

On, the Ministry of Education, Youth and Sports registered, under section 36 (2) and (4) and section 41 (2) of Act No. 111/1998 on Higher Education Institutions and on Amendments of Other Acts (Act on Higher Education Institutions), the Disciplinary Regulations of Vysoká škola finanční a správní, a.s., under the ref. No.....

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Mgr. Karolína Gondková

Head of the Department of Higher Education Institutions



Disciplinary Regulations

Vysoká škola finanční a správní, a.s.

Praha

2017

Article 1
Introductory Provisions

1. The breach of duties caused by a person which are set in legal regulations or internal regulations of Vysoká škola finanční a správní, a.s. (hereinafter “VŠFS”) and any conduct caused in contradiction with good manners that harms a good reputation of VŠFS is regarded as an offence. It is possible to impose a sanction for such an offence.
2. The following is considered as a serious disciplinary offence:
 - a) cheating, copying or any unauthorised cooperation when fulfilling study duties,
 - b) submitting someone else’s work as your own, mainly using a part of someone else’s work without due references or using a literal part of someone else’s work without visible quotations,
 - c) submitting the same or mildly altered work in order to fulfil study duties without a prior assent of at least one of the course teachers who is supposed to accept the work
 - d) rough oral or physical aggression of a student towards a member of the academia or VŠFS employee

Article 2
Sanctions and Their Imposing

1. The following are the sanctions imposed:
 - a) reprimand,
 - b) conditional exclusion from studies while stating the date and conditions of readmission,
 - c) exclusion.
2. Sanctions are imposed while taking into consideration the nature of misconduct that caused a disciplinary offence, the circumstances under which it happened, the consequences caused, a degree of fault, as well as the conduct to date of a student who has committed the offence and his/her demonstrated effort to correct the consequences. A student may be excluded from studies only if he/she committed the offence intentionally.
3. It is possible to refrain from imposing the sanction if the discussion of the offence results in its correction.
4. The sanction of reprimand may be imposed only in case of less serious disciplinary offences or such caused through negligence.
5. The sanction of exclusion may be imposed only for a serious intentional disciplinary offence.
6. The sanction of a conditional exclusion from studies may be withdrawn only if the conditions for re-admission are fulfilled, the student has shown a sincere regret and it is reasonably expected that he/she will not commit a further serious disciplinary offence. If the sanction of a conditional exclusion from studies is imposed, then the decision has to state a condition that the student is not allowed to commit any further disciplinary offence within the given period (otherwise final exclusion is imposed), except for a less serious disciplinary offence committed through negligence. The period of a conditional exclusion is determined based on the degree of seriousness of the offence and it is not supposed to be shorter than six months and longer than a year.

7. Any student who was admitted to studies on the basis of his/her fraudulent conduct will be excluded from studies.
8. Any effective decision on imposing the sanction will be put in the IS of VŠFS anonymously and will contain the statement of the decision and substantiation, which clearly shows the legal opinion of the VŠFS body issuing the decision and its reasons.

Article 3 **Commencement of the Disciplinary Procedure**

1. A disciplinary procedure is commenced by the disciplinary committee upon the proposal of the Chancellor. The proposal to commence a disciplinary procedure is submitted by the Chancellor on the initiative of a VŠFS employee or student through the secretariat of the Rector or on the Chancellor's own initiative. The proposal to commence the disciplinary procedure contains description of the act, suggested evidence supporting it, as well as giving reasons why the act is considered as a disciplinary offence.
2. The disciplinary procedure is commenced on the day on which the student obtains the notice on the commencement of the disciplinary procedure and the copy of the proposal according to article 1.
3. The disciplinary offence cannot be negotiated if one year passed from the day when the act was committed or from the day when the sentence of the offence became legally effective. The period of one year does not involve the time when the person concerned was a student.

Article 4 **Meetings of the Disciplinary Committee**

1. The disciplinary committee is an independent academic body of VŠFS which negotiates disciplinary offences of VŠFS students. The structure of the committee is determined in article 8 of the VŠFS Statute.
2. A meeting of the disciplinary committee is called by its chairperson. It should be held no earlier than 14 days from the day on which the notice of the commencement of the procedure was delivered to the student concerned.
3. Members or their substitutes are obliged to participate in meetings of the disciplinary committee to which they were invited.

If the fact that any member of the committee is not going to participate is known in advance, then the chairperson of the committee shall invite a relevant substitute so that the parity representation of the committee is maintained. During the meeting to which he or she was invited, the substitute has the same rights and duties as a committee member.

4. The committee constitutes the quorum if the majority of its members attends the meeting. In case of uneven representation of academic employees and students, then the chairperson may adjourn the meeting based on the proposal of a committee member or the student whose offence is to be negotiated (hereinafter only the accused). The decision of the committee is accepted if a majority of the attending members voted for it. The records on the voting are taken and signed by all the committee members.

