

Pursuant to Section 36, Para 2, Act no. 111/1998 Coll., on Higher Education Institutions and on Amendments and Supplements to some other Acts (The Higher Education Act), the Ministry of Education, Youth and Sports registered the Disciplinary Code for Students of the Czech Technical University in Prague under ref. no. MSMT-21850/2017 on 1 September 2017.

.....
Mgr. Karolína Gondková
Director of the Higher Education Department

DISCIPLINARY CODE FOR STUDENTS OF THE CZECH TECHNICAL UNIVERSITY IN PRAGUE

Article 1 Introductory provisions

This Disciplinary Code for Students of the Czech Technical University in Prague, in accordance with 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 as the "Act") regulates the disciplinary procedures with respect to students of all bachelor, master and doctoral study programmes, provided both at the faculties and outside faculties.

Article 2 Sanctions

- (1) One of the following sanctions can be imposed on a student for culpable breach of the obligations stipulated by legal provisions or by the internal regulations of CTU and its parts:
 - a) Reprimand,
 - b) Conditional expulsion from studies, with setting a timetable and conditions for making amends,
 - c) Expulsion from studies
- (2) A disciplinary offence pursuant to Section 64 of the Act, committed by negligence, and a less serious disciplinary offence may be discussed without imposing a sanction.
- (3) The imposition of a sanction may be waived provided the discussion of the disciplinary offence leads to rectification.
- (4) When discussing imposition of sanctions, the nature of the actions that led to the disciplinary offence, the circumstances under which it occurred, the consequences caused, the degree of blame, as well as the previous conduct of the student who committed the disciplinary offence, and the demonstrated efforts to rectify the consequences are taken into account. A student can be expelled from studies in case of a deliberate commitment of a serious disciplinary offence.
- (5) The decision to impose a sanction is communicated solely to the student and is not public.

- (6) The time period and the conditions of the rectification in case of a conditional expulsion from studies are set according to the level of the gravity of the disciplinary offence; this time period is set to a minimum of six months and a maximum of three years.
- (7) If a student commits another disciplinary offence during the probation period, with the exception of less serious disciplinary offences committed out of negligence, they may be expelled from studies.

Article 3

Commencement of disciplinary proceedings

- (1) Disciplinary proceedings are initiated by a faculty's disciplinary commission or by the CTU Disciplinary Commission upon proposal of the dean or rector pursuant to Article 4, Para 2 hereof.
- (2) The proposal shall include the description of the act, or suggested evidence upon which it relies, as well as stating the reason why the act is considered a disciplinary offence. The disciplinary proceedings commence on the day the student is notified of the proposal.
- (3) The chair of the disciplinary commission will convene a meeting of the faculty's disciplinary commission or the CTU Disciplinary Commission immediately after the commencement of the disciplinary proceedings.
- (4) A disciplinary offence cannot be raised for discussion if a period of one year has elapsed since the commitment of the disciplinary offence, or if a final guilty verdict was pronounced in a criminal case. The one-year period excludes any period when the person is not a student.

Article 4

Disciplinary Commission

- (1) The accusation against a student of a disciplinary offence is discussed by a faculty's disciplinary commission or by the CTU Disciplinary Commission.
- (2) A faculty's disciplinary commission deals with disciplinary offences committed by students enrolled at the faculty in one of the faculty's programmes and it submits proposals of the decision to the dean. The CTU Disciplinary Commission deals with disciplinary offences committed by students enrolled at CTU in one of the programmes outside faculties and it submits proposals of the decision to the rector.
- (3) Members of a faculty's disciplinary commission are appointed by the dean from among the members of the faculty's academic staff and with the consent of the faculty's Academic Senate. Half of the members of the disciplinary commission are students. The commission has a minimum of four and a maximum of eight members. Two academic workers and two students are appointed as substitutes.
- (4) Members of the CTU Disciplinary Commission are appointed by the rector from among the members of the CTU academic staff, namely from the academic staff working at a university institute that participates in the implementation of programmes outside faculties and from students enrolled in one of the programmes outside faculties. The CTU Academic Senate must approve of the appointment of the members of the CTU Disciplinary Commission. The composition of the CTU Disciplinary Commission is regulated by Para 3, sentence 2 to 3 hereof.
- (5) The members of a faculty's disciplinary commission and the CTU Disciplinary Commission are appointed for two years.

