


According to sec. 36 (2) Act No. 111/1998 Sb., Higher Education Act and changes and other amendments (Higher Education Act) of 17<sup>th</sup> October 2017 under čj. MSMT-28266/2017, the Ministry of Education, Youth and Sports registered The Code of Discipline of Institute of Technology and Business in České Budějovice,

<b>Internal regulation of the Institute of Technology and Business in České Budějovice</b>					
<b>THE CODE OF DISCIPLINE OF INSTITUTE OF TECHNOLOGY AND BUSINESS IN ČESKÉ BUDĚJOVICE</b>					
<b>Date of issue:</b>	17 / 10 / 2017	<b>Valid from:</b>	17 / 10 / 2017	<b>Valid until:</b>	revocation
<b>File number:</b>	MSMT-28266/2017	<b>Pages:</b>	5	<b>Number of attachments:</b>	2
<b>Information on changes</b>	-				
<b>Repealed regulations</b>	The Code of Discipline of Institute of Technology and Business in České Budějovice of 29. 7.2013 (č. j. MSMT-31537/2013-30)				
<b>Superior regulations</b>	Act No. 111/1998 Sb., Higher Education Act on changes and amendments (Higher Education Act) as amended ITB statute (Article 18, Attachment No. 2 – Article 13)				
<b>Related regulations</b>	-				
<b>Subordinate regulation</b>	-				
<b>Distribution list</b>	ITB students, Disciplinary committee of ITB, Study department and Department of the deputy director for educational activities				
					
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<b>Signature:</b>		<b>Signature:</b>	doc. Ing. Marek Vochozka, MBA, Ph.D., m.p.		
<b>Signature on behalf of MŠMT</b>	Mgr. Karolína Gondková, m.p. the director of University unions				

## **THE CODE OF DISCIPLINE OF INSTITUTE OF TECHNOLOGY AND BUSINESS OF 17<sup>TH</sup> OCTOBER 2017**

According to sec. 9 (1) (b) Act No. 111/1998 Sb., Higher Education Act its changes and other amendments (Higher Education Act) as amended, (hereinafter ‘the Act’), the Academic Senate of Institute of Technology and Business in České Budějovice decided upon this Code of Discipline for students of Institute of Technology and Business in České Budějovice as its internal regulation pursuant to sec. 17 (1) (i) of the Act.

### **Article 1 Initial provisions**

The Code of Discipline for students of Institute of Technology and Business in České Budějovice (hereinafter ‘the Code’) governs disciplinary delicts committed by students of Institute of Technology and Business in České Budějovice (hereinafter ‘ITB’), disciplinary proceedings and the imposition of penalties.

### **Article 2 Disciplinary delict**

According to sec. 64 of the Act, a disciplinary delict is an intended violation of obligations stipulated by the legislation or internal regulations of ITB.

### **Article 3 Penalties**

- (1) Penalties may be imposed in a form of:
  - a) Warning
  - b) Conditional expelling from studies with an imposed term and conditions to provide the satisfaction
  - c) Expelling from studies(Hereinafter ‘penalties’)
- (2) The imposition of penalties considers the nature of the conduct in which the disciplinary delict was committed, the circumstances in which it was committed, the following consequences, the degree of fault, the previous conduct of the student who committed the disciplinary delict and his/her effort to remedy the consequences.
- (3) The imposition of penalties may be abandoned if the consideration of the disciplinary delict itself leads to correction, including without limitations if the disciplinary delict was committed in negligence, or a less serious disciplinary delict is to be dealt with.
- (4) Penalties in a form of a warning may be imposed only for a disciplinary delict committed in negligence, or a less serious disciplinary delict is to be dealt with. The warning is either held in private and is issued only to the student or public and is held public during 30 days on the official notice board of ITB.

- (5) Penalties in a form of conditional expelling from studies may be imposed only when all conditions for imposing the penalty in a form of expelling from studies are fulfilled and if a disciplinary delict committed in an extremely deplorable manner excluded or if the student expressed a deep regret and it can thereby be expected that he/she will not commit another serious disciplinary delict again. Terms and conditions to meet the satisfaction of the conditional expelling from studies are stipulated according to the degree of the seriousness of the disciplinary delict; this term equals to no less than a period of six months and does not exceed three years. If the student commits another disciplinary delict within this term, subject to a less serious disciplinary delict committed in negligence, he/she will be expelled.
- (6) Penalties in a form of expelling from studies may be imposed only for an indented serious disciplinary delict.
- (7) Penalties in a form of expelling from studies are publicly accessible and are made public for 30 days on the official notice board of the university.

