

On June 16th, 2021, the Ministry of Education, Youth and Sports registered the Disciplinary Regulations of ŠKODA AUTO VYSOKÁ ŠKOLA, o. p. s. under Reg. No. MSMT-45888/2020-9 in accordance with Sections 87(1)(a), 36(2) and (4) and Section 41(2) of Act No.111/1998 Coll., on Higher Education and on Amendments and Additions to Other Acts (Act on Higher Education), as amended.

Mgr. Karolína Gondková
Director of the Department of Higher Education

ŠKODA AUTO VYSOKÁ ŠKOLA o. p. s.

Disciplinary Regulations

ŠKODA AUTO VYSOKÁ ŠKOLA o. p. s.

Disciplinary Regulations

Art. 1

Introductory Provisions

(1) This document defines disciplinary offences, sanctions and the process of the evaluation and decision process for them.

(2) Decisions concerning disciplinary offences shall be governed by this document, the Higher Education Act, and in cases where the Act does not provide specific processes, by the administrative procedure.

Art. 2

Disciplinary Offence

(1) A disciplinary offence is a breach of obligations laid down by legal regulations or internal regulations of ŠKODA AUTO VYSOKÁ ŠKOLA o. p. s. (hereinafter referred to as the “University”).

(2) A disciplinary offence includes, in particular, the following:

- a) any form of cheating, copying or unauthorised cooperation in performing study duties as well as other forms of violation of academic honesty;
- b) aggressive or other inappropriate behaviour towards members of the academia or employees of the University;
- c) undermining the credibility and reputation of the University.

Art. 3

Sanctions

The following sanctions may be imposed on students for a disciplinary offence:

- a) a reprimand;
- b) suspended exclusion from studies with a defined period and conditions for probation; or
- c) exclusion from studies.

Art. 4

Determining the Type of Sanction

(1) When imposing sanctions, the following is considered – nature of the act of the given disciplinary offence, circumstances under which it occurred, consequences caused by the offence, degree of culpability, previous conduct of the student who committed the disciplinary offence and efforts shown to remedy the consequences. Exclusion from studies is only possible if the disciplinary offence was committed deliberately.

(2) If two or more disciplinary offences of the same student are subject to evaluation in single proceedings, sanction shall be imposed only for the most serious offence.

(3) Exclusion from studies can only be used in case of particularly serious deliberate offences, or for recurring deliberate offences.

(4) Exclusion from studies can only be used in case of particularly serious deliberate offences, or for recurring deliberate offences. The period and conditions of probation in case of suspended exclusion shall be determined depending on the severity of the disciplinary offence. The period under point 2 shall be at least six months.

(5) If exclusion from studies was imposed and the given student meets the probation conditions within the specified period, the Vice-Rector for Study Affairs and Quality Management (hereinafter referred to as the “Vice-Rector”) shall decide about passing the probation, otherwise the Vice-Rector will issue a decision that the exclusion shall apply. Should the Vice-Rector fail to issue a decision within two months after the probation period according to the previous point, the student shall be deemed to have passed the probation period.

(6) The sanction decision may be waived if it can be reasonably expected that the proceedings itself will lead to correction of the student.

Art. 5

The Disciplinary Committee

(1) The Disciplinary Committee (hereinafter referred to as the “Committee”) evaluates disciplinary offences of students and presents its proposals to the Vice-Rector in charge of student affairs and quality management (hereinafter referred to as “Vice-Rector”) to decide.

(2) The Committee consists of members of the academia of the University; half of the committee consists of students. Proxies are one academic and one student.

(3) The chairman of the Committee, its members and substitutes are appointed by the Vice-Rector.

(4) The term of office of members and proxies is two years at the most.

Art. 6

Meetings of the Disciplinary Committee

(1) The Committee is summoned and chaired by the Chairman of the Committee or appointed member of the Committee.

2) The Committee shall have a quorum if an absolute majority of members are present. An absolute majority of present members is required to adopt a decision.

(3) Committee meetings may be held, in justified cases, on-line by means of an audio-visual link, provided that the rules of the Committee's proceedings as defined in these Regulations are complied with.

(3) Committee meetings cannot be attended by any member, who may be reasonably expected to have specific interest in the result of the proceedings related to the matter, the involved person or their representatives, resulting in doubts of the impartiality of the given member. The Vice-Rector shall appoint a substitute for such a member.

Only the members of the Committee may be present for the discussion and voting of the committee.

(5) Minutes shall be made of the Committee meeting and vote.

Art. 7

Purpose of Disciplinary Proceedings

The disciplinary proceedings investigate the following in particular:

a) Whether there was an act that is perceived to be a disciplinary offence;

- b) Whether this act constitutes a disciplinary offence;
- c) Whether the disciplinary offence can be discussed;
- d) Whether the disciplinary offence was committed by a student;
- e) Whether the disciplinary offence was committed in negligence or deliberately;
- f) Whether and what type of sanction will be imposed on the offender.

Art. 8

Initiation of Disciplinary Proceedings

(1) Disciplinary proceedings shall be initiated on the written proposal of the Vice-Rector.

(2) The proposal to initiate disciplinary proceedings shall contain the following in particular:

- a) Description of the act perceived to be a disciplinary offence;
- b) Identification of the student who has allegedly committed the act;
- c) Listing the evidence on which the proposal is based; and
- d) Justification of why the act is deemed a disciplinary offence.

(3) Disciplinary proceedings commence on the day the student was delivered the notice of initiation of proceedings with a copy of the Vice-Rector's proposal.

