

**Alexander Dubček University of Trenčín**

*Študentská 2, 911 50 TRENČÍN*

**2-U-008**

**STUDENT DISCIPLINARY RULES  
OF PROCEDURE OF ALEXANDER  
DUBČEK UNIVERSITY OF TRENČÍN**



Effective as of:	25. 01. 2018
Drafted by:	Rector of TnUAD
Developed	PVV
	TnUAD Academic Senate

# **Student Disciplinary Procedures of Alexander Dubček University of Trenčín**

## **Article 1 Introductory Provisions**

1. Student Disciplinary Procedures of Alexander Dubček University of Trenčín (hereinafter referred to as "TnUAD Disciplinary Procedures") pursuant to Act 131/2002 Coll. on higher education and on amendment to certain laws as amended (hereinafter referred to as the "Act") regulates the status and activities of Alexander Dubček University of Trenčín's Student Disciplinary Board (hereinafter only "TnUAD Disciplinary Board") and of the disciplinary boards of its faculties, procedures for dealing with disciplinary offences committed by students of Alexander Dubček University of Trenčín (hereinafter only "TnUAD"), as well as procedures to be followed when imposing disciplinary measures.
2. Disciplinary procedures shall apply to all TnUAD students.
3. If the faculty decides that, due to their own conditions, it needs a more thorough regulation of the TnUAD Disciplinary Procedures; such faculty may publish their own disciplinary procedures. In all other cases, the faculties shall follow these Disciplinary Procedures.

## **Article 2 Disciplinary Offence**

1. A disciplinary offence means any action of infringement of the legislation or internal TnUAD regulations or the components thereof, or the public policy. (Sect. 72(1) of the Act).
2. A disciplinary offence may, determined by the magnitude of wilful action, be either by negligence, or intentional.
3. A disciplinary offence is committed by negligence if the student:
  - has had a prior knowledge of the fact that his or her action may cause a violation of the regulation in paragraph 1; yet, in the absence of adequate reasons, he or she was hoping for the contrary,
  - has been ignorant of the fact that his or her action may violate the regulation referred to in paragraph 1 despite the fact that, with regard to the situation and his or her personal circumstances, he or she should have and could have had a knowledge thereof.
4. A disciplinary offence is committed intentionally, if the student:
  - thus acting purported to violate the regulation referred to in paragraph 1,
  - has had knowledge of the fact that such action may violate the regulation referred to in paragraph 1, and has been advised of such eventuality.
5. A disciplinary offence is in particular:
  - (a) any action committed by the student that has taken advantage of the social assistance system for the ends other than the designated purpose, or has taken advantage thereof regardless of not being entitled thereto, or has otherwise abused this means of support,

- b) violation of the student's obligations arising from decisions of TnUAD academic authorities or faculties thereof, from the generally binding regulations, internal regulations of TnUAD and its components,
  - c) disrespectful action or other damage caused to other TnUAD students or employees,
  - d) violating good reputation or credibility of TnUAD or its faculties,
  - e) fraud committed in relation to academic or scientific activity,
  - f) committing a publicly disgraceful act or behaving contrary to good morals,
  - g) actions employing violence against another TnUAD student, employee, or visitor,
  - h) theft or damage to the property owned, administered, rented or leased by TnUAD, or to the property of persons (natural or legal entities) for which TnUAD is responsible,
  - i) intentional crime for which the student has been duly sentenced,
  - j) production of audio or video recording of the pedagogical process without the teacher's knowledge and consent,
  - k) refusing to provide information and facts critical to the payment of tuition and fees and charges related to studies, pursuant to sect. 71(3)(b) of the Higher Education Act, or providing false or incomplete information,
  - l) failure to pay tuition and fees and charges related to studies,
  - m) consuming alcoholic beverages, other psychotropic or addictive drugs, or violation of Act 377/2004 Coll. concerning the protection of non-smokers and on amendments to other laws as amended while in the TnUAD's academic premises.
6. Disciplinary offence shall be statute-barred upon the lapse of one year from the date of its commission. Period of limitation shall be suspended during the actions on disciplinary offence, as well as during the suspension of studies.

