

DISCIPLINARY RULES FOR STUDENTS

Heading

Passed by the Academic Senate on: 10 January 2017
Valid from: The date of registration at the Ministry of Education, Youth and Sports (see below)
Effective from: The validity date
Responsible department: Study Affairs Department
Binding for: All component parts of BUT
Number of pages: 4
Number of annexes: 0

Registration

The Ministry of Education, Youth and Sports registered this internal regulation pursuant to Section 36 (2) of Act No. 111/1998 Coll., on higher education institutions and amending and supplementing other laws (the Act on Higher Education Institutions), as amended:

on 26 January 2017 under Ref. No. MSMT-2698/2017.

Mgr. Karolína Gondková

Head of the Department of Higher Education Institutions

CONTENTS

Article 1 Recitals 1
Article 2 Disciplinary offences and penalties 1
Article 3 Disciplinary Committee of the faculty 1
Article 4 Disciplinary Committee of BUT 2
Article 5 Party to the proceedings..... 2
Article 6 Initiation of disciplinary proceedings..... 2
Article 7 Hearing before the Committee..... 3
Article 8 Stay of proceedings..... 3
Article 9 Motion of the Committee 4
Article 10 Decision-making..... 4
Article 11 Final provisions 4

Article 1
Recitals

These Disciplinary Rules are concerned with disciplinary offences by students of Brno University of Technology (hereinafter "BUT"), the procedure of hearing of cases involving such disciplinary offences, as well as the decision-making thereon and imposing of penalties.

Article 2
Disciplinary offences and penalties

1. A disciplinary offence is a culpable breach of an obligation stipulated by legal regulations or internal regulations of BUT and internal regulations of the relevant component parts of BUT.
2. The following penalties may be imposed on students for disciplinary offences:
 - a) warning;
 - b) conditional expulsion with a trial period deadline and conditions;
 - c) expulsion.
3. A penalty can be waived provided that the hearing of the disciplinary offence in itself has a remedial effect.
4. When imposing penalties, account shall be taken of the character and gravity of the conduct in which the disciplinary offence consists, the circumstances of the conduct, the repercussions caused, the degree of fault, and the previous conduct of the student committing the disciplinary offence as well as the effort to remedy the consequences.
5. A student may only be expelled for an intentional disciplinary offence.
6. A student may be expelled conditionally if the conditions for expulsion are fulfilled and it can be justifiably expected that the student will not commit another grave disciplinary offence in the future considering his/her personality, especially his/her previous conduct, and the circumstances of the case.
7. The trial period deadline and conditions in case of conditional expulsion shall be determined according to the gravity of the disciplinary offence. The trial period shall commence on the date of legal force of the decision on the disciplinary offence and in shall be at least six months.

Article 3
Disciplinary Committee of the faculty

1. A disciplinary offence of a student shall be discussed by the Disciplinary Committee of the faculty where the student is enrolled.
2. The members and substitute members of the Committee shall be appointed by the Dean of the faculty from among the members of the faculty's academic community, with the approval of the Academic Senate of the faculty.
3. The Disciplinary Committee of the faculty shall have six members with the term of office of two years. Three members shall appointed from among the students, three members from among the academic staff. There shall be one member of the academic staff and one student serving as substitute members.
4. The Disciplinary Committee of the faculty shall elect the chairperson from among their number, and remove him/her.
5. The Dean shall simultaneously appoint a secretary of the Disciplinary Committee of the faculty, who may not be member of the Disciplinary Committee of the faculty. The secretary shall

perform organisational and administrative tasks necessary to provide for the activity of the Disciplinary Committee of the faculty. The secretary shall keep records of oral hearings and voting of the Disciplinary Committee of the faculty.

6. The details concerning the rules of meetings and verification of the quorum of the Disciplinary Committee of the faculty, in particular, shall be stipulated in the Disciplinary Rules of the faculty.

Article 4 Disciplinary Committee of BUT

1. The Disciplinary Committee of BUT shall hear cases involving:
 - a) disciplinary offences of students not enrolled at any of the faculties;
 - b) disciplinary offences of students in cases specified in Section 6 (2) if the Rector so determines.
2. The members and substitute members of the Committee shall be appointed by the Rector of BUT from among the members of the academic community of the university, with the approval of the Academic Senate of BUT.
3. The Disciplinary Committee of BUT shall have six members with the term of office of two years. Three members shall appointed from among the students, three members from among the academic staff. There shall be one member of the academic staff and one student serving as substitute members.
4. The Disciplinary Committee of BUT shall elect the chairperson from among their number, and remove him/her.
5. The Rector shall simultaneously appoint a secretary of the Disciplinary Committee of BUT, who may not be member of the Disciplinary Committee of BUT. The secretary shall perform organisational and administrative tasks necessary to provide for the activity of the Disciplinary Committee of BUT. The secretary shall keep records of oral hearings and voting of the Disciplinary Committee of BUT.
6. The Committee has a quorum when a majority of all its members are present. A resolution of the Committee shall be adopted if voted for by a majority of the members present.

Article 5 Party to the proceedings

1. The student against whom the disciplinary proceedings shall always be party to the proceedings.
2. The party to the proceedings is entitled to adduce and produce evidence at any time during the proceedings and to comment on all underlying materials for the hearing. The Disciplinary Committee is obliged to allow the party to the proceedings to peruse all written underlying materials (with the exception of the voting record) and make extracts of these materials.

