

COMENIUS UNIVERSITY IN BRATISLAVA
JESSENIUS FACULTY OF MEDICINE IN MARTIN

DISCIPLINARY RULES OF THE
JESSENIUS FACULTY OF MEDICINE
CU IN MARTIN FOR STUDENTS

Internal Regulation of JFMED CU in Martin issued pursuant to Section 33 Clause 3 letter d) of the Act no. 131/2002 Coll. on Higher Education and on changes and supplements to some acts, as amended and approved pursuant to Section 27 Clause 1 letter. a) of the quoted law by the Academic Senate JFMED CU in Martin on May 22, 2008.

Martin, May 2008

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In accordance with Art. 21 par. 2 letter j) of the Statute of the Jessenius Faculty of Medicine CU in Martin (hereinafter referred to as „JFMED CU“) and after approval by the Academic Senate of JFMED CU on May 22, 2008 I issue this Disciplinary Rules of JFMED CU for students, which is pursuant to Section 33 Clause 3 letter d) of the Act No. 131/2002 Coll. on Higher Education the Internal Regulation of JFMED CU.

PART I GENERAL PROVISIONS

Art. 1 Scope of the regulation

Disciplinary Rules of JFMED CU for students (hereinafter referred to as "Disciplinary Rules of JFMED CU") regulates the status and activities of the Disciplinary Committee of JFMED CU for students (hereinafter referred to as "Disciplinary Committee of JFMED CU"), types of disciplinary offenses, the procedure for dealing with disciplinary offenses and imposition of disciplinary measures, reviewing a decision, validity and enforceability of disciplinary measure.

Čl. 2 Disciplinary Committee of JFMED CU

- (1) Disciplinary Committee of JFMED CU is the academic self-government body of JFMED CU, which discusses disciplinary offenses of students enrolled in study programs provided at JFMED CU. The Disciplinary Committee submits a proposal to the Dean's decision.
- (2) Disciplinary Committee of JFMED CU has six members. The chairman and the other members of the Disciplinary Committee of JFMED CU are appointed and recalled by the Dean prior to approval by the Academic Senate of JFMED CU from among the members of the academic community JFMED CU. Half of the members of the Disciplinary Committee includes students. The chairman of Disciplinary Committee of JFMED CU is the Vice-dean for educational activities of JFMED CU.
- (3) Membership in the Disciplinary Committee of JFMED CU expires by:
 - a) expiration of term of office,
 - b) a written withdrawal from membership,
 - c) expiration date of the membership in the academic community,
 - d) a recall,
 - e) a death of a member.
- (4) Term of office of the members of the Disciplinary Committee JFMED CU is for a maximum of four years. The same person may be appointed as a member of the Disciplinary Committee of CU repeatedly.
- (5) Activities of the Disciplinary Committee of JFMED CU and procedure for dealing with disciplinary offenses is set by the Rules of Procedure of the Disciplinary Committee of JFMED CU, which is approved by the Academic Senate of JFMED upon the Dean's proposal.
- (6) Administrative and technical tasks connected with the activities of the Disciplinary Committee of JFMED CU are carried out by the Study Department of the Dean's Office of JFMED CU. The head of the department attends the meetings of the Disciplinary Committee of CU without the right to vote.

Art. 3
Disciplinary offence

- (1) Disciplinary offence is a culpable violation of generally binding legal regulations, internal regulations of JFMED CU or public order.
- (2) Disciplinary offence may be committed by the degree of culpability by negligence or intentionally.
- (3) Disciplinary offence is committed by negligence, if a student:
 - knew that his/her action may cause violation of regulation referred to in par 1, but without reasonable grounds, he/she relied on the fact that it will not happen;
 - he/she did not know that his/her action can cause violation of regulation referred to in par. 1, although he/she should and could know it under the given circumstances and his/her personal situation
- (4) Disciplinary offence is committed intentionally, if a student:
 - intended to cause violation of regulation by his/her action as referred to in par. 1;
 - knew that his/her actions may violate the regulation referred to in par. 1, and in case it happens, he/she was aware of it.
- (5) Disciplinary offence of a student is particularly:
 - a) violation of duties arising from decisions of the academic self-government bodies of JFMED CU, from generally binding regulations, internal regulations of JFMED CU,
 - b) refusal to provide information and facts crucial to determine the tuition and fees connected with the study according to Section 71 Clause 3 letter. b) of the Higher Education Act or providing false or incomplete information,
 - c) conduct causing harm or other injury to the members of the academic community or employee of JFMED CU,
 - d) damage of good reputation or name of JFMED CU,
 - e) conduct contrary to good manners connected with fulfillment of study duties, in particular:
 - the use of another student's work as his/her own work, the use of another student's work in whole or in part in his/her own work without proper reference to the original work or a literal use of another student's part of work without quoting the original author;
 - repeated submission of the same or slightly modified work that has already been handed over by a student within a particular subject or a study program in order to fulfil study requirements without prior consent of a supervisor or a guarantor of a study program within which the work is repeatedly submitted and evaluated;
 - any form of cheating during written or verbal verification of students' knowledge,
 - f) giving rise to public scandal or misconduct contrary to good manners,
 - g) an act of violence against a student, staff member or visitor of JFMED CU,
 - h) theft or significant property damage of CU, property of students, staff or visitors of CU or property of third parties,
 - i) intentional crime for which a student was legally convicted,

