Rector's proposal.

4. The Rector may stop the disciplinary proceedings at any time prior to issuance of a decision referred to in Article 6; if the fact that a disciplinary offense can not be dealt with according to § 66 of the Act, or if the student ceases to be a student under the Higher Education Act, the Rector will do so.

#### **Article 5**

##### **Consideration of the proposal**

1. As soon as the disciplinary proceedings have been initiated, the Chairman of the Board shall convene a meeting of the Board.

2. The student must be invited to each meeting of the Board.

3. The student has the right, with the exception of voting, to be present at the board's deliberations, he / she can propose and submit the evidence, comment on all the documents for the hearing, consult the minutes of the board's proceedings and make extracts from them.

4. If a student cannot attend board meetings , he/she is obliged to apologize stating the reason. The apology must be written and must be delivered to the Rector no later than the beginning of the meeting.
5. If the student or elected representative does not attend the meeting without a proper excuse fulfilling the conditions of paragraph 5, the commission may decide to act in the absence of the student.
6. The Board is required to provide the necessary evidence and discuss the case so that it can be clearly established whether a student has committed a disciplinary delict. Negotiations must be conducted so that the Board could adopt a resolution in accordance with paragraph 7, usually within 30 days of its first meeting.
7. After discussing the matter, the board will decide on the proposal for the Rector to
  - a) decide that the student has committed a disciplinary offense and he has imposed a penalty on him under Article 2 ( paragraph2);
  - b) decide that the student has committed a disciplinary offense and he has refrained from the sanction under Article 2 ( paragraph4); or
  - c) stop disciplinary proceedings if, however, the student is in the time-limit for proving good referred to in Article 2 ( paragraph7), the board shall decide on the proposal that the Rector
  - d) has decided that a student has committed a disciplinary offense under Article 2 ( paragraph7) and has excluded him from studying; or
  - e) stopped disciplinary proceedings.
8. In the resolution under paragraph 7 point. (a) the Board shall make a proposal for a sanction, for a sanction of warning, including the form referred to in Article 2 (paragraph8), for the conditional exclusion from the course of the sanction, including the time limit and the conditions for the proving good referred to in Article 2 (paragraph7).
9. The resolution under paragraphs 7 and 8 shall be communicated to the student and his / her elected representative if they are present.
10. The Chairman of the Board shall communicate the proposal of the board in accordance with paragraphs 7 and 8 to the Rector in writing, normally within 7 days from the date of adoption of this proposal.

## **Article 6**

### **Rector's decision**

1. The decision on disciplinary proceedings is issued by the Rector on the basis of a proposal of the Board, usually within 7 days from the day he received it.

2. The Rector may return the matter to the Board before the issuance of a decision , with written justification for further investigation if he considers it necessary for a proper clarification of the matter.

3. Rector can:

a) impose the sanction proposed by the Board, or, if it is not the case under Art. 5, paragraph. 7 point. d),

b) impose a milder sanction or

c) refrain from imposing a sanction

4. The Rector's decision must be made in writing and include a statement on the determination of the disciplinary offense and the determination of the sanction, or a statement on the finding of a disciplinary offense and refraining from the sanction, or a statement on the discontinuation of disciplinary proceedings. It must also contain a justification and advice of the right to apply for review of the decision.

5. The student has the right to file an appeal against the Rector's decision within 7 days of receiving the decision.

## **Article 7**

### **Review proceedings**

The review procedure takes place in case the student appeals against the decision of the Rector. The Rector decides within 30 days of the receipt of the appeal. Rector's decision is final.

## **Article 8**

### **Supplementary provisions**

1. Notification of the Rector's proposal and invitations to meetings of the Board shall be notified by registered post.

2. The decision is recorded in the school-led documentation about the student.

3. The decision shall become legally effective on the day after the expiry of the time limit for filing the application for review or on the day on which the student in writing waives the right to file this application or on the day on which the Rector's decision was delivered.