

## **CODE OF DISCIPLINARY PROCEEDINGS FOR STUDENTS OF THE 3<sup>rd</sup> FACULTY OF MEDICINE**

*Under sections 27 (1) (b) and 33 (2) (f) of the Act No. 111/1998 Coll., on Higher Education and Changes in and Amendments to other Acts (Higher Education Act), the Academic Senate of Charles University has adopted the following Code of Disciplinary Proceedings for Students of the 3<sup>rd</sup> Faculty of Medicine, as an internal regulation of the University.*

### **Article 1 Introductory Provision**

1. The Code herein shall provide the details and procedure for considering infringements of disciplinary rules by students of the 3<sup>rd</sup> Faculty of Medicine (hereinafter the "Faculty") within disciplinary proceedings, and the imposition of sanctions.
2. If the student is registered at more than one faculty, disciplinary proceedings concerning the same case may be held only at one of them; should there be any doubt concerning jurisdiction, the competent faculty shall be determined by the Rector.

### **Article 2 Infringement of Disciplinary Rules and Sanctions**

1. An infringement of disciplinary rules shall be an intentional breach of duties provided in the Higher Education Act, internal regulations of Charles University or internal regulations of the Faculty, or an intentional breach of duties provided in other legal rules.
2. The following sanctions may be imposed on the student for an infringement of disciplinary rules:
  - a) admonition,
  - b) study on probation consisting of a probationary period with specific conditions set, the infringement of which would lead to permanent expulsion,
  - c) expulsion from study.
3. The following factors shall be taken into consideration before the imposition of sanctions: the character of conduct which resulted in the infringement; the circumstances of the infringement and its consequences; the extent of fault; and the previous conduct of the student in question and his/her efforts to remedy the consequences.
4. The imposition of sanctions may be waived if such consideration of the infringement leads to its correction, mainly in the case of an infringement of disciplinary rules resulting from negligence, or a minor infringement.
5. An admonition may be issued only for an infringement resulting from negligence or for a minor infringement.
6. The sanction of expulsion from study may be imposed only for a serious and intentional infringement of disciplinary rules. The sanction of probation may be imposed only if the conditions for the expulsion from study were fulfilled, and if the student has shown genuine regret and s/he can be reasonably expected not to commit any serious

infringement in the future, unless the infringement was unusually serious and committed in a most contemptible way.

7. The probationary period and conditions set when the student is put on probation shall be determined according to the seriousness of the infringement of disciplinary rules; the period shall not be shorter than six months or longer than three years. If the student commits an infringement of disciplinary rules again during the probationary period, other than a minor infringement caused by negligence, s/he shall be expelled from study.
8. The sanction of admonition shall be either non-public whereby only the student who has infringed disciplinary rules is notified of it, or public whereby such admonition is announced on the official notice board of the Faculty for a period of thirty days.
9. The sanctions of probation and expulsion from study shall always be public and shall be announced on the official notice board of the Faculty for a period of thirty days.

### **Article 3 Disciplinary Commission**

1. Any accusations of infringements of disciplinary rules shall be considered by the Disciplinary Commission of the Faculty (hereinafter the "Commission").
2. The Chairman of the Commission, its members and alternate members shall be appointed by the Dean from the ranks of the members of the Academic Community of the Faculty; s/he shall appoint them and discharge them, subject to the approval of the Academic Senate.
3. The Commission shall be composed of an even number of members. It shall have at least six members and the Chairman shall be a member of the Commission. Half of the members shall be consist of by students. Alternate members shall be two members of the academic staff and two students.
4. The term of office of the members of the Commission shall be two years. When establishing the Commission, the Dean shall bear in mind the principle of the continuity of its activities and s/he shall replace the members successively at one year intervals. Nominations for the appointment of members and alternate members from among students shall be made by the Dean upon the recommendation of the student part of the Academic Senate.
5. Members and alternate members shall participate in those sessions of the Commission to which they are invited. If it is known in advance that a member of the Commission is not able to participate in their session in person, the Chairman shall invite the appropriate alternate member so that the parity of composition of the Commission is preserved. Such alternate member shall have the rights and duties of a member of the Commission at a session to which s/he has been invited.
6. The session of the Commission shall be convened and presided over by its Chairman.
7. The Commission shall have a quorum if a simple majority of its members is present at the session. If there is no parity between the number of student-members and academic staff-

members at the session of the Commission, the President shall adjourn the session upon the proposal of a member of the Commission.

