

DISCIPLINARY REGULATIONS

FOR STUDENTS

OF THE FACULTY OF MILITARY

TECHNOLOGY

OF THE UNIVERSITY OF DEFENCE

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The University Senate of the Faculty of Military Technology of the University of Defence (hereinafter “Academic Senate”) passed the following internal regulations:

Article 1

Introductory Regulations

- (1) Disciplinary regulations for students of the Faculty of Military Technology of the University of Defence (hereinafter “Regulations”) are pursuant to Section 33 par. 2 letter d) of the Act No. 111/1998 Coll. on higher education institutions and on the amendment and supplement to other acts (Higher Education Act, hereinafter “Act”) internal regulations of the Faculty of Military Technology of the University of Defence (hereinafter “Faculty”) that are referred to in Article 9 par. 1 letter d) of the Statute of the Faculty of Military Technology of the University of Defence (hereinafter “Statute”).
- (2) These Regulations amend the details of disciplinary offences of students of the Faculty, of imposing sanctions, as well as of disciplinary proceedings and review proceedings.

Article 2

Disciplinary Offences and Disciplinary Sanctions

- (1) Disciplinary offences dealt with in accordance with these Regulations mean breaking the student’s duties stated by legal regulations and internal regulations of the University of Defence (hereinafter “UoD”) or the Faculty. Disciplinary offences¹ of student soldiers on duty are dealt with in accordance with special legal regulations².
- (2) For a disciplinary offence it is possible to impose the following disciplinary sanctions (hereinafter “Sanctions”) on a student:
 - a) admonition,
 - b) conditional suspension with a stated term and conditions for clearance,
 - c) expulsion from studies.
- (3) A disciplinary sanction can be imposed on a student if:
 - a) the student causes extensive damage to the Faculty facilities or facilities of other UoD departments,
 - b) the student’s behaviour causes significant harm to the good reputation of the Faculty or other UoD departments,
 - c) the student does not comply with appropriate resolutions of academic bodies and members of the academic management,
 - d) the student commits fraud in admissions, studies or scientific activities,
 - e) the student’s behaviour is impolite and offensive or the student offends another member of the academic community or another UoD employee,

¹ A disciplinary offence means a deliberate action that contradicts legal regulations or military regulations, rules and orders, if it is not another civic offence according to the criminal law.

² Act No. 221/1999 Coll., on career soldiers, as subsequently amended.

- f) the student has been sentenced by the court of justice for a criminal act which causes significant harm to the good reputation of the Faculty or other UoD departments.
- (4) What is taken into account, when imposing sanctions, is the manner in which the disciplinary offence was committed, the circumstances under which it occurred, the resulting consequences and the extent of guilt, as well as the previous behaviour of the student who committed the disciplinary offence, and the effort shown to make amends for the consequences of the offence.
 - (5) Imposition of a sanction may be withdrawn if the very handling of the disciplinary offence leads to remedy or if it is a disciplinary offence committed out of negligence or if it is a petty disciplinary offence committed with intent.
 - (6) It is possible to impose the sanction of admonition only for a disciplinary offence committed out of negligence or for a petty disciplinary offence committed on purpose.
 - (7) The sanction of admonition may be either private, and announced only to the student, or public, and announced on the official faculty board for 30 days.
 - (8) It is possible to impose a sanction of expulsion from studies only for a serious disciplinary offence committed with intent or for a repeated intentionally committed disciplinary offence if the previous imposition of the sanction did not lead to remedy. Conditional suspension can be imposed only if the conditions for imposition of the sanction of expulsion from studies are accomplished and the student exhibited active repentance and therefore there is a good reason to hope that he/she will not commit any further disciplinary offence with intent.
 - (9) The term and conditions for clearance when a student is conditionally suspended are stated according to the extent of seriousness of the disciplinary offence; the term for clearance is at least six months and the maximum is three years. If during the term for clearance the student commits another disciplinary offence, except the disciplinary offence committed out of negligence, he/she will be expelled from studies.
 - (10) The sanction of conditional suspension and expulsion from studies is public and it is to be published for 30 days on the official board of the Faculty.
 - (11) A disciplinary offence cannot be discussed if one year from committing the offence or from legal sentence for a criminal act has elapsed. One year term does not include the time when the person is not a student.

Article 3

Disciplinary Committee

- (1) A disciplinary committee of the Faculty (hereinafter “Committee”) discusses disciplinary offences of the students who are enlisted at the Faculty. If a student is enrolled at several faculties, it is possible to hold disciplinary proceedings at only one of them. The Rector will make a decision in case of doubts about the competent faculty.
- (2) The Committee has at least four members. Half of the Committee members are students. Surrogates are at least two members of the academic staff and two students.
- (3) The Dean appoints and removes the chairman of the Committee and other members of the Committee as well as the surrogates from members of the academic community of the Faculty after approval by the Academic Senate.

