

THE FACULTY OF TROPICAL AGRISCIENCES
THE CZECH UNIVERSITY OF LIFE SCIENCES PRAGUE



**Disciplinary Code of the Faculty of Tropical AgriSciences
CULS Prague**

UNOFFICIAL TRANSLATION

Prague

2017

Disciplinary Code of the Faculty of Tropical AgriSciences CULS Prague

The Academic Senate of the Faculty of Tropical AgriSciences of the Czech University of Life Sciences Prague, at the proposal of the Dean of the Faculty of Tropical AgriSciences of the Czech University of Life Sciences Prague, pursuant to Article 27, (1) b) and Article 33 (2) e) of the Act No. 111/1998 Coll, on Higher Education Institutions and on the Amendment and Supplementation of Other Acts, as amended (the Higher Education Act), approved on 2 November 2017 the proposed Disciplinary Code of the Faculty of Tropical AgriSciences of the Czech University of Life Sciences Prague.

doc. Ing. Jan Banout, Ph.D. v.r

Ing. Radim Kotrba, Ph.D. v.r.

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Dean of the Faculty of Tropical AgriSciences
CULS Prague

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Chair of the Academic Senate
The Faculty of Tropical AgriSciences
CULS Prague

The Academic Senate of the Czech University of Life Sciences Prague, pursuant to Article 9 (1) b) of the Act No. 111/1998 Coll, on Higher Education Institutions and on the Amendment and Supplementation of Other Acts, as amended (the Higher Education Act), approved on 29 November 2017 the Disciplinary Code of the Faculty of Tropical AgriSciences of the Czech University of Life Sciences Prague.

Ing. Zdeněk Votruba, Ph.D., v.r.

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Chair of the Academic Senate
CULS Prague

Article 1

Introductory Provisions

(1) The Disciplinary Code of the Faculty of Tropical AgriSciences of the Czech University of Life Sciences Prague (hereinafter referred to as the "Disciplinary Code") is an internal regulation of the Faculty of Tropical AgriSciences of the Czech University of Life Sciences Prague (hereinafter referred to as "CULS") pursuant to the Act No. 111/1998 Coll. (the Higher Education Act), as amended (hereinafter referred to as "the Act"), and regulates disciplinary proceedings against students enrolled for studies at the Faculty of Tropical AgriSciences (hereinafter referred to as "the Faculty"), the regulation of the Disciplinary Board of the Faculty of Tropical AgriSciences (hereinafter referred to as "the Board") in the discussion of disciplinary misdemeanours of CULS students enrolled at the Faculty, as well as the submission of proposals for decisions by the Dean of the Faculty.

Article 2

The Disciplinary Board of the Faculty

(2) The legal status and competence of the Board is determined by Article 31 of the Act.

(3) The members of the Board are appointed and dismissed by the Dean from among the members of the academic staff of the Faculty with the prior approval of the academic senate of the Faculty. The Dean, in proposing the members of the Board, shall give heed to the principle of the continuity of the Board's activities and of the principle of equal representation of students on the Board.

(4) The Board shall consist of four-members, half of which shall be students. The Board shall elect its Chair from among its members and recall its Chair by an absolute majority of all Board members. If the Chair is not elected or is not present at a Board meeting, the oldest member of the Board shall act as Chair.

(5) The term of office of the members of the Board shall be two years.

(6) The term of office of a Member of the Board shall expire on:

(a) Termination of their employment at the CULS within the Faculty, in the case of members of the Board who are academic staff;

(b) Termination or interruption of studies at the CULS within the Faculty, in the case of a member of the Board who is a member of the Board on the basis of his / her status as a student;

(c) Service of the written resignation of a Member of the Board into the hands of the Dean;

(d) At a meeting of the Board, which the member of the Board, without prior excuse, did not

attend.

(7) Should a member of the Board leave before the expiry of their term of office, a new member shall be appointed for the remainder of the respective term of office only.

(8) The nomination procedure laid down in paragraph 2 shall apply to the appointment of a new member of the Board pursuant to paragraph 6.