8. The Commission shall pass a resolution on the outcome of its session. A resolution of the Commission shall be passed if a simple majority of present members vote for it.
9. The Commission shall pass resolutions by voting. Minutes shall be taken of sessions of the Commission and shall be signed by all members of the Commission present. A record of the voting of the Commission also signed by all members of the Commission present shall be an appendix to the minutes.
10. Legal and other expert assistance necessary for the work of the Commission shall be ensured by the Dean.

#### **Article 4 Initiation of Disciplinary Proceedings**

1. A motion to initiate disciplinary proceedings can be submitted to the Dean by any member of the Academic Community of the Faculty.
2. The Commission shall commence disciplinary proceedings upon the proposal of the Dean. The Dean shall present a written proposal to the Chairman of the Commission in cases where the student's conduct has damaged the reputation of the University.
3. The Dean's proposal to initiate disciplinary proceedings must contain the description of the act and the reasons for which the act is considered to be an infringement of disciplinary rules, including the evidence on which the proposal to initiate disciplinary proceedings rely.
4. The Chairman of the Commission shall deliver a copy of notification of the Dean's proposal to initiate disciplinary proceedings to the student. The disciplinary proceedings are considered to be initiated on the date of its delivery.
5. The Dean may discontinue the disciplinary proceedings any time before a decision under Art. 6 is issued; s/he must always discontinue the proceedings if
  - a) called upon by the Rector of the University to do so;
  - b) a situation arises which makes it impossible to consider an infringement of disciplinary rules under s. 66 of the Higher Education Act; or
  - c) the student ceases to be a student of the Faculty.

#### **Article 5 Consideration of Proposal**

1. The Chairman of the Commission shall convene a session of the Commission to consider an infringement of disciplinary rules immediately upon initiation of the disciplinary proceedings under Art. 4 (4).

2. The accused student must be invited in writing to every session of the Commission to consider the respective infringement. The invitation must state the time and venue of the session of the Commission.
3. With the exception of the voting on the resolution of the Commission, the accused student shall have the right to be present at the session of the Commission and its consideration of the infringement, as well as to offer and submit evidence, express her/his opinion on all documents discussed, inspect written documents and minutes of sessions of the Commission (with the exception of records of voting), and take extracts from them.
4. The accused student may choose her/his representative. The chosen representative shall show the Commission the written authorisation of the accused student, or shall be granted authorisation by the accused student before the Commission, and shall have all rights provided in (3).
5. The Commission may resolve to act when the student is not present only if neither the accused nor her/his representative have appeared at the session without any justification. Justification must be in writing and must be delivered to the Chairman of the Commission not later than on the date of the session of the Commission.
6. The Commission shall be obliged to produce necessary evidence and to consider the case in such a manner that it can be decided without any doubt whether the student has in fact infringed disciplinary rules. The consideration must be led so that the Commission can make a proposal under Art. 7, generally not later than thirty days from its first session.
7. Upon considering an accusation of infringement of disciplinary rules, the Commission shall pass a proposal that the Dean
  - a) decide that the student has infringed disciplinary rules and impose a sanction under Art. 2 (2);
  - b) decide that the student has infringed disciplinary rules, but, with regard to the circumstances, waive the imposition of a sanction under Art. 2 (4); or
  - c) discontinue the disciplinary proceedings;if, however, a probationary period has been already imposed upon the student under Art. 2 (7), the Commission shall pass a proposal that the Dean
  - d) decide that the student has infringed disciplinary rules and expel her/him from study under Art. 2 (7); or
  - e) discontinue the disciplinary proceedings.
8. Under (7) (a) the Commission shall in the resolution propose a sanction according to Art. 2 (2), including the form of admonition under Art. 2 (8) in the case of a sanction of admonition, or the probationary period and conditions under Art. 2 (7) in the case of the sanction of putting the student on probation.
9. Under (8), the Chairman of the Commission shall inform the student or her/his representative, if they are present at the session of the Commission, of the resolution.