### **Article 3 Disciplinary Measures**

1. Students may be subject to the following disciplinary measures after committing a disciplinary offence:
  - a) censure,
  - b) conditional exclusion from study with determination of the period and conditions which, if complied with, might suspend conditional exclusion from study,
  - c) exclusion from study.
2. Under the provision of paragraph 1(a) of this article, the student may be censured for committing a less severe disciplinary offence or a disciplinary offence committed due to negligence.
3. In the case of conditional exclusion from study pursuant to paragraph 1(b) of this article, a time period and conditions shall be determined which, when complied with, shall suspend conditional exclusion. This measure takes into consideration the severity of disciplinary offence. The length of conditional exclusion from study shall be two months to one year. If, prior to the completion of this period, the student commits another offence, including a less severe offence, the student may be excluded from study pursuant to paragraph 1(c)

of this article. Decision to impose disciplinary measure of conditional exclusion from study pursuant to paragraph 1(c) shall include at the same time also the revocation of the decision on conditional exclusion from study. Period of conditional exclusion begins on the day following the effective date of the decision to impose disciplinary measure.

4. If the student has complied with the terms and conditions of conditional exclusion during the whole length of the probation period and has apparently corrected his or her actions, the rector or dean shall cancel conditional exclusion. If the student fails to abide by the mentioned terms and conditions, the Rector or the Dean shall issue a decision cancelling conditional exclusion and at the same time shall decide on exclusion of the student from further studies, provided that the programme of study is offered at the faculty. If the Rector or the Dean does not issue such decision within 30 days following the termination of the probation period, the student shall be deemed as having apparently corrected his or her actions, and the conditional exclusion shall be deemed cancelled.
5. Students may be excluded from study if:
  - a) the student has intentionally committed a serious disciplinary offence,
  - b) the student has repeatedly committed disciplinary offence,
  - c) the student has been duly sentenced for having committed a criminal offence,
  - d) during the period of conditional exclusion from study the student has committed another disciplinary offence.
6. Determination of disciplinary measures shall take into account the character and gravity of the disciplinary offence, circumstances under which the offence has been committed, magnitude of fault, consequences of disciplinary offence, as well as the history of the student's conduct.
7. Procedures to impose disciplinary measures are governed by Article 5.

#### **Article 4 Disciplinary Board**

1. TnUAD Disciplinary Board is established in compliance with section 13 of the Act, acting as TnUAD's academic authority pursuant to section 7(d) therein.
2. TnUAD Disciplinary Board deals with disciplinary offences of those students who are not enrolled in any study program offered at the TnUAD faculties. Petition to impose a disciplinary measure shall be submitted to the Rector. Faculty disciplinary board shall deal with disciplinary offences committed by those students who are enrolled in study programmes offered at the faculty. The board shall submit to the Dean of the faculty a proposal to impose a disciplinary measure.
3. TnUAD Disciplinary Board shall deal with requests of students for review of the Dean's decision to apply disciplinary measures.
4. Disciplinary Board shall comprise 6 members. One half of the members shall be TnUAD students. The other half shall comprise TnUAD academic staff.
5. Rector of TnUAD shall appoint members of TnUAD Disciplinary Board from among academic members following the TnUAD Academic Senate's approval. Dean shall appoint members and chairperson of the faculty's disciplinary board from among its academic

staff, following an approval by the faculty's Academic Senate. All board members shall have equal votes at elections.

6. Membership in Disciplinary Board is honorary. Board members may not be substituted at the performance of their board duties. Board member's term of office shall begin on the date of his or her appointment by the Rector/Dean, and shall be three years. The same person may also be repeatedly appointed to act as a Disciplinary Board's member.
7. Membership in Disciplinary Board shall expire on:
  - a) termination of the member's term of office,
  - b) written resignation from membership,
  - c) date of termination of membership in the academic community,
  - d) member's removal,
  - e) member's death.
8. Activities of Disciplinary Board shall be governed by its Rules of Procedure approved by TnUAD/Faculty Academic Senate upon Rector's/Dean's petition.
9. Persons of the academic student community who are not enrolled in doctoral study programmes may ask the TnUAD Rector through a written request filed before the ordinary date of study termination to suspend their membership in TnUAD Disciplinary Board. Membership shall be suspended from the day following the date of the person's ordinary termination of his studies. Membership shall be renewed on the date of the person's renewed position as part of the TnUAD student academic community.