Art. 9

Circumstances Preventing Discussion of an offence

An offence cannot be discussed if:

- a) A decision on the act was adopted in another disciplinary proceeding;
- b) Another disciplinary is underway concerning the act;
- c) A decision was adopted on the act by an administrative authority, a law enforcement agency or a court, and the imposed measure is considered sufficient;
- d) If more than one year has elapsed since the act or a legally effective conviction in case of a criminal offence.

Art. 10

Course of Disciplinary Proceedings

(1) The Committee shall proceed in such a way that the purpose of the disciplinary proceedings is fulfilled on time and in the proper manner.

(2) The student against whom the disciplinary proceedings are initiated is the subject of the proceedings. The student can choose a representative. The representative shall demonstrate the authorisation to represent by written power of attorney and shall have the same rights within the proceedings as the student against whom the proceedings were instituted.

(3) The student is entitled to propose and submit evidence and comment on all the materials used in the proceedings. The Committee is obliged to allow the student to inspect written documents except for the voting protocol and to obtain extracts of those documents.

Art. 11

Oral discussion

(1) An oral discussion shall be held for disciplinary offences, with the student present. The discussion can only take place without the student if the student was duly notified of the hearing and has not arrived without an excuse or a justified reason.

(2) The oral discussion shall be commenced by the Chairman of the Committee by presenting the contents of the proposal to the present members and providing a summary of the identified facts. The students shall then be allowed to comment on the proposal.

(3) The student has the right to ask the witnesses who are interviewed and comment on other facts discussed during the hearing.

(4) The student has the right to remain silent. The Committee must not force the student to make a statement or confess. The Committee shall instruct the student of the right to remain silent before the hearing.

(5) Minutes shall be taken of the oral discussion. The minutes shall contain the identification of the discussed matter and the description of the course of the hearing. The minutes shall be signed by the Chairman of the Committee.

Art. 12

Committee Proposal

(1) After the hearing, the Committee shall submit to the Vice-Rector a proposal of a decision on the disciplinary offence.

(2) The Committee shall propose to the Vice-Rector to terminate the disciplinary proceedings, if it becomes apparent during the proceedings, that:

- a) The act referred to in the proposal did not happen or is not a disciplinary offence;
- b) The act referred to in the proposal was not committed by the student against whom the proceedings were instituted;
- c) The student against whom the disciplinary proceedings were instituted ceased to be a student of the University; or
- d) The disciplinary offence cannot be discussed;

(3) If the Committee does not make a proposal under the second paragraph, the following votes shall take place consecutively:

- a) On the guilt;
- b) On whether a sanction will be imposed;
- c) On the type of sanction.

(4) If the Committee

- a) comes to a decision that the student is not guilty, the Committee shall propose to the Vice-Rector to terminate the proceedings;
- b) does not come to a decision to impose sanctions, the Committee shall propose to the Vice-Rector to waive any sanctions;
- c) does come to a decision to impose sanctions, the Committee shall propose to the Vice-Rector to impose the sanctions, upon which the Committee has agreed.

(5) The Committee proposal also contains its justification.

Art. 13

Decision on a Disciplinary Offence

(1) The decision on a disciplinary offence shall be issued by the Vice-Rector.

(2) Prior to issuing a decision, the Vice-Rector may return the case to the Committee with written instructions for further examination, if deemed necessary to clarify the case.

(3) Prior to issuing a decision on the matter, the student must be given the opportunity to comment on the proposal of the Committee and on other documents related to the decision.

(4) If the Vice-Rector finds that the student is guilty of a disciplinary offence, he may:

- a) impose the sanction proposed by the Committee;
- b) impose a more moderate sanction; or
- c) waive any sanctions.

(5) The decision shall contain the requirements specified by the administrative procedure. The statement of the decision shall also contain a description of the act, relevant provisions of legal regulations or internal regulations that were breached by the act, statement of guilt and the sanction or the decision to waive any sanctions.

Art. 14

Appeal

(1) The Rector decides on any appeals.

(2) Students may appeal against the decision on a disciplinary offence within 30 days of its notification. Appeals always have a suspensive effect.

(3) Appeals are to be submitted through the Vice-Rector. The Vice-Rector will refer the appeal together with a comment and the file to the Rector.

(4) The Rector may not impose a stricter sanction in the decision on the appeal than the one imposed in the Vice-Rector's decision according to Art. 12. In case of imposed suspended exclusion from studies, the Rector must not impose stricter periods or conditions for probation than the one imposed in the Vice-Rector's decision according to Art. 12.

Art. 15

Transitional Provision

Disciplinary proceedings initiated before the effective date of these Regulations shall be completed according to the existing internal regulations.

Art. 16

Repealing Provisions

(1) These Regulations replaces in full the Disciplinary Regulations of ŠKODA AUTO VYSOKÁ ŠKOLA o. p. s., registered with the Ministry of Education, Youth and Sports on August 31st, 2017, Ref. No.: MSMT-149955/2017-2.

(2) The Disciplinary Regulations of ŠKODA AUTO VYSOKÁ ŠKOLA o. p. s., registered with the Ministry of Education, Youth and Sports on August 31st, 2017, Ref. No.: MSMT-14995/2017-2 are hereby repealed.

Art. 17

The Validity and Effectiveness of the Regulations

(1) These Regulations were approved by the decision of the Academic Board of the University on October 10th, 2020.

(2) These Regulations become valid on the day of registration by the Ministry of Education, Youth and Sports.

- (3) These Regulations come into effect on the day following the date of registration by the Ministry of Education, Youth and Sports.

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Rector