



OSTRAVSKÁ
UNIVERZITA

DISCIPLINARY REGULATIONS FOR STUDENTS OF THE UNIVERSITY OF OSTRAVA

Approved by the Academic Senate, University of Ostrava: 28 February 2017

Registered by the Ministry of Education, Youth and Sports: 10 April 2017

Valid from: 10 April 2017

Effective from: 10 April 2017

On 10 April 2017, pursuant to Section 36, Subsection 2, Act no. 111/1998 Sb. 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 Regulations for Students of the University of Ostrava under reg. no. MSMT-8747/2017.

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Mgr. Karolína Gondková
Head of the Higher Education Department

Article 1

Introductory provisions

1. The Disciplinary Regulations for students of the University of Ostrava (hereinunder also “UO”) cover issues related to disciplinary offences, disciplinary proceedings and the imposition of related sanctions on students studying in all Bachelor’s, Master’s and doctoral degree programmes provided by the UO and its Faculties who are matriculated at the individual UO Faculties and also students who are not matriculated at any of the UO Faculties.
2. Decision-making on disciplinary offences is governed by Act no. 111/1998 Sb. on higher education institutions and on amendments and supplements to some other acts (the Higher Education Act, hereinunder also “the Act”) and Act no. 500/2004 Sb., the Code of Administrative Procedure, as amended (hereinunder “the Code of Administrative Procedure”).
3. The Faculties of the UO issue disciplinary regulations for students of the particular Faculty in compliance with these UO Disciplinary Regulations.

Article 2

Disciplinary offences

1. A disciplinary offence is a culpable breach of obligations stipulated by legal regulations or internal regulations of the UO and its components,¹⁾ in particular the following:
 - a) behaviour which damages the good reputation of the UO or its components. When assessing cases related to such obligations, the opinion of the UO Ethics Committee may be sought;
 - b) behaviour which causes general offence or causes insult to another member of the academic community or a University employee;
 - c) deliberate damage to University facilities/equipment;
 - d) dishonest/fraudulent behaviour in connection with studies or with academic, scholarly, development/innovation-related, artistic or other creative activities, apart from fraudulent behaviour on the basis of which the student was admitted to study;
 - e) failure to respect Section 63, Subsections 2 and 3 a), c) and d) of the Act;

Article 3

The Disciplinary Committee of the University of Ostrava and Disciplinary Committees of Faculties

1. Provisions relating to the Disciplinary Committee of the UO are set out in Article 12 of the UO Statute.
2. The Disciplinary Committee of a Faculty is a self-governing academic body of the Faculty.
3. The Disciplinary Committee of a Faculty discusses disciplinary offences committed by students matriculated at the Faculty and presents proposals for decisions to be taken by the Dean.

¹⁾ Section 64 of the Act.

4. Members and substitute members of the Disciplinary Committee of a Faculty are members of the academic community of the Faculty and are appointed and dismissed by the Dean following the prior consent of the Academic Senate of the Faculty.²⁾
5. The Disciplinary Committee of a Faculty consists of six members, one half of whom are students. One member of academic staff and one student are nominated as substitute members of the Disciplinary Committee of a Faculty. When appointing members of the Disciplinary Committee of a Faculty, the Dean of the Faculty takes account of the principle of continuity in the Committee's activities.
6. The period of office for members of the Disciplinary Committee of a Faculty lasts two years.
7. If a member of the Disciplinary Committee of a Faculty ceases to be a member during the course of their period of office, the Dean of the Faculty appoints a new member only for the remaining duration of the current period of office.
8. The Rector or the Dean convenes the first session of (respectively) the Disciplinary Committee of the UO or the Disciplinary Committee of a Faculty within 30 (thirty) days after appointing its members; the Chairperson of the Disciplinary Committee is elected at this first session from among the Committee's members. The Chairperson of the Disciplinary Committee of the UO or the Disciplinary Committee of a Faculty is elected and dismissed by the members of the Committee.³⁾

Article 4

Sessions of the Disciplinary Committee of the University of Ostrava and Disciplinary Committees of Faculties