(9) Member of the Board may not be substituted by other persons.

Article 3

Meetings of the Disciplinary Board of the Faculty

(1) The Board deals with disciplinary offenses of students enrolled at the Faculty, and submits proposals for decisions to the Dean who conducts the disciplinary proceedings.

(2) The Chairman shall convene the meetings of the Board at least 7 days in advance. Members of the Board are required to take part in the meetings of the Board to which they have been invited in writing. An apology to the meeting is only possible in writing and must be delivered to the President of the Board prior to the meetings of the Board.

(3) The meetings of the Board shall not be public.

(4) The members of the Board who attend the meetings of the Board shall be responsible for its confidentiality.

(5) The student who is a participant in disciplinary proceedings within the meaning of Article 5 (3) shall also be invited to the relevant meetings of the Board.

(6) The Board is entitled to resign if a majority of its members are present.

(7) In the event that at the date of a meeting of the Board, all the members of the Board or one of the members of the Board have not been appointed by the Board at the latest on the date of the meeting of the Board, the Board shall act with the reduced number of Board members currently appointed.

(8) The Board shall act by a vote. The vote shall be secret in cases where at least one third of the Board members present requests to vote by secret ballot; in other cases, the Board votes publically.

(9) The approval of any decision, and the approval of any other matters, requires the consent of an absolute majority of all Board members present.

(10) Minutes of the Board meetings shall be drawn up, and shall be verified and signed by its Chair. The minutes shall record the course of the meetings of the Board and the resolutions adopted.

(11) The Faculty shall engage in any administrative tasks resulting from the work of the Board,

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as informed by the Chair.

Article 4

Disciplinary Proceedings and Disciplinary Offenses

(1) Disciplinary proceedings under the Disciplinary Code, unless otherwise provided by law, shall be governed by the Act No. 500/2004 Coll., The Administrative Code, as amended (hereinafter referred to as the "Administrative Code").

(2) A disciplinary offense under this Disciplinary Code shall consist in any breach of the obligations laid down by law, by other forms of legislation or by the internal regulations of the CULS and the Faculty.

(3) A disciplinary offense may incur any of the following sanctions as imposed in disciplinary proceedings:

(a) a warning;

(b) a conditional exclusion from studies, setting the date and conditions for certification;

(c) exclusion from study.

(4) In the case of a disciplinary offense committed by negligence, a less serious disciplinary offense or for other reasons, these sanctions may be waived if the Board so decides.

(5) It is also possible to waive the imposition of a sanction if the discussion of the disciplinary offense itself at the meetings of the Board leads to sufficient redress.

(6) Exclusion from study is possible only in the case of the deliberate commission of a serious disciplinary offense.

(7) When imposing sanctions, account shall be taken of the nature of the conduct, by which the disciplinary offense was committed, the circumstances in which it occurred, its consequences, the degree of fault, as well as the behaviour of the student who committed the disciplinary offense, and any efforts since made to remedy its consequences.

(8) The time limit and conditions for the certificate of conditional exclusion from studies shall be determined according to the severity of the disciplinary offense; this period shall be at least six months and not more than three years; this period does not include time during which the participant in the disciplinary proceedings has been suspended.

Article 5

Opening of Disciplinary Proceedings

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- (1) Disciplinary proceedings under this disciplinary order shall be initiated by the Board upon the Dean's proposal.
- (2) The proposal referred to in paragraph 1 must be in writing and shall include a description of the facts or any evidence suggested on which it is based, as well as the reason why a disciplinary offense has in fact been perceived to have taken place.
- (3) The subject of disciplinary proceedings may only be only student, whose rights and obligations are decided by the CULS in the disciplinary proceedings.
- (4) Disciplinary proceedings are commenced on the basis of service of notice on a student of the proposal, i.e. on the day on which the student was served with notice of the initiation of the proceedings, accompanied by a copy of the petition to initiate the disciplinary proceedings under paragraph 1 and an invitation to the first oral meeting referred to in Article 6 (1); to his / her data box if its address has been reported by the student to the CULS in accordance with the internal regulations of the CULS, otherwise to the student's own hands and according to the rules of Code.
- (5) A disciplinary offense cannot be dealt with if a period of one year has elapsed since it was committed or since a final conviction in a criminal case. This period of one year does not include time when a participant in the disciplinary proceedings was not a student.