## **Article 5**

### **Imposition of disciplinary measures**

1. Petition to impose disciplinary measures, containing the reason for its submission, may be submitted to the Rector or Dean, in case of a student enrolled in a programme of study offered at the faculty, by any member of TnUAD academic community, as well as by any employee not being part thereof, in writing. The petition must not be anonymous.
2. Application or petition to initiate disciplinary action must contain the following:
  - a) personal data (name, surname, date of birth, faculty and programme of study) of the student presumed to have committed the offence,
  - b) exact description of the student's conduct considered as a disciplinary offence, together with the mention of pertinent terms and conditions that have been violated, including the time and place when and where the alleged offence has been committed,
  - c) evidence on which the application is based,
  - d) reasons as to why the action is deemed a disciplinary offence,
  - e) response of the student, if such has been submitted within the prescribed deadline,
  - f) proposal as to which disciplinary measure should be imposed on the student.
3. Chairperson of the Disciplinary Board shall dismiss petition to initiate a disciplinary action if the petition fails to comply with the requisites set forth by article 5, paragraph 2 of these procedures. Chairperson of the Disciplinary Board shall without delay inform the petitioner of the petition's dismissal.
4. Disciplinary action held before Disciplinary Board shall be in oral form and not open to the public, with the secured presence of the student who has committed the disciplinary offence; if the student fails to appear before Disciplinary Board without a written justification of his or her absence, Disciplinary Board may proceed also in that student's

absence. Chairperson of the Board may invite to the meeting also other persons, if necessary.

5. As stated in article 3, it is the Rector who, upon proposal by TnUAD Disciplinary Board, imposes disciplinary measures. Dean, upon proposal by TnUAD Faculty Disciplinary Board, imposes disciplinary measures on the students enrolled in study programmes offered by the faculty. (sect. 31 of the Act) Rector/Dean cannot impose more stringent disciplinary measures than those proposed by Disciplinary Board. In case of a less severe offence and if assumptions can be made that the mere attention given by Disciplinary Board to the offence might lead to the student's correction, Rector or Dean of faculty may decide not to impose disciplinary measures, or to impose a disciplinary measure less severe than the one proposed by Disciplinary Board.
6. Rector/Dean shall decide on imposition of disciplinary measures on the basis of a proposal by Disciplinary Board, not later than 30 days following the submission of the proposal for decision.
7. Decision to impose disciplinary measures shall be in writing and must contain the following:
  - a) verdict,
  - b) justification,
  - c) instruction as to the possibility to apply for a review of the decision, stating the period and the authority pertinent to deal with the application, and the decision-making authority,
  - d) filing number of the decision and the date of its issue,
  - e) official seal,
  - f) signature of Rector/Dean.
8. Service of the decision to impose disciplinary measures shall be governed by Article 8 of these procedures.
9. One copy of the final decision to impose disciplinary measure shall be stored in the student's personal file.
10. Disciplinary Board may rule on suspending disciplinary action, if it is demonstrated that:
  - a) disciplinary offence did not occur, or the currently processed act of the student does not constitute an offence,
  - b) disciplinary offence has not been committed by the student,
  - c) the author of the offence has ceased to be a student.
11. Chairperson of the Disciplinary Board shall without delay inform the petitioner of suspension of the action.

## **Article 6**

### **Review of the Decision to Impose Disciplinary Measure**

1. Student on whom a disciplinary measure has been imposed may file a written request to review the decision. (hereinafter only "request") The request shall be submitted before the authority issuing the appealed decision (hereinafter only "decision"), not later than eight days following the date of its service. Authority issuing the decision shall be entitled to amend or repeal it. If the request is not accepted, it shall be forwarded to the Rector within the following seven working days. Rector shall be forwarded

the entire file including the minutes of meeting and the authority's own opinion on the request for review. Once lodged, the request shall have a suspensive effect.