1. Sessions of the Disciplinary Committee of the UO and the Disciplinary Committee of a Faculty are convened by the Chairperson of the Committee. If there are serious grounds preventing any members of the Disciplinary Committee of a Faculty from being present at a session of the Committee, the Chairperson of the Committee invites the appropriate substitute member to participate in the session in order to maintain parity of representation (i.e. so that half of the members present are academic staff and half are students). The invited substitute member has the same entitlements and obligations as the other members of the Committee.
2. The Chairperson of the Disciplinary Committee of the UO is in charge of the sessions of the Committee.
3. The Disciplinary Committee of the UO conducts secret ballots to decide on:
 - a) culpability for an offence committed, and the degree of the offence;
 - b) the sanctions to be imposed.
4. Sessions of the Disciplinary Committee of the UO are conducted orally, and written minutes of the sessions are taken. These minutes must include the proposal of the UO Disciplinary Committee or the Faculty Disciplinary Committee for decisions to be taken by the Rector or the Dean.
5. The Disciplinary Committee of the UO and the Disciplinary Committee of a Faculty are quorate if a majority of their members are present. A proposal for a decision to be taken by the Rector or the Dean is accepted if a majority of the members present are in favour of the proposal.

²⁾ Section 31, Subsection 1, Clause 1 of the Act and Section 27, Subsection 1 f) of the Act.

³⁾ Section 31, Subsection 1, Clause 3 of the Act.

Article 5

Commencement of disciplinary proceedings

1. If the student in question is deemed to have breached their obligations as per Article 2 of these Disciplinary Regulations, the Rector or the Dean presents a proposal to the UO Disciplinary Committee or the Faculty Disciplinary Committee for the discussion of the disciplinary offence.
2. The Rector's or Dean's proposal must be presented in written form as a hard copy. It must include a description of the behaviour/act, the proposed evidence on which the proposal is based, and the grounds on which the behaviour/act is deemed to constitute a disciplinary offence.⁴⁾
3. Disciplinary proceedings commence on the date when notification informing the student of the commencement of disciplinary proceedings is delivered to the student along with a copy of the Rector's or Dean's proposal.⁵⁾
4. Under the Act, the student is the sole participant in the disciplinary proceedings.⁶⁾ If the student is matriculated at more than one Faculty of the UO, the disciplinary proceedings take place at the Faculty where the student's breach of their obligations took place. If it is not possible to determine at which Faculty this breach of obligations took place, the disciplinary proceedings are held at the Faculty whose Dean is instructed in writing to submit a proposal to the Faculty Disciplinary Committee.
5. The student may choose to be represented by an appointed agent ("zmocněnec") or curator ("opatrovník"). An appointed agent who presents to the UO Disciplinary Committee or the Faculty Disciplinary Committee a written power of attorney issued by the student appointing them to represent the student, or who is appointed by the student in the presence of the UO Disciplinary Committee, has the entitlements set out in Article 6, Paragraph 3. A curator who presents to the UO Disciplinary Committee or the Faculty Disciplinary Committee the relevant final decision issued by a court has the entitlements set out in Article 6, Paragraph 3.

Article 6

Discussion of disciplinary offences by the Disciplinary Committee of the University of Ostrava and Disciplinary Committees of Faculties

1. Immediately after the commencement of disciplinary proceedings, the Chairperson of the UO Disciplinary Committee or the Faculty Disciplinary Committee convenes a session of the Committee.
2. The student against whom the disciplinary proceedings are directed must be invited to participate in the session of the UO Disciplinary Committee or the Faculty Disciplinary Committee at which the disciplinary offence is to be discussed.
3. The student must be present at the session of the UO Disciplinary Committee or the Faculty Disciplinary Committee at which the proposed disciplinary offence is discussed. The student is entitled to give a statement on the matter under discussion, to propose witnesses, to submit evidence in their own favour, to view written supporting documentation and the minutes of the session (with the exception of the records of voting), and to take extracts from these minutes.
4. Disciplinary proceedings may only take place in the absence of the student if the student (or their appointed agent or curator) fails to appear at the proceedings without giving proper written or oral notification of their absence (said notification being recorded in the minutes no later than at the beginning of the proceedings) despite being duly invited. The acceptability of this notification of absence is assessed by the UO Disciplinary Committee.

⁴⁾ Section 69, Subsection 1, Clause 2 of the Act.

⁵⁾ Section 69, Subsection 1, Clause 3 of the Act.

⁶⁾ Section 68, Subsection 2 of the Act.