- (6) If it is known that a member of a faculty's disciplinary commission or the CTU Disciplinary Commission will not be able to attend a commission's session, the chair will summon an appropriate substitute so that the parity of the composition is preserved. Such substitute member has the rights and duties of a regular member of the commission at the session they have been summoned to attend.
- (7) The session of a faculty's disciplinary commission or the CTU Disciplinary Commission is presided over by its chair; the sessions are held behind closed doors. The members of the commission are pledged to secrecy concerning all matters that come to their knowledge in connection with their membership of the commission.
- (8) A faculty's disciplinary commission or the CTU Disciplinary Commission has a quorum if a majority of its members are present. In case the equal representation of academic workers and students is not observed, the chair will adjourn the session in case such adjournment is proposed by a member of the commission. A resolution of the commission is adopted if it was voted for by a majority of the members of the commission present at the session.
- (9) A record is kept of the session of a faculty's disciplinary commission or the CTU Disciplinary Commission.

Article 5
Discussing a proposal

- (1) The student must be invited to attend a session of a faculty's disciplinary commission or the CTU Disciplinary Commission in writing and in a timely manner. The student has a right to be present in person at the session of the commission, with the exception of the voting. The student has a right to propose and submit evidence, comment on all materials submitted for the session and inspect the file¹, with the exception of the records of voting.
- (2) A faculty's disciplinary commission or the CTU Disciplinary Commission can decide to act in the student's absence only provided the student has been sent an invitation in a proper and timely manner and the student has not arrived for the session and has not excused themselves.
- (3) In the student's absence, a faculty's disciplinary commission or the CTU Disciplinary Commission can proceed to act at a third meeting provided the student has not attended the two previous meetings, but submitted an apology in writing and the apology was accepted by the chair of the disciplinary commission.
- (4) A faculty's disciplinary commission or the CTU Disciplinary Commission are obliged to discuss the matter so that it is established beyond doubt that the student did commit a disciplinary offence. The session will be conducted in a manner that allows the commission to adopt a resolution in accordance with Para 5, usually within 30 days upon the first meeting.
- (5) After having discussed the matter, a faculty's disciplinary commission or the CTU Disciplinary Commission will adopt a proposal instructing the dean or rector to
 - a) State that the student committed a disciplinary offence and impose a sanction pursuant to Article 2, Para 1 hereof, which the commission will explicitly name,
 - b) Terminate the disciplinary proceedings because the student did not commit any disciplinary offence, or committed a disciplinary offence, but the commission is of the opinion that the hearing and discussion of the matter sufficed, or it is not considered a disciplinary offence, or the commission failed to prove that the disciplinary offence was committed by the student in

¹ Section 38, Act No. 500/2004 Coll., the Administrative Procedure Code

question, or the person ceased to be a student.

- (6) A faculty's disciplinary commission or the CTU Disciplinary Commission will inform the student about the resolution pursuant to Para 5 provided the student is present; otherwise, the resolution is not announced.

