
	<i>COMENIUS UNIVERSITY BRATISLAVA</i> <i>JESSENIUS FACULTY OF MEDICINE IN MARTIN</i>	Int. Reg.n.: 30/2018
	Disiplinary proceedeing of JFMED CU for students	Printout n.: 1 Archivation time:10 r

INTERNAL REGULATION N. 30/2018

Disiplinary proceedeing of JFMED CU for students

Martin, 11 December 2018

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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, in accordance with Art. 22 par. 2 letter j) of the Statute of the Jessenius Faculty of Medicine CU in Martin (hereinafter referred to as „JFMED CU“), in accordance with Internal Regulation n. 13/2018 Disciplinary proceeding for students of CU Bratislava and approved by the Academic Senate JFMED CU in Martin on 10 December 2018.

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.

Art. 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.

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(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) In case of expired membership of the committee member before the expiration of term office acc. to the art. 4, the membership of co-opted committee member endures only until the end of term of office

(6) 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.

(7) 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 offense is a culpable violation of generally binding legal regulations, internal regulations of JFMED CU or public order.

(2) Disciplinary offense may be committed by the degree of culpability by negligence or intentionally.

(3) Disciplinary offense 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 offense 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 offense 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) damage of good reputation or name of JFMED CU,

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c) conduct causing harm or other injury to the members of the academic community or employee of JFMED CU,

d) an act of violence against a student, staff member or visitor of JFMED CU,

e) theft or significant property damage of CU, property of students, staff or visitors of CU or property of third parties,

f) consumption of alcoholic beverages, narcotics, or psychotropic substances during participation in educational or scientific research activities of JFMED CU

g) public promotion of violence, hatred, or the restriction of rights and freedoms of a group of individuals or an individual based on their real or presumed affiliation with a particular race, nation, nationality, ethnic group, their real or presumed origin, skin colour, sexual orientation, political beliefs, religious affiliation, or lack thereof, or physical or verbal attack on a group of individuals or an individual based on these grounds

h) public denigration of a particular nation, nationality, their language, a race, ethnic group, religious group, or sexual orientation

i) 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


j) 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.

k) Any form of cheating or unauthorized cooperation or giving assistance during written or oral assessment of study results (knowledge testing) or during preparation for it within the subject, or using technical devices or any means of information transmission other than the permitted methods during written or oral assessment of study results (knowledge testing) or during preparation for it within the subject, especially if

i) a student has devices allowing covert communication with another person, receiving or sending messages during the assessment of knowledge; a switched-off mobile phone is not considered such a device

ii) a student is using a device allowing communication with another person, receiving or sending messages during the assessment of knowledge

iii) a student has any means of information storage or has access to any means of information storage that contains even partial information or other materials that may be subject to knowledge assessment in the respective subject

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iii) a student is using any means of information storage or has access to any means of information storage during the knowledge assessment

l) 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,

m) 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,

n) 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,

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, for example providing accommodation in the Student Hostel to another person without the consent of the Director

p) trading of rights, involving the transfer of rights acquired in connection with studies in exchange for payment, consideration, counter-service, or other benefits

q) 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

r) giving rise to public scandal or misconduct contrary to good manners,

s) other serious violation of internal regulations of JFMED CU

(6) Disciplinary offense is committed publicly if it is committed


a) by means of press, dissemination of written material, film, radio, television, computer network, or other similarly effective means

b) in the presence of more than two persons simultaneously

(7) A disciplinary offense becomes time-barred if more than one year has passed since its commission. The statute of limitations does not run during disciplinary proceedings or during a suspension of studies. After this period has elapsed, it is not possible to initiate disciplinary proceedings.

(8) In addition to the student who commits a disciplinary offense on their own, the student who organizes the commission of a disciplinary offense, orders an action that constitutes a disciplinary offense, or assists in the commission of a disciplinary offense, will also be an object of disciplinary measures for that disciplinary offense.

(9) According to paragraph 5, letter k), the use of communication tools and information carriers expressly permitted by the examining teacher, and in a manner expressly permitted by the examining teacher, is not considered a disciplinary offense.

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(10) The illegality of a disciplinary offense under paragraph 5, letter k), point iiiii) ceases to exist if the student demonstrates that the information carrier did not contain any information related to the knowledge being tested, either in whole or in part.

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. (72, art 2 Act on Higher Education)

(2) When imposing disciplinary measures, the nature and seriousness of the disciplinary offense are taken into account, particularly the circumstances under which it was committed, the degree of culpability, the consequences of the disciplinary offense, the student's previous behaviour and academic performance, whether the student regrets the committed disciplinary offense or has shown efforts towards correction. The seriousness of the disciplinary offense and the degree of culpability shall be assessed by the disciplinary committee during the disciplinary proceedings. The disciplinary committee must consider that intentional culpability is more severe than negligence.