Article 6

The Course of Disciplinary Proceedings Before the Disciplinary Board of the CULS

- (1) A disciplinary offense shall be discussed via an oral meeting in the presence of a student. The student must be invited in writing to each oral meeting of the Board at least 5 working days in advance; the invitation to the meeting is announced to the student by delivery to his data box if his / her address has been reported by the student to the CULS in accordance with the internal regulations of the CULS, otherwise to the student's own hands in accordance with the Administrative Code. The student has the right to be personally present at the meeting of the Board, with the exception of voting. The student has the right to assemble and submit evidence, to comment on all the documents in the disciplinary proceedings, to inspect written documents and the minutes of the Board proceedings and to obtain extracts and copies of them.
- (2) The Board may decide to act in the absence of the student if the invitation to the meeting was duly and promptly served under paragraph 1 and the Administrative Code and the student did not attend the meeting without any apology. The apology must be in writing and must have been delivered to the President of the Board no later than the day before the day of the Board meeting.
- (3) The Board is required to provide the necessary evidence and to discuss the case so that it can be ascertained whether a student has committed a disciplinary offense. The Board is obliged to proceed in such a way that the Dean may issue a decision in the disciplinary proceedings pursuant to paragraph 4 within the time limits for the issuance of decisions stipulated by the Administrative Code.

(4) Following discussion of the matter in the course of the meeting, the Board shall decide on the proposal that the Dean issue a decision by which

(a) he / she decides that the student has committed a disciplinary offense and imposes on him / her the penalty provided for in Article 4 (3)

(b) disciplinary proceedings shall be suspended if the evidence fails to show that the student has committed a disciplinary offense,

(c) disciplinary proceedings shall be suspended if it is established that the student committed a disciplinary offense, but if the discussion of the case in disciplinary proceedings is sufficient in itself in the opinion of the Board,

(d) disciplinary proceedings shall be suspended, as provided for in this Disciplinary Code,

(e) disciplinary proceedings shall be suspended if it transpires that there has not been a disciplinary offense as defined under this Disciplinary Code;

or

(f) disciplinary proceedings shall cease on the grounds that a participant in a disciplinary proceeding has ceased to be a student of the Faculty.

(5) If, after its discussion of events, in the course of its meetings or within the time limits for issuing decisions provided for by the Administrative Code, the Board does not act on any of the proposals pursuant to paragraph 4, the Dean is entitled to stop the proceedings on the grounds that they failed to prove that the student committed a disciplinary offense.

(6) The Board's decision pursuant to paragraph 4 or information on the matter without a ruling pursuant to paragraph 5, shall be forwarded by the President of the Board to the Dean for further action pursuant to Article 7 without undue delay but no later than within 3 business days.

Article 7

Decisions in Disciplinary Proceedings

(1) The decision taken during disciplinary proceedings (hereinafter referred to as "the Decision") shall be issued by the Dean, on the basis of the recommendation of the Board, within the time limits for issuing decisions stipulated by the Administrative Code.

(2) The Dean may, before any decision is taken, return the case to the Board with written justification for further examination, if he or she deems it necessary for the proper clarification of the case. Should any factor make it impossible under Article 5 (5) to discuss the disciplinary offense, the Dean may decide to stop the disciplinary proceedings.

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(3) In the context of a given Decision on a disciplinary offense, the Dean may impose the sanction proposed by the Board or a more moderate sanction, or he may suspend the disciplinary proceedings even when the Board proposes the imposition of a sanction, where, in the opinion of the Dean, it is sufficient to have discussed the matter in disciplinary proceedings.