## **Article 6**

### **Dean's Decision**

1. The Dean shall issue a decision on the disciplinary proceedings on the basis of the proposal of the Commission, generally within seven days from the date of delivery of the resolution containing the proposal.
2. If s/he believes it to be necessary for due clarification of the case, the Dean may refer the case back to the Commission for further examination, stating her/his reasons in written form, before s/he issues a decision.
3. If the Commission proposes that the disciplinary proceedings be discontinued, the Dean shall do so unless s/he has serious doubt about the correctness of the procedure; in such a case s/he shall refer the case back to the Commission to consider it anew, stating her/his reasons for so doing. If the Commission insists on its original resolution, the Dean shall be bound by the resolution issuing her/his decision.
4. The Dean may
  - a) impose the sanction proposed by the Commission, or, unless it is a case under Art. 5 (7) (d),
  - b) impose a milder sanction, or
  - c) waive the imposition of a sanction.
5. The Dean's decision must be executed in writing and it must contain a statement describing the infringement of disciplinary rules and specifying the sanction, or a statement describing the infringement of disciplinary rules and specifying the waiver of a sanction, or a statement specifying the discontinuance of proceedings. It must also contain the reasoning, and the advice on the possibility of applying for a review of the decision.

## **Article 7**

### **Review Proceedings**

1. Review proceedings shall be regulated by Art. 7 of the Code of Disciplinary Proceedings of Charles University in Prague.

## **Article 8**

### **Amending Provisions**

1. Notification of the Dean's proposal to commence disciplinary proceedings under Art. 4 (1) and (2) and any invitation to the session of the Commission under Art. 5 (2) shall be delivered to the student's own hands (Art. 35 of the Constitution of Charles University in Prague). Similarly, the Dean's decision under Art. 6 (5) shall be delivered to the student's own hands; alternative delivery shall not be permitted in this case.
2. Compliance with time limits applicable to the filing of documents shall be assessed as follows: the time limit has been complied with if the document was handed in to the Faculty or given to post delivery not later than on the last day of the set period. If the end of the time limit falls on a Saturday, Sunday or a state holiday, the last day of the time limit shall be the first working day that follows.

3. The Dean's decision under the relevant paragraphs of Art. 6 and 7 shall be entered into the student's records kept by the Faculty.
4. The decision shall come into force on the day following the lapse of time for filing an application for review, or on the day following the student's written waiver of the right to file such application, or on the day following the delivery of the Dean's decision.

**Article 9**  
**Repealing and Final Provisions**

1. The Code of Disciplinary Proceedings for Students of the 3<sup>rd</sup> Faculty of Medicine, approved by the Academic Senate of Charles University in Prague on September 24, 1999, with all the amendments and appendices is hereby repealed.
2. The Code of Disciplinary Proceedings for Students herein was approved by the Academic Senate of the Faculty on June 5, 2003, and it shall come into force on the date of its approval by the Academic Senate of the University<sup>1</sup>.
3. The Code of Disciplinary Proceedings for Students herein shall become effective on September 29, 2003.

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MUDr. David Marx  
President of the Academic Senate

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doc. MUDr. Bohuslav Svoboda, CSc.  
Dean

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<sup>1</sup> S.9 (1) (b) of the Higher Education Act. The Academic Senate of the University approved this Code of Disciplinary Proceedings for Students on June 6, 2003.