(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) Disciplinary measure pursuant to paragraph 1. letter b) (conditional expulsion from studies), can be imposed for the more serious disciplinary offenses

(5) 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) 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),

(6) When imposing a disciplinary measure of conditional exclusion from studies, it is stated in the decision 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

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“probationary period”). The probationary period starts on the day following the effective day of the decision on imposing a disciplinary measure.

(7) The Dean of the faculty checks the fulfilment 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..

(8) 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 cancelled.

(9) 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.

(10) The disciplinary committee may, by resolution, refrain from proposing the imposition of a disciplinary measure if it can be assumed that the mere discussion of the disciplinary offense by the disciplinary committee will lead to correction.

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) Anyone who becomes aware of the actions of a student that may constitute a disciplinary offense may submit a proposal to initiate disciplinary proceedings. The proposal is submitted to the Dean, another employee of the JFMED CU or a student of a doctoral study program in full-time form (internal doctoral student). An employee of the JFMED CU, or an internal doctoral student is obligated to forward the proposal to the Dean. If the proposal is justified, the Dean submits a proposal to initiate disciplinary proceedings to the chairperson of the disciplinary committee. The identity of the person who submitted the proposal shall be kept confidential upon the request of the proposer.

(3) Complaint, or a proposal to initiate disciplinary proceedings must contain:

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- a) precise description of the student's conduct, which is considered a disciplinary offense by stating the relevant provisions of regulations that were violated,
- b) indications of the time and place where a disciplinary offense was committed,
- c) evidence used as the basis for the proposal,
- d) reasons why the conduct is considered to be a disciplinary offence,
- e) identification of a student who committed a disciplinary offense,

(4) "If a proposal to initiate disciplinary proceedings does not meet the requirements specified in paragraph 3, the chairperson of the disciplinary committee may request the Dean to rectify the deficiencies within a specified deadline. In the request, the chairperson of the disciplinary committee shall indicate the deficiencies found in the proposal. If the Dean does not rectify the deficiencies within the specified deadline, the chairperson of the disciplinary committee shall reject the proposal to initiate disciplinary proceedings and notify the Dean of this decision."

Art. 6


The meeting of the 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.

Art. 7

The decision-making of the disciplinary committee.

- (1) After discussing the disciplinary offense, the disciplinary commission decides whether to submit a proposal for imposing a disciplinary measure to the dean or to terminate the disciplinary proceedings.
- (2) The details of decision-making and voting by the disciplinary commission are regulated by the Rules of Procedure of the Disciplinary Committee of JFMED CU for Students (Article 2, Section 6 of these disciplinary regulations).
- (3) The Chair of the disciplinary commission sends the decision according to Section 1 to the Dean and the student, usually within two weeks of the disciplinary commission's meeting, along with a copy of the minutes.

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Art. 8

Decision on Disciplinary Measure

(1) The Dean imposes disciplinary measures for committing a disciplinary offense according to Article 4, paragraph 1, by means of a decision. Disciplinary measures are typically imposed within 2 weeks from the receipt of the proposal for disciplinary action by the disciplinary committee.

(2) The Dean cannot impose stricter disciplinary measures than those proposed by the disciplinary committee (Section 72, paragraph 4 of the Act on Higher Education), but can impose milder disciplinary measures or decide to refrain from imposing disciplinary measures according to Section 10. The Dean may, by reasoned decision, terminate disciplinary proceedings in cases where the disciplinary committee should have terminated the proceedings according to Article 6, paragraph 1, letters a) to e) of the Rules of Procedure of the Disciplinary Committee of the University of Comenius for Students.

(3) After receiving the proposal for imposing a disciplinary measure, the Dean has the authority to return the proposal to the disciplinary committee for the purpose of supplementing the proposal if, in their opinion, further actions are necessary to issue a decision regarding the imposition of a disciplinary measure. In the event of the proposal being returned for imposition of a disciplinary measure, the disciplinary committee will promptly carry out the tasks suggested by the Dean without unnecessary delay.

(4) The decision on imposing a disciplinary measure must be in writing and must include a statement, reasoning, and information about the possibility to request its review.

