

*In compliance with § 36 Paragraph 2 of Act No. 111/1998 Coll., on Higher Education Institutions and on Alterations and Amendments to Other Acts (Higher Education Act) as amended, the Ministry of Education, Youth and Sports registered the Disciplinary Code of Tomas Bata University in Zlín on 9 February 2017 under Ref. No. MSMT–3880/2017.*

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*Mgr. Karolína Gondková  
Director of Higher Education Department*

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**DISCIPLINARY CODE FOR STUDENTS  
OF TOMAS BATA UNIVERSITY IN ZLÍN  
of 9 February 2017**

*In compliance with § 9 Paragraph 1 Letter b) Clause 3 and § 17 Paragraph 1 Letter i) of Act No. 111/1998 Coll., on Higher Education Institutions and on Alterations and Amendments to Other Acts (Higher Education Act) as amended, the Academic Senate of Tomas Bata University in Zlín*

*has adopted the following Disciplinary Code for Students of Tomas Bata University in Zlín:*

**Article 1  
Introductory Provisions**

In compliance with § 17 Paragraph 1 Letter i) of Act No. 111/1998 Coll., on Higher Education Institutions and on Alterations and Amendments to Other Acts (Higher Education Act) as amended (hereinafter referred to as the “Act”), the Disciplinary Code for Students of Tomas Bata University in Zlín (hereinafter referred to as the “Code”) is an internal regulation of Tomas Bata University in Zlín (hereinafter referred to as “TBU”) and regulates the rules of the disciplinary proceeding against students in Bachelor’s, Master’s and doctoral programmes carried out by TBU faculties or by TBU itself.

**Article 2  
Disciplinary Infringement**

A disciplinary infringement (hereinafter referred to as “infringement”) is a culpable breach of duties set by legal regulations or internal regulations of TBU and its component parts. A student is thus obliged to act in compliance with the Code of Ethics for TBU Students which forms part of the TBU Statute.

**Article 3  
Sanctions**

(1) One of the following sanctions may be imposed upon a student in the event of an infringement:

- a) admonition,
- b) conditional suspension from study with probationary period and conditions,
- c) expulsion from study.

(2) The type of conduct which resulted in the infringement, the circumstances surrounding the infringement, its consequences, the degree of culpability, as well as previous conduct of the student that committed the infringement, and his/her effort to remedy the consequences shall be taken into consideration when imposing the sanctions.

(3) The sanction under Paragraph 1 Letter a) may only be imposed for an infringement resulting from negligence or a minor infringement.

(4) The sanction under Paragraph 1 Letter b) may only be imposed for an intentional infringement, provided that the student has shown genuine regret and that he/she can be reasonably expected not to commit another serious infringement in the future.

(5) In the event of conditional suspension, the probationary period and conditions must be specified; these shall be specified in accordance with the level of seriousness of the infringement; the period has a minimum of three months and a maximum of three years. In the event that the student commits another infringement within the probationary period, he/she shall be expelled from study.

(6) The sanction under Paragraph 1 Letter c) may only be imposed on a student for a serious and intentional infringement. In compliance with § 67 of the Act, a student who has been admitted to study on the basis of his/her deceptive conduct shall likewise be expelled from study.

(7) The infringement cannot be considered, if a period of one year has passed from its commitment or a lawful conviction in a criminal case. The period during which the person is not a student shall not be included in the one-year period.

(8) The sanction may be waived, if mere consideration of the case during the meeting of the disciplinary committee produces the required educational effect.

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

(1) A suspicion of an infringement shall be considered by the Disciplinary Committee of the Faculty (hereinafter referred to as the "Faculty Committee"), relevant to the student in question, or the TBU Disciplinary Committee (hereinafter referred to as the "TBU Committee"). The task of the Faculty Committee or the TBU Committee when considering an infringement is to find out the facts and consider the degree of culpability of the student.

(2) The Faculty Committee shall consider infringements committed by students enrolled on a degree course carried out by the Faculty and shall present the proposal for decision to the Dean. The TBU Committee shall consider infringements committed by students enrolled on a degree course carried out directly at TBU and shall present the proposal for decision to the Rector.

(3) The members of the Faculty Committee and the substitute members shall be selected from the members of the academic community of the Faculty and shall be appointed and recalled by the Dean upon previous approval of the Academic Senate of the Faculty. The Faculty Committee comprises six members, half of them are students of the relevant Faculty.

Another two academic staff members and two students are appointed the substitute members. The Chairperson of the Faculty Committee shall be elected from the members of the Committee and shall be recalled by the Committee.