5. A disciplinary offence cannot be discussed if one year or more has elapsed since the offence was committed or since a final verdict of conviction was issued in a criminal case. Periods during which the person in question was not a student are not counted as part of this one-year period.⁷⁾
6. When imposing sanctions, account must be taken of the nature of the behaviour/act constituting the disciplinary offence, the circumstances in which the offence took place, the consequences of the offence, the degree of culpability, the previous behaviour of the student who committed the offence, and the student's efforts to rectify the consequences of their behaviour/act.⁸⁾
7. If it becomes apparent that the behaviour/act did not constitute a disciplinary offence, or if it is not possible to prove that the student committed the disciplinary offence, or if the person has ceased to be a student, the disciplinary proceedings are terminated.⁹⁾
8. The following sanctions may be imposed for a disciplinary offence:¹⁰⁾
 - a) a formal caution;
 - b) suspended expulsion from studies, including specification of the duration of the probationary period and the conditions of the probation;
 - c) expulsion from studies.
9. Only one sanction may be imposed for a particular disciplinary offence.
10. The sanction may be waived if the discussion of the disciplinary offence itself leads to the rectification of the offence.¹¹⁾
11. A student may be expelled from studies only if the disciplinary offence was committed deliberately.¹²⁾
12. In cases of suspended expulsion from studies, the duration of the probationary period must be stipulated, as must the conditions of the probation; these are stipulated in accordance with the gravity of the offence. The maximum probationary period is two years. If the student fulfils the conditions of the probation throughout this period, the Rector or the Dean rules that the conditions have been fulfilled and dismisses the sanction of expulsion; if the student fails to fulfil the conditions of the probation at any point during the probationary period, the Rector or the Dean rules that the sanction of expulsion is to be applied. If the Rector or the Dean does not rule as above within two months following the termination of the probationary period as per the previous sentence, the student is deemed to have fulfilled the conditions of the probation.
13. The UO Disciplinary Committee or the Faculty Disciplinary Committee acts without undue delay in order to reach a decision on a proposal for a decision to be taken by the Rector or the Dean, usually within 30 days from its first session at which the particular disciplinary offence is discussed.

Article 7

Decisions in disciplinary proceedings at the first instance

1. Decisions in disciplinary proceedings at the first instance are issued by the Rector or the Dean, taking into consideration the proposal submitted by the UO Disciplinary Committee or the Faculty Disciplinary Committee.
2. The Rector or the Dean may not impose a harsher sanction than that proposed by the UO Disciplinary Committee or the Faculty Disciplinary Committee.¹³⁾ The Rector or the Dean may:

⁷⁾ Section 66 of the Act.

⁸⁾ Section 65, Subsection 3 of the Act.

⁹⁾ Section 69, Subsection 2 of the Act.

¹⁰⁾ Section 69, Subsection 1 of the Act.

¹¹⁾ Section 69, Subsection 2 of the Act.

¹²⁾ Section 65, Subsection 3, Clause 2 of the Act.

¹³⁾ Section 69, Subsection 1, Clause 6 of the Act.

- a) impose the sanction proposed by the Committee;
 - b) impose a more lenient sanction;
 - c) waive sanctions.
3. Before issuing a decision in a particular case, the student must be given the opportunity to make a statement regarding the documentation on which the decision is based. It is possible to appeal against this decision.
 4. The decision is issued in written form. The decision includes an operative part, a statement of the grounds for the decision, and instructions for the student.¹⁴⁾ The operative part of the decision states the name, surname, date of birth, permanent residence and degree programme of the participant in the proceedings (the student), the subject of the proceedings, and the solution of the issue forming the subject of the proceedings:
 - a) information on the disciplinary offence found to have taken place, and a statement of the sanction imposed;
 - b) information on the disciplinary offence found to have taken place, and a statement of the decision to waive sanctions;
 - c) a statement of the termination of the disciplinary proceedings.
 5. If the student has been found guilty of committing a disciplinary offence, the Rector or the Dean issues a further statement imposing on the student the obligation to reimburse the costs incurred as a result of the disciplinary proceedings.¹⁵⁾
 6. The instructions state whether an appeal against the decision is admissible, within what period of time an appeal can be submitted, the date on which this period commences, the administrative body which rules on the appeal (the appellate body), and the administrative body to which the appeal is to be submitted.¹⁶⁾
 7. The decision in the matter of the disciplinary offence is held in the student's file.