- (4) The term of the Committee members is biennial. The Dean when appointing members of the Committee respects the principle of continuity.
- (5) Members of the Committee and surrogates are obliged to take part in the Committee sessions to which they were invited. If a Committee member cannot attend the Committee session, the chairman of the Committee invites a competent surrogate so that the parity of the Committee is preserved. The invited surrogate has the rights and duties of the missing Committee member during the Committee session to which he/she was invited.
- (6) The chairman of the Committee is in charge of the Committee proceedings.
- (7) The committee is competent to pass resolutions if a majority of all members is present. If the students form less than half of the present Committee members the chairman of the Committee prorogues the session if any of the Committee members suggests so. The Committee resolution is accepted if more than half of all Committee members agree with it.
- (8) Any member of the Committee, who is suspected of being biased in relation to the discussed issue or discussed student who is suspected of committing a disciplinary offence or to a person who pleads his/her case, cannot be present at the Committee proceedings. The chairman of the Committee decides about exclusion of a Committee member for his/her bias as per statement. The Dean decides on exclusion of the Committee chairman.
- (9) A record is drawn up for the Committee proceedings. A protocol is drawn up for the Committee vote. The Committee chairman registers the documentation on particular disciplinary cases.
- (10) When discussing complicated cases the Committee chairman may ask the Dean to provide expert assistance.

Article 4

Initiating Disciplinary Proceedings

- (1) Disciplinary proceedings are initiated by the Committee at the Dean's proposal.
- (2) The Dean's proposal must include a description of the act, i.e. suggested evidence as well as a presentation of arguments why the act is viewed as a disciplinary offence. The Dean hands over the proposal to the Committee chairman in two copies.
- (3) The disciplinary proceedings are initiated the day when the Committee chairman announces the Dean's proposal to the student who is suspected of committing a disciplinary offence (hereinafter "Student") and provides him/her with one copy of it. This initiation of disciplinary proceedings is published in the Dean's order.

Article 5

Discussing the Proposal

- (1) Immediately upon initiating the disciplinary proceedings the Committee chairman summons a Committee session. The disciplinary offence is dealt with orally.
- (2) The student has to be invited to each of the Committee sessions and has the right to be present during Committee proceedings except voting. The invitation to the Committee session must be in writing and delivered to the student at least three working days before the date of the Committee session. The student has the right to propose and submit evidence, to express himself/herself to each of the background documents for the

proceedings, to look into written background documents and to look into the records of Committee proceedings except the vote protocol.

- (3) If the student cannot attend the Committee session, he/she is obliged to excuse himself/herself. The excusal has to be in writing and delivered to the Committee chairman not later than the day of the Committee session until its closing. The Committee will decide upon the relevance of the excusal. If the excusal is not relevant or if there is no excusal at all the Committee can decide to hold the negotiations in student's absence.
- (4) The student can be substituted at the Committee proceedings by his/her surrogate based on a letter of authority. For the chosen surrogate the provisions in par. 3 and 8 and in Article 8 par. 1 are applied in a similar way.
- (5) The Committee is obliged to collect the needed evidence and to discuss the issue so that it may be ascertained if the student committed the disciplinary offence. The proceedings should be held in a way that the Committee may present the resolution proposal to the Dean according to par. 6 usually within 30 days after its first session.
- (6) After discussing the matter the Committee passes a proposal for the Dean to decide:
 - (a) that the student committed a disciplinary offence and to impose a sanction on him/her according to Article 2 par. 2, or
 - (b) that the student committed a disciplinary offence and to withdraw imposition of a sanction according to Article 2 par. 5, or
 - (c) that the student during the term for clearance according to Article 2 par. 2 letter b) committed an intentional disciplinary offence and according to Article 2 par. 9 expelled him/her from studies, or
 - (d) to stop the disciplinary proceedings.
- (7) In the resolution proposal according to Article 6 letter a) the Committee specifies the sanction, the sanction of admonition should include the type of admonition according to Article 2 par. 7, the sanction of conditional suspension should include the term and conditions for clearance according to Article 2 par. 9.
- (8) The Committee announces the resolution proposal to the student according to par. 6 if the student is present at the proceedings.

Article 6

Abating Disciplinary Proceedings

The Dean annuls the disciplinary proceedings if:

- a) the Rector decides so in accordance with Article 3 par.1,
- b) it appears that it is not a disciplinary offence,
- c) the student did not commit the disciplinary offence,
- d) the Committee did not succeed in proving that the student committed the disciplinary offence,
- e) the student ceased his/her studies, in case of interrupted studies the Dean stops the disciplinary proceedings for the time of the interruption.