(4) The members of the TBU Committee and the substitute members shall be selected from the members of the academic community of TBU and shall be appointed and recalled by the Rector upon previous approval of the Academic Senate of TBU. Paragraph 3 applies correspondingly to the appointment of the members of the TBU Committee, their election and recall.

(5) The term of office of the members of the Faculty Committee as well as of the members of the TBU Committee is two years.

### **Article 5**

#### **Commencement of Disciplinary Proceeding**

(1) The disciplinary proceeding shall be commenced by the Faculty Committee or the TBU Committee (hereinafter referred to as the "Committee") on the proposal of the Dean or the Rector.

(2) The proposal for the disciplinary proceeding must be submitted to the Committee in writing; it must contain a description of the act, suggested evidence on which the proposal relies, as well as the reasons for which the act is considered an infringement. In the event that the proposal does not contain the aforementioned essentials, the Chairperson of the Committee shall refer it back to the submitter for proper completion without delay.

(3) The disciplinary proceeding shall be commenced by the student getting acquainted with the proposal; which refers to the date upon which the claim form including the proposal in compliance with Paragraph 2 is served on the student by the Chairperson of the Committee.

### **Article 6**

#### **Consideration of Proposal**

(1) A meeting to consider an infringement shall be convened by the Chairperson of the Committee without undue delay after receiving the proposal.

(2) The meeting of the Committee shall be convened and presided by its Chairperson. Members are sent a written invitation to the Committee meeting, particularly by e-mail. The public shall be excluded from the meeting of the Committee and the Committee members are obliged to maintain confidentiality.

(3) In the event that a member of the Committee has reported his/her absence from the meeting, the Chairperson shall invite a relevant substitute member in order to preserve parity in the Committee composition. During the meeting to which he/she has been invited, the substitute member has the rights and responsibilities of a Committee member. The Chairperson shall proceed likewise in the event that the Committee is going to consider issues related to a student – member of the Committee.

(4) The Committee is eligible to constitute a quorum provided that two thirds of all its members are present. The Committee makes a resolution by means of secret ballot. The resolution shall not be adopted unless a majority of the Committee members that are present pronounce for it. In the event that the Committee fails to make a resolution on the sanction,

the sanction cannot be imposed by the Dean or Rector in compliance with § 69 Paragraph 1 of the Act.

(5) A student must be called up in writing to attend the Committee meeting. The claim form must be served on the student by means of a postal services provider by personal delivery or to the student's data box specified in the information system of the TBU study agenda (hereinafter referred to as "IS/STAG"). The claim form must be delivered to the student no later than two weeks before the date on which the Committee meeting shall be held. If the claim form fails to be served by personal delivery due to the fact that the student failed to report the delivery address or the data box, or if it fails to be delivered to the delivery address reported by the student, the claim form shall be delivered by means of public notice in compliance with § 25 of Act No. 500/2004 Coll. on the Rules of Administrative Procedure, as amended. The fifteenth day after posting the document in writing on the official board is considered the date of its delivery.

(6) The student is entitled to be personally present at the Committee meeting (with the exception of voting). He/she is entitled to suggest and present evidence, express his/her opinion on all the documents considered, inspect the written documents with the exception of the voting record as well as the minutes of the meeting of the Committee, and take extracts from them.

(7) The Committee may decide to proceed in the absence of the student only in the event that the claim form to attend the meeting was served on him/her duly and in a timely manner and the student has failed to appear at the meeting without any excuse and justification.

(8) In the event that the student provided a reasonable excuse for not being able to attend the meeting of the Committee, the Chairperson of the Committee shall specify an alternative meeting date.

(9) The Committee is obliged to consider the matter in such a manner as to be able to undoubtedly find out whether the student has committed an infringement or not. A registered file of the consideration of the infringement shall be kept that shall contain particularly the proposal for proceeding commencement, meeting minutes, and other documents referring to the matter discussed. The resolution of the Committee and the voting record shall be part of the registered file. The registered file must be submitted to the Dean or the Rector no later than within 10 days of the termination of the consideration of the infringement by the Committee.

## **Article 7**

### **Decision on Disciplinary Proceeding**

(1) The decision on disciplinary proceeding shall be issued by the Dean or the Rector on the basis of the file of the Faculty Committee or the TBU Committee, mostly within seven days of date of delivery.

(2) Before issuing a decision the Dean or the Rector may refer the case back to the Faculty Committee or the TBU Committee by written notice stating the reasons for further investigation, if he/she considers it to be necessary for proper clarification of the matter.