Article 8 Appeals

1. The student is entitled to file an appeal against the Rector's or Dean's decision unless the student has waived that right either in written form or orally for the official record.¹⁷⁾
2. If the student withdraws an appeal after submitting it, the same appeal may not be submitted again.¹⁸⁾ If the student withdraws an appeal after submitting it, the appeal proceedings are terminated on the date on which the appeal is withdrawn; the contested decision enters into legal force on the day following the date on which the appeal proceedings are terminated.
3. Appeals are submitted to the Rector or the Dean who issued the contested decision.¹⁹⁾ The appellate body is the Rector.

¹⁴⁾ Section 68, Subsection 1 of the Code of Administrative Procedure.

¹⁵⁾ Section 79, Subsection 5 of the Code of Administrative Procedure and Order no. 520/2005 Sb. issued by the Ministry of the Interior on cash expenses and lost earnings paid by an administrative body to other persons and on the standard costs of proceedings.

¹⁶⁾ Section 68, Subsection 5 of the Code of Administrative Procedure.

¹⁷⁾ Section 81 of the Code of Administrative Procedure.

¹⁸⁾ Section 81 of the Code of Administrative Procedure.

¹⁹⁾ Section 86, Subsection 1 of the Code of Administrative Procedure.

4. A timely and admissible appeal has suspensive effect. As a consequence of the suspensive effect of an appeal, the Rector's or Dean's decision does not enter into legal force, is not enforceable, and has no other legal effects.²⁰⁾
5. The appeal may pertain to the operative part of the decision, an individual statement in the decision, or its subsidiary stipulations. An appeal solely directed against the grounds for the decision is not admissible.²¹⁾ In the appeal, the student states their name, surname, date of birth, degree programme and address of permanent residence. It must be apparent from the appeal which decision is being appealed, which part of the decision is being appealed, and in what manner the decision is alleged to be in conflict with legal regulations or UO internal regulations or in what manner the decision or the proceedings that preceded the decision is/are alleged to be incorrect.
6. New facts and proposals for the presentation of new evidence given in the appeal or during the appeal proceedings will only be taken into consideration if the student was previously unable to present these facts or evidence. If the student objects that they were not enabled to take a particular action in the proceedings at the first instance, this action must be taken together with the appeal.²²⁾
7. The appeal period lasts 30 days from the date of notification of the decision.²³⁾
8. The student may request that this appeal period be waived if the student can demonstrate that there existed serious grounds which prevented them from submitting the appeal and for which the student was not culpable. A request for the waiving of the appeal period may be submitted within 15 days of the date on which the grounds preventing the student from submitting the appeal ceased to exist.
9. The Rector or the Dean may present further facts or evidence as appropriate.²⁴⁾
10. If the Rector or the Dean determines that there exist grounds for the termination of the proceedings as per Section 66, Subsection 1 a), e), f) or g) of the Code of Administrative Procedure or Section 66, Subsection 2 of the Code of Administrative Procedure, the Rector or the Dean terminates the proceedings unless a decision on the appeal could be relevant for the payment of damages.²⁵⁾
11. In view of new facts, the Rector or the Dean may decide to revoke or alter the original decision if this course of action would fully satisfy the appeal.
12. If the Rector or the Dean finds no grounds to revoke or alter the decision as per Paragraph 11, the Rector or the Dean forwards the file, accompanied by a statement of the Rector's or Dean's opinion, to the appellate body within 30 days from the date on which the appeal was delivered. In cases of inadmissible or late appeals, the Rector or the Dean forwards the file to the appellate body within 10 days; in such cases, the Rector's or the Dean's statement of opinion is limited to a statement of the grounds on which the appeal was adjudged to be inadmissible or late.²⁶⁾

Article 9

Decisions in disciplinary proceedings at the second instance

1. The appellate body is the Rector.
2. The appellate body verifies the compliance of the decision or the proceedings that preceded the decision with legal regulations and UO internal regulations. The correctness of the contested decision is verified only to the extent of the objections stated in the appeal, unless further verification is a matter of public interest. Deficiencies in the proceedings that cannot reasonably be considered

²⁰⁾ Section 85, Subsection 1 of the Code of Administrative Procedure.