Article 6

Decision of the dean or rector

- (1) The dean or rector issues a decision in the disciplinary proceedings based on a proposal submitted by a faculty's disciplinary commission or the CTU Disciplinary Commission, usually within 7 days upon receiving the proposal.
- (2) The dean or rector may refer the matter back to a faculty's disciplinary commission or the CTU Disciplinary Commission before issuing a decision, with a statement in writing, to further investigate the matter, should they deem it necessary for proper clarification of the matter.
- (3) The dean or rector will inform the student about a possibility to comment on the materials upon which the decision is made, before the decision is issued. The student must be given at least 5 days to comment on the materials.
- (4) The dean or rector may impose the sanction suggested by a faculty's disciplinary commission or the CTU Disciplinary Commission, or a milder sanction, or they may terminate the disciplinary proceedings citing reasons stated in Article 5, Para 5 (b) hereof, even though the commission proposed that the sanction be imposed.
- (5) In case a faculty's disciplinary commission or the CTU Disciplinary Commission propose that the disciplinary proceedings be terminated, the dean or rector will oblige. If the dean or rector has serious doubts about the correctness of this approach, they will refer the matter back to the disciplinary commission to reconsider the matter, stating their reasons. Should the disciplinary commission confirm the original resolution, the dean or rector is obliged to abide by this decision.
- (6) The decision on imposing the sanction pursuant to Article 2, Para 1 (a) to (c) hereof must be made in writing and must include a statement on the finding of the disciplinary offence and determination of the sanction. Further, it must contain the argument and advice on the possibility to appeal against the decision.
- (7) The decision on terminating the disciplinary proceedings will include a statement on terminating the disciplinary proceedings, argument and advice on the possibility to appeal against the decision.

Article 7

Deciding on a disciplinary offence

- (1) The decision on a disciplinary offence is regulated by Section 68 of the Act; the manner of delivery is regulated by Article 45, the CTU Statute.
- (2) The student may appeal against the decision on a disciplinary offence to the rector. In case the decision is made by the dean, the appeal is submitted to the rector through the dean; in that case the dean (unless they believe they should proceed according to Section 87, the Administrative Procedure Code²) will pass on the file to the rector, including their statement, within 30 days upon receiving the appeal.
- (3) The appeal must be submitted in writing within 30 days upon its announcement.

² Act No. 500/2004 Coll., the Administrative Procedure Code

(4) The appeal must include the following:

- a) Name, surname, date of birth,
- b) Permanent address or other mailing address,
- c) Name of the study programme,
- d) Name of the relevant faculty of university institute,
- e) Data specifying the decision against which it is made, the extent to which it challenges the decision and where it is in conflict with legal regulations, internal regulations of CTU and the faculty, or the manner in which the decision or proceedings that precede it were incorrect,
- f) Signature of the person submitting the appeal.

(5) The rector's decision on the appeal is final. It is made in writing and it includes the following:

- a) Decision (statement),
- b) Justification,
- c) Advice to the effect that the decision is final and cannot be appealed,
- d) Information about which body issued it,
- e) The date of the issuance,
- f) Reference number under which it is registered at CTU,
- g) Official stamp of CTU,
- h) Rector's signature.

Article 8

Supplementary provisions

(1) The accusation of the student of a disciplinary offence pursuant to Article 3, Para 2 hereof, invitation of the student to attend a session of a faculty's disciplinary commission or the CTU Disciplinary Commission, and the decision of the dean or rector must be delivered by personal delivery.

(2) The decision is marked in the student's file.

Article 9

Common, temporary and final provisions

(1) Proceedings initiated before the day this Code came into effect will be completed pursuant to the existing regulations; they will be completed pursuant to later regulations only in case this would be beneficial for the student.

(2) The Disciplinary Code for Students of the Czech Technical University in Prague, registered by the Ministry of Education, Youth and Sports under ref. no. 19 976/99-30 on 23 April 2017, as amended, is repealed.

(3) This Code was approved by the CTU Academic Senate on 28 June 2017 pursuant to Section 9, Para 1 (b) of the Act.

(4) This Code comes into force pursuant to Section 36, Para 4 of the Act on the day it is registered by the Ministry of Education, Youth and Sports.

(5) This Code comes into effect on 1 September 2017.

Prof. Ing. Petr Konvalinka, CSc. FEng., m. p.
Rector