

UNIVERSITY OF OSTRAVA
FACULTY OF MEDICINE

DISCIPLINARY REGULATIONS
OF THE FACULTY OF MEDICINE OF THE UO

Approved by the Academic Senate, Faculty of Medicine, University of Ostrava: 25th September 2017

Approved by the Academic Senate, University of Ostrava: 16th October 2017

Effective from: 1st November 2017

Article 1

Introductory provisions

1. The Disciplinary Regulations for the students of the Faculty of Medicine of the University of Ostrava (hereinafter "FM UO") provide for disciplinary offences, disciplinary procedures and enforcement of related sanctions against students enrolled at the FM UO in all offered bachelor's, master's and doctoral degree programmes.

2. The resolution of disciplinary offences is subject to Act No. 111/1998 Coll., on universities and the amendment and supplementation of other laws (Universities Act), as amended (hereinafter "Act") and Act No. 500/2004 Coll., administrative regulations, as amended (hereinafter "Administrative Regulations") and Disciplinary Regulations for students of the University of Ostrava, which is the internal regulation of the UO (hereinafter "Disciplinary Regulations of the UO").

Article 2

Disciplinary Offence

1. A disciplinary offence is a culpable breach of duties set out by legal regulations or the internal regulations of the FM UO and UO, namely:

- a) conduct damaging the goodwill of the UO. When assessing incentives related to this duty the statement of the Ethics Committee of the FM UO can be requested;
- b) conduct rousing general offence or offending another member of the academic community or employees of the UO;
- c) intentional damaging of UO property;
- d) fraudulent conduct related to studies or scientific and research, developmental and innovative, art or other creative activities, excluding fraudulent conduct based on which a student was admitted to studies;
- e) disrespecting provisions of Section 63 Subsections 2 and 3 clauses a), c) and d) of the Act.

Article 3

Disciplinary Committee of the Faculty of Medicine of the UO

1. The disciplinary committee of the FM UO (hereinafter "Disciplinary Committee") is set out in Art. 9 of the Statute of the FM UO.

2. The Disciplinary Committee is an autonomous academic authority of the FM UO.

3. The Disciplinary Committee transacts the disciplinary offences of students enrolled at the FM UO and submits a proposed decision to the Dean.

4. The members of the Disciplinary Committee and substitutes are appointed and recalled by the Dean from the ranks of the academic community of the FM UO after the prior approval of the Academic Senate of the FM UO.
5. The Disciplinary Committee has six members. Half the members of the Disciplinary Committee are students.
6. One academic worker and one student are substitutes. When appointing the Disciplinary Committee the Dean shall bear in mind the principle of continuity of its work.
7. The term of office of members of the Disciplinary Committee shall be two years.
8. If the office of a Disciplinary Committee member becomes extinct during the term of office, the Dean shall appoint a new member only for the period remaining until the expiration of the respective term of office.
9. Within 30 days from appointment of members of the Disciplinary Committee the Dean shall call the first meeting of the Disciplinary Committee, where the chairman shall be elected. The chairman shall be elected and recalled by the members of the Disciplinary Committee.

Article 4

Proceedings of the Disciplinary Committee

1. The chairman of the Disciplinary Committee shall call for the meeting of the Disciplinary Committee. If any member of the Disciplinary Committee has a serious reason for not attending the meeting, then the chairman of the Disciplinary Committee shall invite a substitute member to the meeting to maintain the principle of parity. The substitute member shall have the same rights and duties as the member of the Disciplinary Committee at the meeting.
2. The chairman presides over the proceedings of the Disciplinary Committee.
3. Through non-public voting the Disciplinary Committee shall decide on:
 - a) culpability and its measure;
 - b) imposing sanctions.
4. The meeting of the Disciplinary Committee is non-public, it is conducted orally and a written protocol is made of its proceedings.
5. This protocol shall contain the proposals of the Disciplinary Committee for the decisions of the Dean.
6. The Disciplinary Committee shall constitute a quorum if a simple majority of its members are present. A proposal for the Dean's resolution shall be accepted if a majority of the members present vote in favour of such a resolution.

Article 5

Commencement of Disciplinary Procedures

1. The proposal to commence disciplinary procedures together with the proposed evidence shall be submitted to the Dean of the FM UO.