(4) If the Board has proposed in the Decision that the Dean stop the disciplinary proceedings, the Dean shall issue the decision to stop the disciplinary proceedings. If he or she has serious doubts as to the correctness of this procedure, then the Dean shall return the case to the Board for reconsideration, stating his or her reasons. If the Board retains its original resolution, the Dean shall be bound by it.

(5) The Decision shall be prepared in written form. The Decision shall contain the operative part, the justification thereof and instructions to the student as to the opportunities for appeal. Upon the issuing of a Decision in which the Dean decides on the existence of a disciplinary offense, or to halt any disciplinary proceedings, these shall be governed by Article 68 of the Act and the Administrative Code. The Decision shall be delivered to the student's data box if the student's address is reported by the student to the CULS in accordance with the internal regulations of the CULS, otherwise into the student's own hands in accordance with the rules of the procedure.

(6) In the operative part of the Decision the name of the student shall be indicated by his / her surname, first name, date of birth, or birth number, place of permanent residence and study programme, with a description of the event, confirmation of the detection of any disciplinary offense and details of any sanction, or confirmation of detection of any disciplinary offense and a waiving of any sanction; or a recommendation to suspend disciplinary proceedings.

(7) A Decision which has been notified in accordance with Article 72 of the Administrative Code and against which an appeal cannot be lodged shall be deemed unactable.

Article 8

Appeal in Disciplinary Proceedings

(1) A student may appeal against the Decision. The right to file an appeal does not apply to any student who has surrendered that right following notification of the Decision. Once the student withdraws an appeal, he or she cannot submit it again.

(2) The appeal may be challenged by the operative part of the Decision, individual statements within it or its subsidiary provisions. An appeal simply against the grounds of the Decision is inadmissible. In any appeal, the student will give his name, surname, date of birth and place of permanent residence. The appeal must indicate which part of the Decision it is directed against, the extent to which it is challenged, any alleged conflict with the law, other legislation or the internal regulations of the CULS and the Faculty, or an inaccuracy in the Decision or the proceedings that preceded it. Failing an appeal that states the extent to which the student contests the Decision, he or she may simply apply for the annulment of the entire Decision.

(3) Consideration shall be given to new facts and to the proposals for the taking of further

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evidence or the taking of evidence in the appeal or in the course of the appeal proceedings only if such facts, evidence or suggestions have not been previously submitted by the student; if the student objects that he has not been allowed to take any action in the first instance of the proceedings, that action must be taken together with the appeal.

(4) The appeal period shall be 30 days from the date of notification of the Decision. The time limit is preserved if the postal mail containing the appeal is on the last day of the deadline, according to the postal license holder. An appeal may be lodged only after the Decision has been given; if the appeal was lodged prior to the notification of the Decision, it shall be deemed to have been made on the first day of the appeal period.

(5) In case of missing, incomplete or inaccurate instructions, the appeal may be filed within 15 days from the date of notification of the corrected order, if such is issued, but not later than 90 days from the date of notification of the Decision. The non-notification of a Decision cannot be invoked by a student who has been demonstrably acquainted with the Decision; appeal in such a case may be made within 90 days of becoming aware of the Decision.

(6) The student may apply for the remission of the deadline for filing an appeal within 15 days of the day when any obstacle which has prevented him or her from submitting the appeal has passed. The deadline for the submission can be granted a period of extension if the student is seriously injured. If the student does not appeal at the time of the injury, the request shall not be processed. The forfeiture of the right to appeal shall be waived if the student demonstrates that the obstacle to submission was a serious reason that occurred without his or her fault; the Dean shall decide to waive the dismissal of the appeal or not. A dismissed appeal cannot be waived if one year has passed since the day it was due to be filed.

(7) A timely and admissible appeal grants a period of suspension of the Decision; due to the suspensory effect of the appeal, no legal power, enforceability or other legal effects of the Decision shall be active. The suspensory effect of an appeal cannot be removed.

(8) The appeal shall be filed with the Rector via the Dean as the administrative body which issued the contested Decision.