2. TnUAD Rector shall review the request along with the faculty Dean's decision after it has been dealt with by TnUAD Disciplinary Board. If the decision is in conflict with the law or TnUAD's internal regulations or a part thereof, Rector shall amend or repeal the decision. Otherwise, Rector shall dismiss the request and confirm the decision. TnUAD Rector shall issue a final decision not later than 30 days from the receipt of the request to review decision.
3. If Rector has been the authority which made the decision to impose disciplinary measure upon the proposal of TnUAD Disciplinary Board, Rector alone may approve the request and amend or repeal the decision. If the Rector does not approve the request, he shall forward it to the TnUAD Academic Senate (hereinafter only "AS TnUAD"). If AS TnUAD learns that the decision is in conflict with the law or TnUAD's internal regulations or a part thereof, it shall propose to the Rector to amend or repeal the decision. Otherwise, it shall propose to the Rector to dismiss the request and confirm the decision. Rector shall undertake to issue a decision on the request not later than 30 days following its service.
4. Final decision must be served on the student into their own hands and the authority that issued it must be notified thereof.
5. An appeal may not be lodged against the final decision.

#### **Article 7 Effective date of Decision**

1. A decision which does not allow for a request for review shall come into effect.
2. A first-instance decision by Rector or Dean concerning the imposition of a disciplinary measure, and which has not been appealed against by the student's request for review, shall enter into effect on the lapse of 8 days, pursuant to article 6(1) of these procedures.
3. A second-instance decision of Rector concerning the request to review shall enter into force on the day of its service on the student.
4. If the student has been imposed a disciplinary measure - exclusion from study, then the date corresponding to the termination of study shall be the effective date of the decision to exclude from study.

#### **Article 8 Service**

1. Decision to impose disciplinary measure and the decision concerning the request to review decision to impose disciplinary measures may be served into the student's own hands against the student's signature, or via registered post to the address of the student's permanent residence or address for correspondence.
2. Decision may be received also by a person who documents their entitlement to receive documents in post through showing a power of attorney thereto and in the recipient's stead, in compliance with the relevant postal policies.

3. If the addressee declines to receive the documents, the date of such decline shall be deemed the date of service of documents.
4. If the addressee fails to pick up the documents containing the decision even within the extra storage period of 18 days at the post office, and the documents are consequently returned to the sender with the note "addressee not present", another attempt to serve the decision shall be made. If, notwithstanding the second attempt to serve the documents, the documents are impossible to be served, the date of repeated return of the documents to the sender shall be deemed the date of service.
5. If, even within the storage period of 18 days at the post office, the addressee fails to receive the sent documents along with the decision at the address that he or she previously provided and the sent documents are returned to the sender with the note "unknown addressee" or "addressee does not reside at the address provided", then the date of the return of the documents to the sender shall be deemed the date of service.

### **Article 9 Execution of Imposed Disciplinary Measure**

1. Disciplinary measure shall, pursuant to article 3(1)(a through c) be executed in the following manner:
  - a) effective decision to impose disciplinary measure shall be posted on the official notice board of TnUAD Rector's Office or faculty Dean's Office for 15 days,
  - b) Admission Office of the corresponding faculty shall make a record into the student's personal documentation concerning the disciplinary measure's effective date.

### **Article 10 Final Provisions**

1. Decisions made in accordance with these disciplinary procedures shall follow pertinent legal provisions.
2. Disciplinary actions initiated before the effective date of these Disciplinary Procedures shall be governed by TnUAD Disciplinary Procedures effective on 02. 2015.
3. These Disciplinary Procedures were approved by TnUAD Academic Senate on 24. 01.2018. They enter into force on the date shown herein, and become effective as of 25. 01. 2018.
3. Effective date of these Disciplinary Procedures shall cause Student Disciplinary Procedures approved by AS TnUAD on 19. 02. 2015 to be repealed.

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Rector of TnUAD

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