2. The Dean shall submit to the Disciplinary Committee a proposal to discuss the disciplinary offence, if the Dean finds that the student has, by his/her conduct, breached duties set out in Art. 2.
3. The Dean's proposal shall be in writing as a document, shall contain a description of the event, proposed evidence supporting the proposal, and substantiation why the event is deemed a disciplinary offence.
4. The disciplinary procedure shall commence on the date when the student receives the notice of commencement of disciplinary procedure together with a copy of the Dean's proposal under Art. 2. The Dean shall, without any undue delay, notify the chairman of the Disciplinary Committee of the date of commencement of the disciplinary procedure.
5. Only the student is party to the disciplinary procedure. If the student is enrolled at numerous faculties of the UO, then the disciplinary procedure is held at the faculty at which the breach of duties by the student occurred. If this cannot be determined then the disciplinary procedure is held at the faculty whose Dean the Rector shall appoint in writing to submit the proposal to the faculty Disciplinary Committee.
6. The student can be represented by proxy or custodian. A proxy, who shall submit to the Disciplinary Committee a written power of attorney from the student or whom the student shall authorize in the presence of the Disciplinary Committee, shall have the rights set out in Article 6 paragraph 3. A custodian, who shall submit to the Disciplinary Committee the respective valid court verdict, shall have the rights set out in Article 6 paragraph 3.

Article 6

Discussion of the Offence by the Disciplinary Committee

1. The chairman shall call for the meeting of the Disciplinary Committee without any undue delay after the commencement of the disciplinary procedure.
2. The student against whom the disciplinary procedure is enforced must be invited to the meeting of the Disciplinary Committee. The invitation shall be delivered by personal delivery, typically at least five days prior to the date of the meeting of the Disciplinary Committee.
3. The student must be present at the meeting of the Disciplinary Committee at which the proposed disciplinary offence is discussed. At the beginning of the meeting the student must be acquainted with the proposal for discussion of the disciplinary offence which is raised against the student. The student shall be entitled to express him/herself to the discussed issue, propose witnesses and submit evidence in his/her favour, review written documentation and the procedure protocol, except for voting, and to make transcripts therefrom.
4. The disciplinary procedure can be held in the absence of the student only if the student, or his/her proxy or custodian, fail to attend, without due written or oral apology entered in the protocol at the latest prior to commencement of procedures, even though they shall be duly invited. The Disciplinary Committee shall decide on the legitimacy of the excuse.
5. A student against whom disciplinary procedures have commenced shall have the payment of their academic scholarship suspended from the date of commencement of the disciplinary procedure subject to Article 3 paragraph 8 of the Scholarship Regulations of the University of Ostrava, until the conclusion of the disciplinary procedure. If the student's culpability is not proven, the payment of the scholarship shall be renewed with recourse to the date of its suspension.

6. A disciplinary offence cannot be discussed if a period of one year from its commitment has passed or the same period has passed from the legal force of a guilty verdict in criminal matters. The time when a person is not a student shall not be included in this period.

7. When imposing a sanction the Disciplinary Committee shall take into account how the disciplinary offence was committed, the circumstances under which it occurred, the consequences, degree of culpability, as well as the conduct track record of the student committing the disciplinary offence, and the expressed effort to remedy any consequences.

8. If it emerges that the event is not a disciplinary offence, or if it is not proven that the disciplinary offence was committed by the respective student, or if the person ceases to be a student, the Dean shall stop the procedure based on the Disciplinary Committee's proposal.

9. Any of the following sanctions can be imposed for a disciplinary offence:

a) reprimand;

b) conditional expulsion from studies with setting of term and conditions of acquittal;

c) expulsion from studies.

10. Only one sanction can be imposed for a disciplinary offence.

11. Imposition of a sanction can be waived, if the disciplinary itself shall lead to remedy.

12. A student shall be expelled from studies only in the case of intentional commitment of a disciplinary offence.

13. In the case of conditional expulsion from studies a period and conditions must be set for acquittal, which shall be derived from the degree of seriousness of the offence. The maximum period for acquittal shall be two years. If, in the case of conditional expulsion from studies, the respective student fulfils the conditions of acquittal during the period of acquittal, the Dean shall decide that the respective student has acquitted him/herself; otherwise he shall decide even in a period of acquittal that the sanction of expulsion from studies shall be exercised. If the Dean does not make a decision, subject to the preceding sentence, within two months from the expiration of the period for acquittal, it shall be deemed that the student has acquitted him/herself. If the student commits a disciplinary offence during the period of acquittal, for which a sanction was imposed by the decision of the Disciplinary Committee, the Dean shall expel such student from studies.