- j) violation of the General Code of Conduct of computer network users
- k) providing accommodation in the Student Hostel to another person without the consent of the Director,
- l) consumption of alcohol, drugs and other addictive substances or violation of the law No. 377/2004 Coll. on the Protection of Non-smokers and amending and supplementing some other laws as amended, on campus of JFMED CU
- m) falsification of documents related to study; falsification of cards, documents or letters that a student submits on the basis of internal regulations of JFMED CU,
- n) violation of rules (hereinafter referred to as "deception") that the applicant is obliged to follow during entrance examination, and as a result of which an applicant was admitted to study,
- o) the use of social support services in accordance with Higher Education Act for other use than intended purpose, or if he/she used them in spite of the fact that he/she is not entitled to them, or he/she abused this support in any other way
- p) other serious violation of internal regulations of JFMED CU.

Art. 4

Disciplinary measures

- (1) For disciplinary offense, some of the following disciplinary measures may be imposed upon a student according to the degree of seriousness and the degree of culpability:
 - a) admonition,
 - b) conditional expulsion from study,
 - c) expulsion from study.
- (2) When imposing a disciplinary measure, the nature and seriousness of the disciplinary offense is taken into account, the circumstances under which the disciplinary offense was committed, consequences of a disciplinary offense, as well as a student's previous behavior. Seriousness of disciplinary offense and the degree of responsibility shall be considered by appropriate disciplinary committee in the course of disciplinary proceedings.
- (3) Disciplinary measure under par. 1 letter a) (admonition) can be generally imposed upon a student for less serious disciplinary offense or a disciplinary offense committed by negligence.
- (4) When imposing disciplinary measure pursuant to paragraph 1. letter b) (conditional expulsion from studies), the decision determines the time period and conditions, which must be fulfilled to cancel conditional expulsion. Seriousness of the disciplinary offense is taken into account. Length of conditional expulsion from the study is at least six months and a maximum of two years (hereinafter referred to as "probationary period"). The probationary period starts on the day following the effective day of the decision on imposing a disciplinary measure.
- (5) The Dean of the faculty checks the fulfillment of conditions set in the decision on conditional expulsion, which must be fulfilled to cancel conditional expulsion. Conditions may include, for example, to compensate damage, personally and publicly apologize to the injured person, to undergo drug addiction treatment, to refrain from any action, etc..

- (6) If a student complied with conditions of the decision on conditional expulsion throughout the probationary period, the Dean shall cancel the conditional expulsion. If a student has not complied with the conditions, the Dean issues a decision on expulsion from the study. If the Dean, within 30 days after the probationary period expires, doesn't decide, it is understood that a student has complied with conditions and conditional expulsion has been canceled.
- (7) If a student commits another disciplinary offense during of the probationary period, as a rule, disciplinary measure is imposed upon him/her pursuant to par. 1. letter c) provided it is proposed by the Disciplinary Committee. Decision on imposing disciplinary measure pursuant to par 1. letter c) includes, at the same time, cancellation of the decision on conditional expulsion from the study.
- (8) Disciplinary measure under par 1. Letter c) (expulsion from the study) may be imposed upon the student, in particular if:
 - a) intentionally committed a serious disciplinary offense,
 - b) within one calendar year, he/she repeatedly committed a disciplinary offense for which one of the disciplinary measures was imposed upon him/her,
 - c) committed another disciplinary offence during probationary expulsion from the study,
 - d) committed disciplinary offence pursuant to Art. 3 par. 5 letter b), k), n) a o),
 - e) has been legally convicted of an intentional crime.
- (9) Disciplinary offense is time-barred, if more than one year has elapsed since the offence was committed. After this period it is not possible to initiate disciplinary procedure.