(9) The Dean may supplement the proceedings depending on the circumstances; this does not apply if the appeal was lodged late or if it was inadmissible.

(10) The Dean may cancel or change the Decision if this fully conforms with the appeal. This decision may in turn be appealed against.

(11) If the Dean finds, prior to the transmission of the file to the Rector, that there is a reason to stop the proceedings, he shall cancel the contested Decision and stop the proceedings.

(12) The Rector shall review the conformity of the contested Decision and the proceedings that preceded the Decision with the law, other legislation and the internal regulations of the CULS and the Faculty. Any procedural defects which cannot reasonably be considered to have an impact on the conformity of the contested Decision with the law, other legislation or the internal regulations of the CULS and the Faculty shall be disregarded.

(13) If the Rector concludes that the contested Decision is inconsistent with the law, other legislation or the internal regulations of the CULS and the Faculty:

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(a) the contested Decision, or its part, shall be revoked and the proceedings suspended;

(b) the contested Decision, or part thereof, shall be revoked and the matter returned to the Dean who shall propose further discussion on the matter to the Board; in his or her reasoning on this decision the Rector shall express a legal opinion by which the Dean is bound in the new discussion of the matter; this new decision may in turn be appealed against;

(c) he or she shall amend the contested Decision or part thereof; such amendments may not be made if this would be detrimental to the student by way of loss of the opportunity to appeal; if necessary to remedy defects of reasoning, the Rector shall amend the Decision in the section on justification; the Rector cannot change the contested Decision to the detriment of the student, unless the contested Decision is contrary to the law.

(14) If the Rector does not see reasons for the procedures outlined under paragraphs 13, 15 or 16, he or she shall reject the appeal and confirm the contested Decision. If the Rector modifies or repeals the contested Decision only in part, he or she shall confirm the remainder.

(15) If the Rector finds that there is a fact that warrants the closure of the proceedings, he or she shall cancel the contested Decision and stop the proceedings.

(16) The Rector shall reject delayed or inadmissible appeals. If the Decision has already become unactable, he or she then examines whether there are the prerequisite grounds for reviewing the Decision in a review procedure, the reopening of the proceedings or the issuance of a new Decision. Where grounds for the opening of a review, the reopening of the proceedings or the adoption of a new Decision are found, an appeal previously judged late or inadmissible shall be considered as a basis for the review procedure, the request for a reopening of the proceedings or a request for a new Decision.

(17) The Decision in the case of appeal proceedings shall be issued by the Rector within 30 days; the period shall begin on the day the file is sent to the Rector. Article 7 (3) and (5) shall apply *mutatis mutandis* to the Rector's decision.

(18) The decision of the Rector cannot longer be further appealed. The Rector's decision shall be in force as soon as it has been notified to the student. On the decision of the Rector, the Dean's Decision becomes unactable, as stated in paragraph 14.

(19) If the student recalls the appeal, the appeal proceedings shall be stopped on the date of the withdrawal of the appeal; the contested Decision shall become unactable the day following the closure of the appeal proceedings. The fact that proceedings have been suspended shall be handed down by a resolution which is simply noted in the file. The student will be informed at the same time in writing. The appeal may be withdrawn at the latest by the date of the Rector's decision.

(20) Following a decision according to paragraph 13 above, the Rector or Dean shall take such measures as to ensure that the rights of the student are restored and the consequences of the defective Decision have been removed or at least mitigated.

Article 9

Temporary provisions

(1) Disciplinary proceedings initiated before the date of entry into force of this Disciplinary Code shall be completed according to the existing internal regulation.

Article 10

Final Provisions

(1) This Disciplinary Code has been approved pursuant to Article 27 (1) b) of the Act by the Academic Senate of the Faculty of Tropical AgriSciences on 2 November 2017.

(2) This Disciplinary Code has been approved pursuant to Article 9 (1) b) point 2 of the Act by the Academic Senate of the CULS on 29 November 2017.

(3) This Disciplinary Code becomes valid and effective on the date of its approval by the Academic Senate of the CULS.