14. Even if a sanction is not imposed, the student shall be obliged to pay the FM UO damages which were incurred by the FM UO as a consequence of the student's illegal conduct or actions.

15. The Disciplinary Committee of the FM UO shall act without any undue delay so as to accept the resolution of the proposal for the Dean's decision within 30 days from the first meeting with respect to the discussed disciplinary offence.

Article 7

Decision in the Disciplinary Procedure in the First Degree

1. The decision in the disciplinary procedure in the first degree is issued by the Dean with regard to the Disciplinary Committee proposal.
2. The Dean cannot impose a stricter sanction than was proposed by the Disciplinary Committee. The Dean may:
 - a) impose a sanction as proposed by the Disciplinary Committee;
 - b) impose a more lenient sanction;
 - c) waive the imposition of any sanction.
3. Prior to the issue of a decision in the matter the student must be given the opportunity to make a statement on the documents used for the issue of the decision.
4. The decision shall be made in writing. The decision shall contain the verdict, substantiation and advice. The verdict shall contain specification of the party to the procedure – the student shall be identified by name, surname, date of birth, place of permanent residence, study programme, subject of procedure and solution of the subject matter of the procedure:
 - a) determination of the disciplinary offence and sanction;
 - b) determination of the disciplinary offence and waiver of sanction;
 - c) verdict on cessation of the disciplinary procedure.
5. By another decision the Dean shall impose on a student who is found guilty, the duty to indemnify the costs of the disciplinary procedure.
6. The advice shall state whether it is possible to lodge an appeal against the decision, within what term such an appeal must be lodged, from which date the term shall run, which administrative body shall decide about the appeal and to which administrative authority the appeal must be submitted.
7. The decision in the matter of the disciplinary offence shall be filed in the student's records.
8. An appeal may be lodged against this decision.

Article 8

Appeal

1. A student shall be entitled to lodge an appeal against the Dean's decision, unless the student waives such a right in writing or orally in the protocol.
2. If a student revokes a submitted appeal, the student cannot submit the appeal again. If a student revokes a submitted appeal, the appellate procedure is stopped on the date of receipt of the appeal; on the date subsequent to the stoppage of the procedure the challenged decision shall come into legal force.

3. The appeal shall be submitted to the Dean who issued the challenged decision. The Rector is the appellate administrative authority.
4. A timely and acceptable appeal shall have a suspensive effect. Due to the suspensive effect of the appeal the Dean's decision shall not come into force, enforceability and shall not have any other legal effects.
5. An appeal can challenge the verdict part of the decision, an individual verdict or its ancillary provisions. An appeal solely against the substantiation of the decisions shall not be permissible. In the appeal the student shall include his/her name, surname, date of birth, study programme and place of permanent residence. From the appeal it must be clear against which decisions the appeal is submitted, in what scope it is challenging the decision and wherein lies the conflict with legal regulations or internal regulations of the UO or the FM UO or incorrectness of the decision or procedure, which preceded the decision.
6. New facts and proposals of new evidence, set out in the appeal or during the appellate procedure, shall be considered only in the case of such facts or evidence which the student could not exercise earlier. If the student appeals that he/she could not perform an act during the procedure in the first degree, such an act must be exercised together with the appeal.
7. The period of appeal is 30 days from the date of delivery of the decision.
8. The student may request remission of default of the appellate period, if the student proves that the default was due to serious reasons beyond the student's control. A request for remission of default of the appellate period may be filed within 15 days from the date when the obstacle which prevented the student from filing the appeal ceased to exist.
9. Subject to circumstances the Dean shall supplement the procedure.
10. If the Dean finds any of the reasons for cessation of the procedure set out in Section 66 Subsection 1 clause a), e), f) or g) of the administrative regulations or Section 66 Subsection 2 of the administrative regulations, the Dean shall stop the procedure, unless the decision on appeal could be of significance for indemnification.
11. With respect to the new facts the Dean may cancel or change the decision, if the appeal should be fully satisfied thereby.
12. If the Dean does not find a reason for cessation or change of the decision subject to paragraph 11, the Dean shall hand over the file with his/her statement to the appellate administrative authority within 30 days from the date of delivery of the appeal. In the case of an impermissible or delayed appeal the Dean shall hand over the file to the appellate administrative authority within 10 days; in his/her statement the Dean shall only state the decisive reasons for assessment of the delay or impermissibility of the appeal.