PART II DISCIPLINARY PROCEEDINGS

Art. 5

Proposal to initiate disciplinary proceedings

- (1) Disciplinary Committee of JFMED CU (hereinafter referred to as "Disciplinary Committee") initiates disciplinary proceedings upon a proposal by the Dean (hereinafter referred to as "the complainant"). Disciplinary proceedings is launched when a proposal to initiate disciplinary proceedings is delivered to the chairperson of the Disciplinary Committee.
- (2) Proposal to initiate disciplinary proceedings is usually submitted by the head of department, or another senior employee of JFMED CU to the Dean of JFMED CU. Initiation for proceedings may be proposed by anyone who has knowledge of a student's conduct that could have a character of a disciplinary offense.
- (3) Complaint, or a proposal to initiate disciplinary proceedings must contain:
 - a) precise description of the student's conduct, which is considered a disciplinary offense by stating the relevant provisions of regulations that were violated, including indications of the time and place where a disciplinary offense was committed,
 - b) evidence used as the basis for the proposal,
 - c) reasons why the conduct is considered to be a disciplinary offence,

- d) identification of a student who committed a disciplinary offense,
- e) statement of a student, if such was submitted within a given deadline,
- f) proposal of a disciplinary measure that could be imposed upon a student.

Art. 6

Rejection of a proposal to initiate disciplinary proceedings

- (1) Chairman of the Disciplinary Committee rejects a proposal to initiate disciplinary proceedings if it does not meet requirements pursuant to Art. 5 par. 3.
- (2) The chairman of the Disciplinary Committee informs the complainant about rejection of a proposal without delay.

Art. 7

Proceedings before Disciplinary Committee

- (1) Upon delivery of a proposal to initiate proceedings, Disciplinary Committee discusses disciplinary offense at the meeting, except for a case in accordance with Art. 6. The proceedings about disciplinary offense before Disciplinary Committee is oral and public in the presence of a student who has committed a disciplinary offense.
- (2) Detailed regulation about the course of Disciplinary Committee meeting is governed by the Rules of Procedure of the Disciplinary Committee of JFMED CU.
- (3) After discussing a disciplinary offense, the Disciplinary Committee shall approve a proposal of the decision to impose disciplinary measure by resolution which is submitted through the chairman to the Dean of JFMED CU. The proposal also includes written record of the meeting of the Committee in which the offense was discussed.
- (4) Proposal to decide on imposing disciplinary measure must contain:
 - a) finding that a disciplinary offense has been committed, stating the relevant provisions of regulations that were, by committing disciplinary offense, violated
 - b) finding whether a disciplinary offense has been committed intentionally or by negligence,
 - c) identification of a student who committed disciplinary offence,
 - d) proposal of the type of disciplinary measure to be imposed upon a student who committed an offence,
 - e) in case of conditional expulsion from the study, also proposal of terms, fulfilment of which will result in cancelation of conditional expulsion from the study and deadlines for their fulfillment.
- (5) If the Disciplinary Committee doesn't approve a proposal to decide on imposition of disciplinary measure, shall reject a proposal by resolution. Chairman shall inform the complainant without delay.

Art. 8

Stopping the Disciplinary Proceedings

- (1) Disciplinary Committee stops the disciplinary proceedings if it is proved that:

- a) no disciplinary offense has been committed, or a student's conduct is not an offense
 - b) disciplinary offence hasn't been committed by a student
 - c) a person who committed the disciplinary offence ceased to be a student.
- (2) Chairman of the Disciplinary Committee informs the complainant about stopping the disciplinary proceedings without delay.

Art. 9

Decision on Disciplinary Measure

- (1) The Dean of JFMED CU imposes disciplinary measure for committing a disciplinary offense under Art. 4 par. 1 by a decision. Disciplinary measure is usually imposed within two weeks after delivery of a proposal to impose disciplinary measure by the Disciplinary Committee of JFMED CU.
- (2) The Dean can not impose stricter disciplinary measures than those proposed by the Disciplinary Committee of JFMED CU.
- (3) If it is less serious offense, and it can be assumed that the mere discussion of an offense by the Disciplinary Committee of JFMED CU will lead to atonement, the Dean of JFMED CU may decide that a disciplinary measure shall not be imposed, or to impose more lenient disciplinary measure than that proposed by the Disciplinary Committee.
- (4) The decision to impose a disciplinary measure shall be in writing, must include a statement, reasoning and instructions for a request to review a decision.
- (5) The reasoning states the facts which were the basis for a decision, how the evidence was evaluated and what regulations were used in deciding.
- (6) Instructions for a request to review a decision shall contain the deadline and the authority to which a request to review a decision is to be submitted.
- (7) The decision to impose a disciplinary measure must be delivered into the student's own hands.
- (8) If a student who was admonished, duly fulfills the academic and civic obligations for a minimum period of one year from the date of coming into force of the decision, it is considered as if no disciplinary measure was imposed upon him/her.