Article 5 Negotiation of the Disciplinary Offence

1. The accused shall be invited by the committee to negotiate the disciplinary offence. An invitation to the oral meeting shall be delivered to the own hands of the accused, usually no later than five days before the meeting. The accused has the right to attend the committee meeting personally, except for the committee voting. The accused has also the right to propose and submit any evidence, to express his/her opinion on all the materials of the meeting, to review all the written materials, except for the records on the voting, and to review the minutes of the committee negotiation. The accused has the right to make excerpts from all of the above mentioned.
2. The accused may authorize his/her representative. The authorization to represent the student is substantiated through the power of attorney. The power of attorney may be also granted orally during the meeting of the disciplinary committee. The authorised person has the rights stated in article 1.
3. The disciplinary committee may decide to hold the meeting in absentia only in the case that neither the accused or his/her authorised representative has appeared on the meeting without giving any due excuse or substantial reason, even though he/she was duly invited. The excuse must be in writing or sent through the IS of VŠFS and must be delivered to the chairperson of the disciplinary committee no later than one day before the committee meeting is held.
4. If it is possible to hold the meeting in absentia or with an authorised representative according to article 1, and it is also possible to hold the meeting if the committee finds that the accused cannot attend it due to the reasons related to his/ her disciplinary offence which is to be negotiated - mainly a custody or imprisonment where the accused is in danger of being excluded or excluded conditionally. In such cases the meeting has to be attended by an academic defendant selected from the VŠFS academia members and appointed by the Rector. The academic defendant is obliged to defend the accused until the accused himself/herself does not choose his/ her authorised representative or until he/she does not appear to attend the meeting. The authorised defendant has the rights stated in article 1. The student has to be informed immediately on the appointment of an academic defendant.
5. The disciplinary committee is obliged to review the necessary material and negotiate the matter so that it can be discovered without any doubt if the accused has committed a disciplinary offence. The meeting of the committee should be held in such a way that the committee is able to propose a sanction, usually no later than 30 days from its first meeting.
6. After the offence is negotiated, the disciplinary committee makes a proposal to the Chancellor
 - a) to announce the decision in which the Chancellor finds the accused guilty from committing a disciplinary offence and to impose a sanction according to article 2, paragraph 1, or to withdraw the sanction, or to
 - b) stop the disciplinary procedure because the accused did not commit the offence, or it was not possible to prove it, or the accused stopped being a student.In its proposal the disciplinary committee will state the recommendation as well as its substantiation.

7. The committee will announce to the accused or his/her authorised representative attending the meeting the decision according to article 6.
8. Minutes of the negotiation are taken and they are signed by the committee Chairperson and the minutes clerk designated by the Chairperson. The minutes represent a part of the documentation. The documentation and the proposal for the decision are submitted to the Chancellor.

Article 6 Decision

1. The decision on the disciplinary procedure is issued by the Chancellor upon the basis of the committee's proposal, usually no later than seven days from the day on which the committee's proposal was delivered to the Chancellor. If the committee does not reach a consensus according to article 5, paragraph 5, within 30 days from its first meeting, it is the Chancellor who makes a decision without the committee's proposal. The Chancellor may use the findings of the committee.
2. Before making a decision, the Chancellor may recommit the matter for further negotiation, if he/she finds it essential for due clarification of the matter.
3. The Chancellor may impose a sanction proposed by the committee, or impose a more moderate sanction. Alternatively, he/she may stop the procedure for the reasons stated in Article 5, paragraph 6, letter b), despite of the fact that the committee proposed a sanction. The Chancellor is not allowed to impose a sanction stricter than the one proposed by the committee.
4. If the committee proposes to stop the disciplinary procedure, the Chancellor will do so, unless having serious doubts about correctness of such an action. If that is the case, the Chancellor will recommit the matter with his/her substantiation for re-negotiations. If the committee persists in making its original proposal, the Chancellor is bound by this.

Article 7 Appeal

1. The Chancellor's decision on imposing a sanction according to article 2, paragraph 1, contains the statement on discovering the disciplinary offence and on imposing a sanction, as well as on its substantiation and the instruction on the possibility to file an appeal.
2. The accused may file an appeal against the Chancellor's decision according to article 1 no later than 30 days from its delivery. The appeal is filed with the Rector.
3. The appeal has a suspensory effect.
4. The Rector
 - a) dismisses the appeal, if submitted late or if submitted by another person than the accused or his/her authorised representative, or
 - b) the Rector dismisses the appeal and confirms the original decision, if no reasons to proceed according to letter c) are found, or
 - c) the Rector invalidates the original decision if he/she considers the appealed decision incorrect or if the matter was not sufficiently clarified.

Disciplinary Regulations
VYSOKÁ ŠKOLA FINANČNÍ A SPRÁVNÍ, A.S.

5. The Rector changes or invalidates the decision which was made in contradiction with the law or any internal regulation of VŠFS. The decision on the disciplinary offence and on exclusion from studies is invalidated also if sufficient facts that substantiate stopping the procedure were brought to light.
6. The Rector's decision according to article 4 and 5 is ultimate. In the case stated in article 4, letter c or in article 5, the Rector may ask the committee for re-negotiations.

Article 8

1. The announcement on commencement of the disciplinary procedure according to article 3, paragraph 2, the invitation to the meeting of the disciplinary committee according to article 5, paragraph 1 and the decision according to article 6 and 7 is delivered to the student using "signed-for" mail.
2. If it is not possible to deliver the document to the student because he/she did not fulfil the duty to announce his/her correspondence address or the address of his/her mailbox to VŠFS, or if it is not possible to deliver the document to the address reported by the student, it is delivered as a public notice.

Article 9
Final Provisions

1. The Disciplinary Regulation for VŠFS students, registered with the Ministry of Education, Youth and Sports, under ref. No. MSMT - 15149/2016-2, on May 12, 2016, is cancelled.
2. This Disciplinary Regulation was approved by the Board of Directors on April 6, 2017.
3. This Disciplinary Regulation becomes valid under section 36 (4) and section 41 (2) of Act on Higher Education Institutions on the day of its registration with the Ministry of Education, Youth and Sports.
4. This Disciplinary Regulation becomes effective on September 1, 2017.

RSDr. Bohuslava Šenkýřová
Chairperson of the Board of Directors and the Rector of
on behalf of Vysoká škola finanční a správní, a.s.