Article 7

The Dean's Decision

- (1) The Dean issues the decision in disciplinary proceedings (hereinafter "Decision") based on the Committee proposal usually within 7 days after receiving it.
- (2) The Dean can return the matter to the Committee before the Decision is issued with written arguments for further inquiry if he regards it necessary for proper clarification of the matter.
- (3) The Dean may impose the sanction suggested by the Committee, or if it is not the case according to Article 5 par. 6 letter c) he may impose a more moderate sanction, or withdraw from imposition of the sanction.
- (4) The Decision must be in writing and contain either a statement about student's guilt concerning the committed disciplinary offence and the type of the imposed sanction, or a statement about student's guilt concerning the committed disciplinary offence and a statement about withdrawing from imposition of a sanction. The Decision can also contain a statement about abating disciplinary proceedings. In addition, the Decision has to contain an explanation and information about the possibility to lodge a claim for reviewing the Decision.

Article 8

Review Proceedings

- (1) Within 30 days upon delivery of the Decision, a student may lodge a claim for review the Decision (hereinafter "Claim") with the Dean. In case of weighty reasons it is possible to excuse missing the proper term if the student asks in writing for the Claim at the very latest 15 days since the lapsed term for lodging the Claim.
- (2) Filing the Claim has the effect of suspension.
- (3) The Dean may accord the Claim and within 15 days since its delivery he may change or cancel the Decision. If the Dean cancels the Decision he sends the matter back for new Committee proceedings.
- (4) If the Dean does not make a decision according to par. 3, he supplies the Claim with background documents for his Decision including records from the Committee session and presents it immediately to the Rector. The Rector decides upon the Claim according to Law Section 68 par. 4 the fourth and fifth sentence of the Law.

Article 9

Negation of Sanction

- (1) The Dean may negate the imposed sanction on the basis of the student's written request.
- (2) The written request for negation of the imposed sanction may be lodged earliest one year after:
 - a) imposing the sanction of admonition,
 - b) the lapsed term assigned for clearance in case of imposing the sanction of conditional suspension from studies.

- (3) The condition for clearance of the sanction is that the student acts in accordance with legal regulations and internal regulations of the UoD or the Faculty during the time after imposing the sanction until its negation.
- (4) If the Dean decides upon negation of the imposed sanction, the student is viewed as if no sanction was imposed on him/her and the record of imposing the sanction is erased in the student's documentation administered by the Faculty.
- (5) The sanction of expulsion from studies cannot be negated.

Article 10

Common Regulations

- (1) The Dean's proposal draft according to Article 4 par. 3 and the invitation to the Committee session according to Article 5 par. 2 are delivered to the persons concerned, as well as the Dean's decisions according to Article 7. In these cases alternative delivery is not allowed.
- (2) The terms compliance when filing written documents is judged in the following way: the term is kept if the document is lodged with the Faculty or the UoD on the final day of the term or if the document is send by mail on the very last day of the term. If the end of the term is Saturday, Sunday or a bank holiday, the very last day of the term is the next working day.
- (3) The Decision takes legal effect the day after the lapsed term for filing the Claim, or the day after the date when the student gave up in writing his/her right to lodge the Claim, or the day of the delivery of the Rector's final Decision about the matter.
- (4) The final Decision is enclosed in the student's documentation administered by the Faculty.

Article 11

Temporary Regulations

The disciplinary proceedings initiated before the validity of these Disciplinary Regulations will be accomplished according to the previous Disciplinary Regulations for students of the Faculty of Military Technology of the University of Defence.

Article 12

Final Regulations

- (1) These Regulations were authorized according to Section 27 par. 1 letter b) of the Act by the Academic Senate of the Faculty of Military Technology of the University of Defence on 2009.
- (2) These Regulations come into force according to Section 9 par. 1 letter b) of the Act on the day of authorization by the Academic Senate of the University of Defence.
- (3) These Regulations come into force on September 1st 2009. The Disciplinary Regulations for students of the Faculty of Military Technology authorized on July 20th 2004 by the Academic Senate of the Faculty of Military Technology of the University of Defence are annulled on the same day.

Col. Prof. Ing. Zdeněk VINTR, CSc.
Dean of the FMT

Doc. Ing. Zbyněk RŮŽIČKA, CSc.
Head of the Academic Senate
of the FMT

These Regulations were authorised by the Academic Senate of the University of Defence on
..... with the filing number

Col. Doc. MUDr. Jiří KASSA, CSc.
Head of the Academic Senate
of the UoD