#### **Article 4 Disciplinary Committee**

- (1) The accusation of the committed delict is considered by the Disciplinary Committee of ITB (hereinafter 'the Committee').
- (2) The Committee consists of four members while its chairman is at the same time a committee member. The half of the committee is comprised of students. One academic worker and one student constitute substitute members (hereinafter 'a substitute') of the Committee.
- (3) Committee members and its substitutes are appointed by the rector from members of the academic community of ITB; the rector appoints and relieves them of the position with the approval of the Academic Senate of ITB. When establishing the committee, the rector heeds the principle of the continuity of its activities.
- (4) According to sec. 13 (1) of the Act, the Committee chairman is elected and relieved of the position from the Committee members by the Committee of ITB separately.
- (5) The Committee members are in the office for two years.
- (6) Members and substitutes are obliged to participate in the Committee's meetings upon invitation. If it is known that a committee member cannot participate in the meeting, the chairman invites a relevant substitute so that the parity constitution of the Committee is preserved. The substitute has same rights and obligations as other members of the Committee at the meeting at which he/she was invited.
- (7) The Committee meeting is presided by the chairman. Administrative elements related to the meeting are provided by the director of the study department.
- (8) The Committee is competent to make decisions only if the majority of its members are present. If students do not constitute one half of the present members, the meeting may be adjourned upon a proposal of one of the Committee members. The decision is made if the majority of the present Committee members have expressed its approval. The meeting of the Committee is summoned by its chairman. The report from the meeting of the Committee is delivered by the chairman and same applies to the Committee's voting.

**Article 5**  
**The commencement of the disciplinary proceedings**

- (1) The disciplinary proceedings are held in the premises of ITB. The disciplinary proceedings are initiated by the disciplinary committee upon rector's proposal.
- (2) The proposal shall contain elements of the delict, relevant evidence and grounds why the act in question is considered a disciplinary delict.
- (3) The disciplinary proceedings commence on the date when the student (hereinafter 'the Student') accused of the delict was served with a copy of rector's proposal.
- (4) The rector is entitled to discontinue the proceedings before making the decision any time; if an event preventing the consideration of the disciplinary delict arises, or circumstances stipulated in sec. 69 (2) of the Act are revealed, the rector is obliged to discontinue the proceedings.
- (5) The disciplinary proceedings may be held only within one year from the committing of a disciplinary delict or from the legal power of the convicting judgment in a criminal case. The term of one year does not include the period in which the accused person is not a student.
- (6) The commencement of the disciplinary proceedings, meetings of the Committee and its decision making are depicted in Attachment No.1.

**Article 6**  
**Consideration**

- (1) The chairman summons a committee meeting immediately after the disciplinary proceedings have commenced. The consideration is held so that the Committee decides upon the proposal within 1 month following its first meeting.
- (2) The student shall be invited to all meetings of the Committee. The student is entitled, subject to the voting, to be present at meetings of the Committee, to propose and submit evidence, express his/her opinion on files served for the meeting, to inspect the files and, subject to the report on voting, to inspect the report on the meeting of the Committee and to make notes from that report.
- (3) The student is entitled to choose his/her authorized representative based on the officially verified power of attorney. The student is obliged to inform the Committee about this circumstance in no less than 3 days before the meeting of the Committee is held.
- (4) The Committee may decide that the case will be considered in absence of the student in the event that neither the student, nor his/her authorised representative appeared without a proper apology. The apology shall be issued in writing.
- (5) A committee member or a substitute is expelled from considering the case if he/she is suspected of bias in regard to his/her relation to the case, student or authorised representative.
- (6) The Committee is obliged to examine all submitted evidence and to consider the case so that it is proved beyond all doubts that the student committed a disciplinary delict.

- (7) Upon the consideration, the Committee makes a decision upon the proposal so that the rector:
- a) Discontinues the disciplinary proceedings; or
  - b) Decides that the student committed a disciplinary delict and withdraws from imposing penalties; or
  - c) Decides that the student committed a disciplinary delict and imposes penalties on him/her; or
  - d) Decides that the student committed another disciplinary delict and expels him/her from studies

The proposal drawn up by the Committee shall involve a proposal for penalties including its term, form and conditions.

- (8) The Committee shall announce the proposal if the student is present; otherwise it shall be recorded only in the files.