(5) The statement of the decision on imposing a disciplinary measure includes: a) Identification of the authority that made the decision on the disciplinary offense, b) Addressee of the decision (student's name, date of birth, permanent address, study program, year and degree of study), c) Decision on imposing a disciplinary measure, specifying the type of disciplinary measure, or a decision on refraining from imposing a disciplinary measure, d) Description of the act in a way that cannot be confused with another act, typically including the place, time, and manner of the offense, or other circumstances that unmistakably identify the act, e) Identification of the committed disciplinary offense, stating the relevant provisions of this disciplinary code that were violated by the offense, and optionally referring to the provisions of generally binding legal regulations, internal regulations of the university, or its components that were violated by the disciplinary offense.

(6) If a disciplinary measure of conditional expulsion from studies is imposed, the statement of the decision also includes the conditions under which the conditional expulsion will be revoked and the duration of the probationary period.

(7) The justification of the decision on imposing a disciplinary measure includes:

a) a summary and evaluation of all relevant facts based on which the decision was made, including the degree of culpability, specifying the evidence and other basis for the decision, from which these

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facts were ascertained, as well as the considerations taken into account by the dean when assessing the evidence and other basis for the decision,

b) information on how the dean addressed the statements, proposals, and remarks of the student,

c) considerations taken into account by the dean when applying the regulations upon which the decision was based, including the justification for the appropriate reasoning in imposing the disciplinary measure.

(8) The instruction includes information on whether the decision on imposing the disciplinary measure is final or if it can be appealed by submitting a request for review of the decision on imposing the disciplinary measure, within what timeframe, to which authority, and where the request for review can be submitted. The instruction also provides information on whether the decision on imposing the disciplinary measure can be reviewed by a court.

(9) The decision on imposing the disciplinary measure must be personally delivered to the student (§ 72 paragraph 6 of the Higher Education Act).

(10) In the case of a less serious offense where it can be presumed that the discussion of the offense by the disciplinary commission will lead to correction, the dean may decide to abstain from imposing a disciplinary measure. The provisions of this article shall be applied accordingly in such a case.

PART III

REVIEW OF A DECISION ON IMPOSING DISCIPLINARY MEASURE

Art. 9

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) The request for review of a decision should clearly state the identity of the petitioner, the decision being challenged, and the specific nature of the request. It should also outline the discrepancies between the decision or the preceding disciplinary proceedings and the applicable legal regulations or internal regulations of JFMED CU. By providing this information, the purpose and grounds for the review are made clear, allowing for a proper assessment of the request.

(3) 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.

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(4) 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 IV

VALIDITY AND ENFORCEABILITY OF DISCIPLINARY MEASURE

Art. 10


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. 9 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. 11

Delivery

- (1) The decision-making regarding disciplinary offenses is considered to be a decision concerning the academic rights and obligations of the student.
- (2) The provisions regarding the delivery of documents in disciplinary proceedings are applied accordingly to the relevant section of the Study Regulations of CU and the Study Regulations of

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JFMED CU. These regulations govern proceedings related to the academic rights and obligations of students.

Art. 12

Common, transitional and final provisions

(1) The decision-making regarding the imposition of disciplinary measures under this disciplinary code is not subject to the Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Code) as amended by later regulations (§ 108 of the Higher Education Act).

(2) The Director of Student Housing (SH) handles student offenses against the housing regulations of the university dormitory, in accordance with the agreed conditions in the accommodation contract and the relevant internal regulations of the JFMED CU. The Director of Student Housing (SH) informs the Dean of the JFMED CU about the termination of the accommodation contract or issues a notice to the student regarding the possibility of terminating the accommodation contract for a violation of the housing regulations. The Director of Student Housing (SH) submits a request to initiate disciplinary proceedings for disciplinary offenses according to Article 3 of this disciplinary code to the Dean.

(3) The responsibility for disciplinary offenses committed by a student before the effective date of this disciplinary code shall be assessed according to the previous regulations. According to this disciplinary code, the responsibility for previous disciplinary offenses will be assessed only if it is more favourable for the student.

(4) Disciplinary proceedings initiated before the effective date of this disciplinary code shall be concluded in accordance with this disciplinary code.

(5) Attachments No. 1 to 4 of the internal regulation No. 13/2018, Disciplinary Code of Comenius University in Bratislava for Students, will be appropriately used as templates for submitting proposals to initiate disciplinary proceedings, summons, decisions on imposing disciplinary measures, and decisions on refraining from imposing disciplinary measures at the faculty.

(6) As of the effective date of this disciplinary code, the internal regulation No. 4/2016, Disciplinary Code of JLF UK for Students, is repealed.

(7) This Disciplinary Rules shall enter into force on approval by the Academic Senate of JFMED CU on 11 December 2018.

prof. Viera Švihrová ,M.D., PhD.
 chairperson of the Academic Senate of JFMED CU

prof. Ján Danko, MD, CSc.
 dean of JFMED CU