(3) The decision by which a sanction under Article 3 Paragraph 1 Letter a) to c) is imposed must be executed in writing and must contain a statement determining the infringement and the sanction. It must also contain reasoning and guidance on how to submit a request for a review of the decision.

(4) The decision by which the disciplinary proceeding is suspended shall contain a statement on the suspension of the disciplinary proceeding, reasoning and guidance on how to submit a request for a review of the decision.

(5) The decision must be sent to the student in writing, and that by personal delivery or to the student's data box specified in the IS/STAG (Article 6 Paragraph 4), and delivered (Article 6 Paragraph 5).

(6) The decision shall come into force after the expiration of the deadline for submission of the request for a review, or at the moment the student renounces in writing the right to request a review of the decision. The legitimate decision shall be marked in the student's documentation.

(7) The decision by which a sanction under Paragraph 3 is imposed, or the decision in compliance with Article 8 Paragraph 9, shall be announced to the student only, and that in writing.

### **Article 8 Review of the Decision**

(1) The student may request in writing a review of the decision in the matter of the infringement within 30 days of delivery of the decision. The appeal administrative authority is the Rector. The request shall be submitted to the body that has issued the decision. The time limit starts to run on the day following the date of delivery of the decision to the student.

(2) The body that has issued the decision may pardon the failure to meet the deadline for submitting the request due to serious and substantiated reasons, if the student applies to it in writing no later than within 15 days of the expiration of deadline set under Paragraph 1.

(3) In the request for a review the student shall mention his/her first name(s) and surname, permanent address, degree programme title, name of the Faculty or the University department that carries out the degree programme, and he/she shall state briefly the grounds for his/her request or the grounds for disapproval of the decision, and affix his/her own signature. A recognized electronic signature is considered to be a signature as well.

(4) Submission of the request has a suspensory effect.

(5) The Dean or the Rector may satisfy the request and overrule or reverse the decision; in the event that the Dean reverses the decision, he/she shall refer the case back to the Faculty Committee for further consideration. In the event that the decision is reversed by the Rector, he/she shall refer the case back to the TBU Committee.

(6) In the event that the Dean does not issue a decision in compliance with Paragraph 5, he/she shall complete the grounds for the decision including the minutes of the meeting of the Faculty Committee and shall urgently submit the request to the Rector.

(7) The Rector shall:

- a) dismiss the request if it has been submitted belatedly or by an unauthorized person;
- b) overrule or reverse the decision that has been issued in contradiction with the legal regulations, internal regulations of TBU or its component parts;
- c) reverse the decision if matters that would justify suspension of the proceeding have emerged subsequently;

- d) overrule the decision if matters that the student was unable to present during the proceedings in front of the Committee through no fault of his/her own and that may produce a more positive effect on the decision in the case have emerged subsequently;
- e) overrule the decision if evidence may be presented that could not be presented during the original proceeding in front of the Committee and that may produce a more positive effect on the decision in the case;
- f) dismiss the request and affirm the original decision.

(8) In the event that the decision on the imposition of a sanction has been reversed, the TBU bodies or its component parts shall take such precautions as to allow the student's rights to be restored and the consequences caused by the erroneous decision to be eliminated or at least attenuated.

(9) The decision issued by the Rector must be executed in writing and must contain a statement, reasoning and guidance on the fact that the decision is final and that there is no remedy against it.

(10) The decision must be sent to the student in writing, and that by personal delivery or to the data box of the student specified in the IS/STAG (Article 6 Paragraph 4), and delivered (Article 6 Paragraph 5).

(11) The decision shall come into force on the day following the date on which the Rector's decision in compliance with Paragraph 7 is delivered. The legitimate decision shall be marked in the student's documentation.

## **Article 9 Common and Final Provisions**

(1) The Disciplinary Code for TBU Students registered by the Ministry of Education, Youth and Sports on 24 January 2013 under Ref. No. MSMT-54981/2012–30 shall be abolished.

(2) This Code was approved by the TBU Academic Senate on 7 February 2017.

(3) This Code shall come into force in compliance with § 36 Paragraph 4 of the Act on the date upon which it is registered by the Ministry of Education, Youth and Sports.

(4) This Code shall come into effect on the date upon which it is registered by the Ministry of Education, Youth and Sports.

Ing. Alena Macháčková, CSc., m. p.  
Chairwoman of TBU Academic Senate

prof. Ing. Petr Sáha, CSc., m. p.  
TBU Rector