#### **Article 7 Rector's resolution**

- (1) The resolution in the disciplinary proceedings is approved by the rector according to the Committee's proposal within seven days after he/she received it.
- (2) The rector may remit the case for further examination if further clarification is required. If the Committee proposes to discontinue the proceedings, this proposal is binding on the rector.
- (3) The rector may impose penalties proposed by the Committee, a less severe penalty or withdraw from any imposition.
- (4) Rector's resolution is executed in writing and includes a ruling on the identification of the disciplinary delict and imposition or withdrawal from penalties, or a ruling to discontinue the disciplinary proceedings. The resolution also includes grounds and advice on the possibility to appeal.

#### **Article 8 Appeal proceedings against the resolution**

- (1) The student is entitled to appeal within 30 days after rector's resolution was served on him/her. The appeal shall be filed via rector's office. The admissible appeal filed in due time has a suspensive effect.
- (2) Delayed or inadmissible appeal is rejected by the rector.
- (3) If the rector concludes that the challenged resolution is conflict with the legislation or internal regulation of ITB, he/she:
  - a) rejects the challenged resolution or its part and discontinues the proceedings;
  - b) rejects the challenged resolution or its part and remits the case to the Committee for reconsideration; grounds of this resolution shall include rector's legal opinion which is binding on the Committee while reconsidering;
  - c) Changes the challenged resolution or its part; the change may not be implemented if the student suffers injury of losing the possibility to appeal. In the

event of defects concerning the grounds of the agreed resolution, the rector shall change the resolution only in this specific part.

- (4) Should not the rector find any reason for the appeal proceedings according to Article 3, the appeal is rejected and the challenged resolution is adopted.
- (5) The rector shall pass the resolution in the appeal proceedings without delay or, if it cannot be passed without delay, he/she shall pass it within the term stipulated by law.
- (6) The appeal proceedings are depicted in Attachment 2.

### **Article 9 Resolution service**

The announcement of rector's proposal according to Article 5, 3<sup>rd</sup> paragraph, the invitation to the meeting of the Committee according to Article 6, 2<sup>nd</sup> paragraph and rector's resolution under Article 7 are served on the student via the public data network into the data box. If a document cannot be served in this way, it shall be delivered into recipient's own hands or into such person who was authorised by the power of attorney in writing with an officially verified signature by the recipient to receive the document. If a document cannot be served for the reason that the student failed to perform his/her obligation provided in sec 63 (3) (b) of the Act, or the document fails to be served to the mailing address reported by the student, the document will be served by a public notice; ITB is not obliged to provide the student with a custodian.

### **Article 10 Attachments**

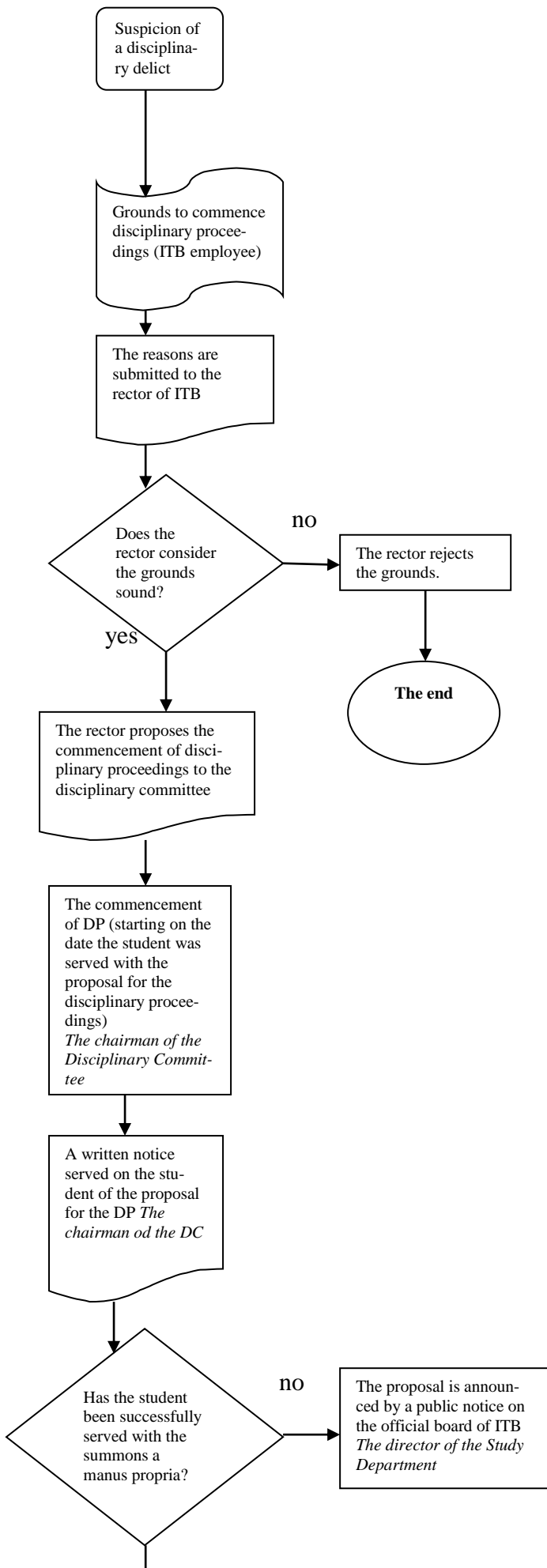
This Code contains the following attachments:

- a) Attachment No. 1 – The algorithm of the disciplinary proceedings
- b) Attachment No. 2 – The algorithm of appeal proceedings

### **Article 11 Final provisions**

- (1) The Code of Discipline for students of ITB laid down by the Ministry of Education, Youth and Sports of 29<sup>th</sup> July 2013 under MSMT-31537/2013-30 is hereby lifted.
- (2) This Code was approved pursuant to sec. 9 (1) (b) (3) of the Act by the Academic Senate of ITB on 30<sup>th</sup> May 2017.
- (3) In accordance with sec. 36 (4) of the Act, this Code comes into force on the date of its establishment by the Ministry of Education, Youth and Sports.
- (4) This Code comes into effect on the date of its force.

doc. Ing. Marek Vochozka, MBA, Ph.D., m. p.  
rector



yes

The commence-  
ment of DP

1

Oral hearing on the delict

Examination of the  
elements of the  
delict.

Did the  
student appear  
on meeting?

The case is considered in  
the presence of the  
student/authorised repre-  
sentative.

Did the Commit-  
tee receive  
student's apolo-  
gy?

Was the apology  
regarded as accepta-  
ble?

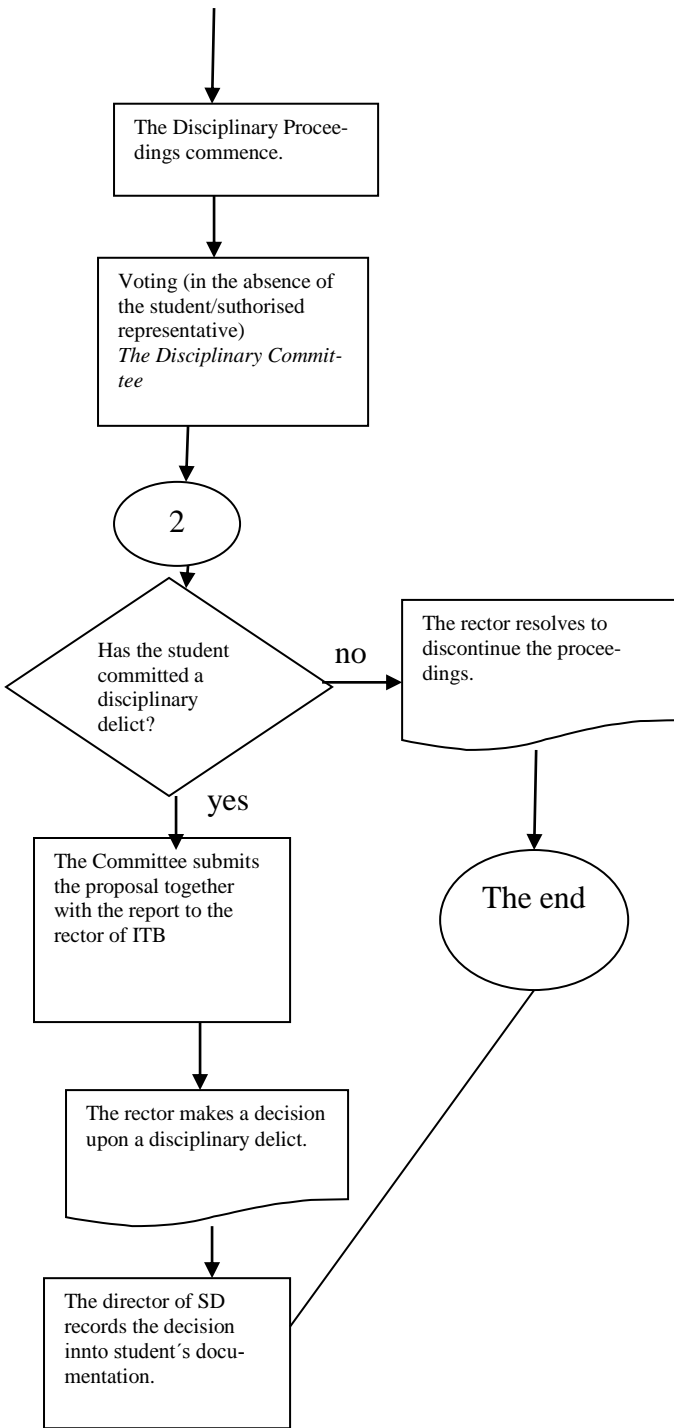
no

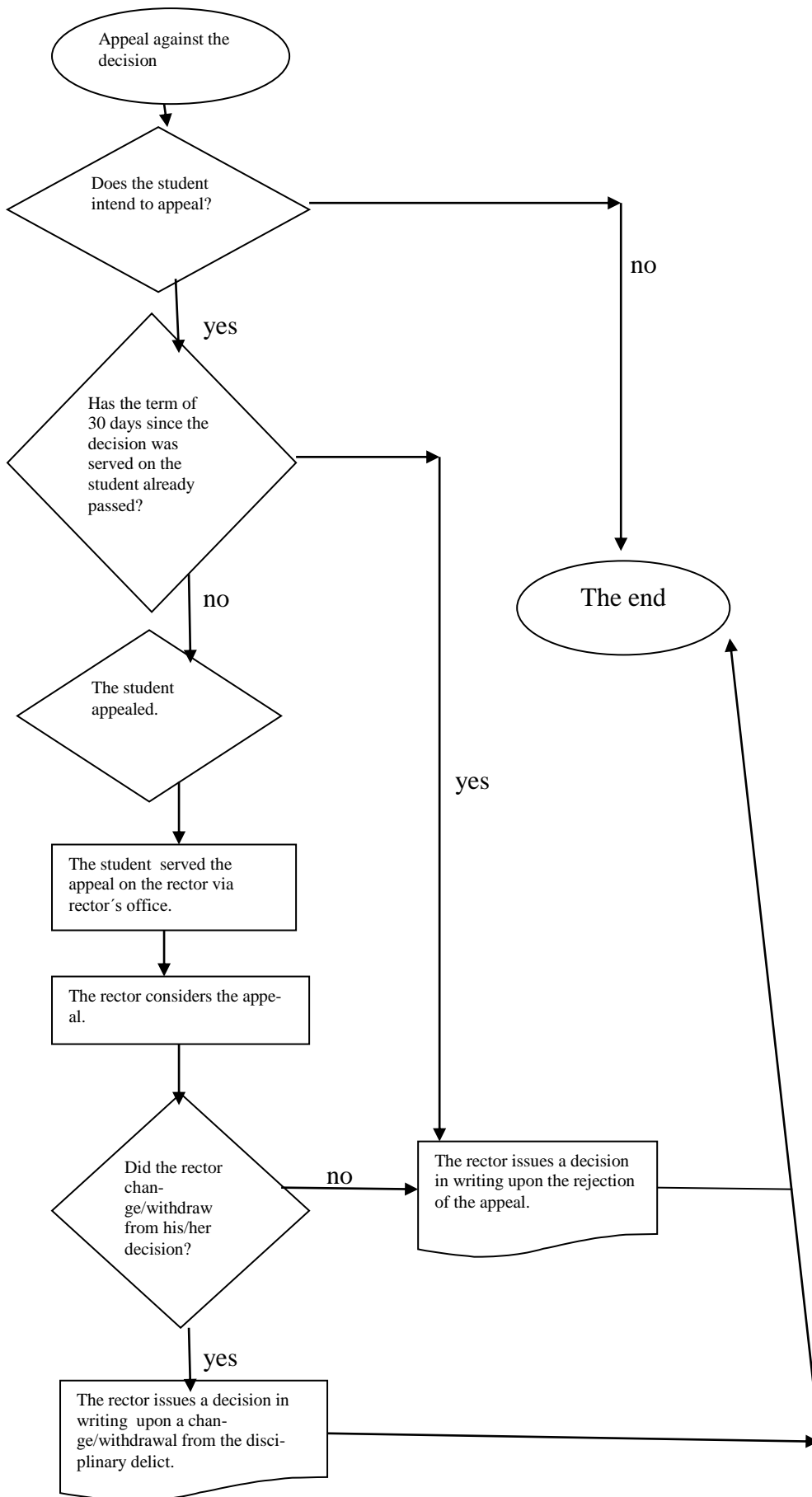
The case is considered in the absence  
of the student/authorised representa-  
tive.

yes

no







Abbreviations:

ITB – Institute of Technology and Business in České Budějovice

DP – Disciplinary proceedings

DC – Disciplinary Committee

SD – Study department