Article 6 Initiation of disciplinary proceedings

1. Disciplinary proceedings shall be initiated by the Disciplinary Committee of BUT based on a motion of the Rector in case the disciplinary offence is to be hear was committed by a student who is not enrolled at any of the faculties of BUT. In case of a student enrolled at a faculty, the proceedings shall be initiated on a motion of the Dean.

2. If a student is enrolled at several faculties, the disciplinary proceedings may only be initiated at one of them, always having regard to the particular act with respect to which the proceedings should be conducted. In case of doubt concerning the competence, the competent faculty shall be determined by the Rector. The procedure pursuant to the previous sentence shall also apply if the student is enrolled in a programme of a faculty and simultaneously in a programme of BUT.
3. The motion pursuant to paragraph 1 must always contain:
 - a) description of the act which is considered a disciplinary offence, including a specification of the particular legal and/or internal regulations violated;
 - b) designation of the student purportedly committing the disciplinary offence;
 - c) justification as to why the act is considered a disciplinary offence;
 - d) adduced evidence supporting the motion.
4. The disciplinary proceedings shall be initiated by acquainting the student with the motion pursuant to paragraph 1.

Article 7 **Hearing before the Committee**

1. The non-public oral hearing on the disciplinary offence shall be held in presence of the student. The oral hearing may only be held in the absence of the student if he/she is absent without a proper excuse. The justification of the excuse shall be assessed by the chairperson of the Committee. As a rule, the notice of the oral hearing shall be delivered into the hands of the student at least 5 days in advance.
2. The hearing of the Committee may be attended by the Dean if held before the Disciplinary Committee of the faculty and the Rector if held before the Disciplinary Committee of BUT. This right can be delegated by the Dean and the Rector to the Vice-Dean or Vice-Rector, respectively.
3. The chairperson of the Committee shall order the initiation of the oral hearing for a date no later than within 15 business days of the delivery of the motion.
4. The oral hearing shall be initiated by the chairperson of the Committee by informing the participants of the contents of the motion for initiation of the proceedings and by summarising the findings made so far. Then the student shall be allowed to provide his/her statement on the motion.
5. As a rule, the chairperson of the Committee shall prepare and conduct the hearing so as to be able to reach a decision in one oral hearing. The chairperson of the Committee shall take appropriate measures to steer the hearing to obtaining underlying materials for a fair assessment of and decision on the matter.
6. The hearing of the Committee shall be recorded. The record shall contain in particular: designation of the matter at hand, and description of the course of the oral hearing. The record shall be signed by the chairperson and the secretary.

Article 8 **Stay of proceedings**

The Committee can stay the proceedings should other proceedings before another body be conducted against the student regarding the act which is the subject of the proceedings, until the proceedings before such another body are concluded through a final decision.

Article 9
Motion of the Committee

1. In cases where the Disciplinary Committee of the faculty or the Disciplinary Committee of BUT reaches the conclusion that the act stated in the motion for initiation of the proceedings was not committed, or does not represent a disciplinary offence, or where it is revealed during the proceedings that the disciplinary offence was not committed by the student concerned and/or the person who committed the disciplinary offence is not a student any more, the Committee shall move with the Dean of the faculty or the Rector to discontinue the proceedings by his/her decision. This procedure shall also apply in cases where it is impossible to hear the disciplinary offence.
2. In cases not set out in paragraph 1, the Disciplinary Committee of the faculty shall move with the Dean of the faculty, or the Disciplinary Committee of BUT shall move with the Rector, to decide that the student is found guilty of committing the disciplinary offence and impose a penalty pursuant to Article 2 on the student, or discharge him/her without a penalty.
3. In the motion, the Committee shall also state its reasoning.
4. The Committee shall adopt a decision on the motion by a vote. The motion of the Committee shall be adopted if voted for by a majority of the members present.
5. The motion for decision on the disciplinary offence shall be submitted by the Committee to the Dean of the faculty, or to the Rector, as applicable, through its chairperson no later than within 5 business days of adopting the decision.

Article 10
Decision-making

A decision on the disciplinary offence is a decision on rights and obligations of students within the meaning of Section 68 (1)(h) of Act No. 111/1998 Coll., on higher education institutions and amending and supplementing other laws (the Act on Higher Education Institutions), as amended. The relevant provisions of the Act shall thus apply to the decision-making.

Article 11
Final provisions

1. The Disciplinary Rules for Students of Brno University of Technology registered by the Ministry of Education, Youth and Sports on 23 May 2008 under Ref. No. 10254/2008-30 are hereby repealed.
2. The Disciplinary Rules for Students of Brno University of Technology were passed by the Academic Senate of Brno University of Technology pursuant to Section 9 (1) (b)(3) of the Act on Higher Education Institutions on 10 January 2017.
3. The Disciplinary Rules for Students of Brno University of Technology shall come into force as of the date of registration by the Ministry of Education, Youth and Sports, pursuant to Section 36 (4) of the Act on Higher Education Institutions.
4. The Disciplinary Rules for Students of Brno University of Technology shall come into effect as of the date of registration by the Ministry of Education, Youth and Sports.

Doc. Dr. Ing. Petr Hanáček, signed
President of the Academic Senate of BUT

Prof. RNDr. Ing. Petr Štěpánek, CSc., signed
Rector