Art. 10

Review of a decision on imposing disciplinary measure

- (1) A student who has been subject to disciplinary measures, may request in writing a review of a decision to impose a disciplinary measure (hereinafter referred to as "the Decision"), within a period of 8 days from the date of delivery of the decision. Request shall be submitted to the authority that issued the decision. Request for review of the decision submitted in time, has suspensive effect.
- (2) If the decision to impose a disciplinary measure was issued by the Dean of JFMED CU in the first instance, he may grant the request and change or cancel a decision. It is possible to re-submit the request for review of the decision that changes original decision.

- (3) If the Dean of JFMED CU refuses to comply with the decision, he/she passes it to the Rector within seven working days. A request to the Rector includes entire file with the report referred to in par. 4, including his /her own standpoint to the request for review.
- (4) The report contains all of the outcomes of the proceedings, i. e, data on all procedures which were carried out, standpoint to the request submitted in due time, evidence and investigations, statement regarding fulfilment of the prescribed essentials to the request. The Dean of JFMED CU shall state his own opinion on all the objections of the applicant together with relevant evidence and also an opinion as to the completeness and accuracy of the actual state of the case and the legal opinion on which the contested decision is based.
- (5) The Rector, as the second instance authority, reviews the decision of the Dean, and if it is in conflict with the law, internal regulations of CU or its parts, he/she shall change or cancel the decision, otherwise shall reject the request and confirm the decision. The Rector may, in reasonable cases, change the Dean's decision and impose more lenient disciplinary measure. The Rector must issue a decision within 30 days of delivery of the request for review of the Dean's decision. Rector's decision is final.

PART III VALIDITY AND ENFORCEABILITY OF DISCIPLINARY MEASURE

Art. 11 Validity of a decision

- (1) Decision, against which no request for review can be submitted, is final.
- (2) First instance decision of the Dean of JFMED CU on imposing disciplinary measures against which a student has not submitted request for review, shall enter into force on the date of lapse of time of 8 days under Art. 10 par. 1.
- (3) Second instance decision of the Rector on request to review a decision shall enter into force on the date of delivery to the student.
- (4) If disciplinary measure - expulsion from the study was imposed upon a student, termination of study is the day when the decision on expelling from study came into force.

Art. 12 Delivery

- (1) The decision to impose disciplinary measure and decision on request to review a decision imposing disciplinary measures shall be delivered into the student's own hands, usually by mail to the address of permanent residence. The decision may be delivered into the student's own hands also personally.

- (2) The decision may be received by a person who is authorized to receive letters on behalf of the recipient, in accordance with the applicable postal regulations.
- (3) If a recipient refuses to accept the decision, the date of refusal to accept the decision is deemed to be the date of delivery.
- (4) If a recipient does not receive the decision in retention period of 18 days at the post office and the letter is returned to the sender marked "recipient not found at this address", the decision will be delivered to the student repeatedly. If even for the second time, it will not be possible to deliver the decision, the day of returning the mail to the sender is considered the day of delivery.
- (5) When the recipient doesn't receive the decision at the above address within retention period of 18 days at the post office and the decision is returned to the sender marked "recipient not known at this address" or "recipient doesn't live at this address" a day of return to sender shall be deemed a day of delivery.

Art. 13

Enforceability of disciplinary measure

Disciplinary measure under Article. 4 par. 1 letter a) to c) is carried out in such a way that:

- a) the final decision on the imposition of disciplinary measure shall be displayed on the official board of the Dean's Office of JFMED CU for the period of 15 days,
- b) study department shall make a record in the personal documentation of the student after a disciplinary measure came into force.

PART IV

COMMON, TRANSITIONAL AND FINAL PROVISIONS

Art. 14

Common provisions

- (1) Offences of students against the Accommodation Rules of the Student Hostel (hereinafter referred to as "SH") are discussed by the director in accordance with agreed terms of the contract on accommodation and with relevant internal regulations of SH, approved and signed by the Rector. Director of SH announces withdrawal from the contract to the Dean of JFMED CU, or a call from the Director to the student about the possibility to withdraw from a contract on accommodation for violation of Accommodation Rules. The director of the SH may discuss more serious offenses in cooperation with the Dean and the Disciplinary Committee of the faculty at which the student is enrolled.
- (2) Decisions imposing disciplinary measures according to the Disciplinary Rules of CU are not covered by Law no. 71/1967 Coll. on administrative proceedings (Administrative Procedure Act), as amended.

Art. 15
Final provisions

- (1) Disciplinary Rules of JFMED CU approved by the Academic Senate of JFMED CU of April 23, 2003 is cancelled.
- (2) This Disciplinary Rules shall enter into force on approval by the Academic Senate of JFMED CU on May 22, 2008.

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