²¹⁾ Section 82, Subsection 1 of the Code of Administrative Procedure.

²²⁾ Section 82, Subsection 4 of the Code of Administrative Procedure.

²³⁾ Section 68, Subsection 4, Clause 1 of the Act.

²⁴⁾ Section 86, Subsection 2 of the Code of Administrative Procedure.

²⁵⁾ Section 88, Subsection 2 of the Code of Administrative Procedure.

²⁶⁾ Section 88, Subsection 1 of the Code of Administrative Procedure.

to have affected the correctness of the contested decision or its compliance with legal regulations or UO internal regulations are not taken into consideration.²⁷⁾

3. If the appellate body reaches the conclusion that the contested decision is in conflict with legal regulations or UO internal relations, or is incorrect:
 - a) the appellate body revokes the contested decision or a part of it, and terminates the proceedings;
 - b) the appellate body revokes the contested decision or a part of it, and returns the case to the Rector or the Dean who issued the decision for further discussion; in the statement of the grounds for this new decision, the appellate body states the legal opinion by which the Rector or the Dean is bound; it is possible to appeal against this new decision;
 - c) the appellate body alters the contested decision or a part of it; an alteration is not permissible if it would potentially cause damage due to the loss of the right to appeal; the student is entitled to state their opinion on the supporting documentation for the decision if this documentation has been newly acquired by the appellate body; where necessary to correct deficiencies in the statement of grounds, the appellate body alters the decision in the part stating the grounds for the decision.²⁸⁾
4. The appellate body may not alter the contested decision to the detriment of the student unless the contested decision is in conflict with legal regulations or UO internal regulations or other public interests.
5. If the appellate body determines that grounds now exist for the termination of the proceedings, the appellate body revokes the contested decision and terminates the proceedings without further delay.²⁹⁾
6. If the appellate body finds no grounds to proceed according to Paragraphs 3 to 5, the appellate body rejects the appeal and affirms the contested decision. If the appellate body alters or revokes only part of the contested decision, the remaining part of the contested decision is affirmed.³⁰⁾
7. The appellate body issues decisions in appeal proceedings without delay; if this is not possible, decisions are issued within 30 days. This 30-day period commences on the date on which the file is received by the appellate body for purposes of decision-making.³¹⁾ Prior to issuing a decision in the matter, the student must be enabled to state their opinion on the documentation on whose basis the decision is to be issued.
8. No further appeal is possible against the appellate body's decision. The appellate body's decision enters into legal force if the student has been notified of the decision. The decision of the Rector or the Dean as per Article 7 enters into legal force simultaneously with the appellate body's decision.
9. If a decision to impose sanctions for a disciplinary offence is revoked or altered, bodies of the UO or their parts will take appropriate measures to ensure that the student's rights are restored and that the consequences of the defective decision are rectified or at least alleviated.

Article 10

Temporary and concluding provisions

1. The Disciplinary Regulations for students of the University of Ostrava registered on 22 June 2006 by the Ministry of Education, Youth and Sports under ref. no. 16 243/2006-30 are revoked.

²⁷⁾ Section 89, Subsection 2 of the Code of Administrative Procedure.

²⁸⁾ Section 90, Subsection 1 of the Code of Administrative Procedure.

²⁹⁾ Section 90, Subsection 4 of the Code of Administrative Procedure.

³⁰⁾ Section 90, Subsection 5 of the Code of Administrative Procedure.

³¹⁾ Section 90, Subsection 6 of the Code of Administrative Procedure.

2. Proceedings commenced prior to the date on which these Regulations become effective are to be completed under the provisions of the Disciplinary Regulations for students of the University of Ostrava registered on 22 June 2006 by the Ministry of Education, Youth and Sports under ref. no. 16 243/2006-30.
3. These Regulations were approved by the Academic Senate of the UO on 28 February 2017 pursuant to Section 9, Subsection 1 b) of the Act.
4. Pursuant to Section 36, Subsection 4 a) of the Act, these Regulations become valid on the date of their registration by the Ministry of Education, Youth and Sports.
5. These Regulations become effective on the first day of the calendar month following the month in which they become valid.

prof. MUDr. Jan Lata, CSc., in his own hand