Article 9

Decision in the Disciplinary Procedure in the Second Degree

1. The Rector is the appellate administrative authority.

2. The appellate administrative authority shall review compliance with the challenged decision and the procedure preceding the issue of the decision, with legal regulations and internal regulations of the UO and the FM UO. It shall review the correctness of the challenged decision only in the scope of objections set out in the appeal, otherwise only if it is in the public interest. Defects in the procedure, which cannot be considered to have an effect on the compliance of the challenged decision with legal regulations and internal regulations of the UO and the FM UO, or its correctness, shall not be considered.
3. If the appellate administrative authority comes to the conclusion that the challenged decision is in conflict with legal regulations or internal regulations of the UO or the FM UO or that same is incorrect:
 - a) it shall cancel the challenged decision or its part and stop the procedure;
 - b) it shall cancel the challenged decision or its part and return the matter for new procedure to the Dean who issued the decision; in the substantiation of this decision the appellate administrative authority shall state the legal opinion which shall be binding on the Dean in his/her new decision; an appeal may be lodged against the new decision;
 - c) it shall change the challenged decision or its part; the change cannot be made if it would cause detriment due to loss of possible appeal; the student shall be entitled to express an opinion on the documents of the decision only if the documents are newly acquired by the appellate administrative authority; if it is necessary to remedy defects in substantiation, the appellate administrative authority shall change the decision in the substantiation part.
4. The appellate administrative authority cannot change the challenged decision to the detriment of the student, except if the challenged decision is in conflict with legal regulations or internal regulations of the FM UO, the UO or other public interest.
5. If the appellate administrative authority finds a reason substantiating cessation of the procedure, it shall cancel the challenged decision and stop the procedure without any undue delay.
6. If the appellate administrative authority does not find a reason to proceed according to paragraphs 3 to 5 above, it shall reject the appeal and confirm the challenged decision. If the appellate administrative authority changes or cancels the challenged decision only partially, it shall confirm the remaining part.
7. In the appellate procedure the appellate administrative authority shall issue the decision without any undue delay, and if it is not possible then within 30 days. The period shall commence from the handover of the file to the appellate administrative authority for its decision. Prior to the issue of the decision in the matter the student must be given the opportunity to express an opinion on the documents for the decision.
8. An appeal against the decision of the appellate administrative authority is not permissible. The decision of the appellate administrative authority shall come into force after notification of the student. The decision of the Dean subject to Article 7 shall come into force upon the effectiveness of the decision of the appellate administrative authority.
9. In the case of cancellation or change of the decision on imposition of sanction for a disciplinary offence the authorities of the FM UO shall adopt such measures to renew the rights of the student and remedy or at least mitigate the consequences caused by the defective decision.

Article 10

Transitional and Concluding Provisions

1. The Disciplinary Regulations for students of the Faculty of Medicine of the University of Ostrava, dated 20th June 2016 under ref. No. OU-32391/11-2016, is cancelled.
2. Procedures commenced prior to the effective date of these Regulations shall be completed according to the Disciplinary Regulations for students of the Faculty of Medicine of the University of Ostrava, dated 20th June 2016 under ref. No. OU-32391/11-2016.
3. These Regulations were approved by the Academic Senate of the FM UO on 25th September 2017 pursuant to Section 27 Subsection 1 clause b) Act.
4. These Regulations were approved by the Academic Senate of the FM UO on 16th October 2017 pursuant to Section 9 Subsection 1 clause b) par. 2 Act.
5. These Regulations shall become valid on the date of approval by the AS UO.
6. These Regulations shall become effective on the first day of the calendar month following the date of validity.

doc. MUDr. Arnošt Martínek, CSc.
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