

RULES OF DISCIPLINARY PROCEDURE FOR STUDENTS

Article 1 – Preamble

1. The Rules of Disciplinary Procedure for the Students of ARCHIP is an internal regulation of ARCHIP, which is issued under the terms and conditions of and in accordance with the Act No. 111/ 1998 Coll., on higher education and on the amendment of some other laws (Higher Education Act), as amended, and the Article 22 of the Statutes of ARCHIP.
2. The purpose of the Rules of Disciplinary Procedure, and of the disciplinary procedure as such, is to ascertain, clarify and fairly judge the disciplinary transgression (violation) committed by a student at the expense of his/her honest study or proper learning, or any actions resulting or with the potential to result in an infringement on the rights of another member of the academic community, or in the damage of the good name of ARCHIP, its academic rights and freedoms.
3. A disciplinary transgression (violation) is a proven violation of duty or duties, which are laid down in the law or in the internal regulations of ARCHIP, by a student.

Article 2 – Disciplinary Committee

1. The Disciplinary Committee discusses, on request by the Rector or his/her appointed Executive Director , disciplinary transgressions (violations) committed by students, and puts forward proposals for disciplinary decisions to be made by the Rector.
2. The Disciplinary Committee has six members of whom a half are students. Members of the Disciplinary Committee and its chair are appointed by the Rector from the midst of those members of the academic community who are not already members of other academic bodies.
3. The tenure of the members and the chair of the Disciplinary Committee is two years; the Rector holds the right to recall any member of the Disciplinary Committee, or its chair, anytime during the course of the tenure, if the said member does not participate in the activities of the committee, or if he/she loses his/her evident credibility or professional faculties for an unbiased and objective discharge of the office of member or chair of the Disciplinary Committee.
4. Every member and the chair of the Disciplinary Committee are obliged to inform the Rector, prior to the discussion of a particular disciplinary case, whether there are any material impediments on their part which would lay grounds for their potential bias in relation to the matter discussed or the persons whose conduct is to be the subject of the disciplinary procedure. In such an instance the Rector will decide with finality whether reasons exist for their release from the discharge of their office in the disciplinary procedure in question. In the event of a member's release on the ground of his/her bias, a substitute member is appointed from the midst of the faculty or students.

Article 3 – Disciplinary Sanctions

1. The following sanctions may be imposed on a student for a disciplinary transgression (violation):
 - a) a warning;
 - b) conditional exclusion from study, with a date and conditions for attestation;
 - c) final exclusion from study.
2. The imposition of a disciplinary sanction takes into account the degree of culpability, the circumstances in which the disciplinary transgression (violation) happened, the consequences of the conduct and the previous conduct and record of the student, as well as the student's determination to rectify his/her actions.

3. If the discussion of the disciplinary transgression (violation) alone is sufficient for the rehabilitation of the student, the disciplinary sanction may be waived.
4. The date for and the conditions of attestation must be set in the case of a conditional exclusion from study.
5. In the event of a repeated offence, which does not necessarily need to correspond in type to any of the previous instances of disciplinary transgression (violations), during the parole period, the student may be finally excluded from study.
6. A student may be finally excluded from study also in the instance of a deliberate disciplinary transgression (violation) constituting the offence of fraud, or if the student in question was conclusively sentenced for a deliberate crime whose facts cannot be reconciled with the upholding of the good name of ARCHIP.
7. A disciplinary transgression (violation) will not be discussed if a period of one year from the date of its perpetration or the date of the final and conclusive criminal sentence. The one year period does not account for the time when the person in question was not a student, including the time of any duly permitted suspension of study.

Article 4 – Initiation of the Disciplinary Procedure

1. A disciplinary procedure may be pursued by the Disciplinary Committee only on written request by the Rector or on his/her authority delegated to the Executive Director.
2. The petition must include a description of the conduct and the circumstances in which it happened, the suggested evidence in which it is based, as well as arguments concerning what constitutes the disciplinary transgression (violation) committed by the student.
3. A disciplinary procedure is initiated by informing the student of the petition which is served to the student together with an invitation to a verbal discussion of the matter before the Disciplinary Committee.

Article 5 – Meeting of the Disciplinary Committee

1. Meetings of the Disciplinary Committee are closed to the public, save for the invited persons; the meetings are chaired by the committee chair. In the event of his/her absence, the meeting is chaired by the delegated member of the Disciplinary Committee.
2. The Disciplinary Committee constitutes a quorum if more than a half of its members are present. If only 4 members of the Disciplinary Committee are present, the committee constitutes a quorum only if two of the members present are students.
3. The Disciplinary Committee adopts a decision only if passed by more than a half of all its present members. If no decision concerning the recommendation to the Rector is passed by the majority, it is the Rector's right to decide, with regard to the content of the case file, the disciplinary procedure in question and on the (non)imposition of the disciplinary sanction.
4. Every meeting of the Disciplinary Committee is recorded in the minutes which are delivered to the Rector; the minutes are also filed in the student's file in the study department of the school

Article 6 – Discussion of the Disciplinary Transgression

1. The student must be invited to the meeting of the Disciplinary Committee in writing and with a sufficient notice. He/she has the right to propose and present evidence, the right to be heard on account of all documents and evidence, and the right to study the case file.
2. If the student fails to attend the meeting of the Disciplinary Committee without a substantiated reason for being excused, the Disciplinary Committee will conduct the meeting in his/her absence.

3. The Disciplinary Committee discusses the disciplinary transgression (violation) based on the Rector's petition and in the light of the presented evidence, so that it is duly ascertained and proven whether the student committed the disciplinary transgression (violation) or not.

4. If it transpires that the facts of the case do not constitute a disciplinary transgression (violation), or if it cannot be duly ascertained and proven that the disciplinary transgression (violation) in question was perpetrated by the student in question, a recommendation is made to the Rector to suspend the disciplinary procedure.

5. The decision on the disciplinary transgression (violation) is submitted by the Disciplinary Committee, after the disciplinary procedure is concluded, to the Rector for decision in the disciplinary matter. The Disciplinary Committee will communicate the decision to the student verbally – only if he/she is present at the meeting.

Article 7 – Rector's Decision

1. Based on the recommendation of the Disciplinary Committee, the Rector will pass his/her decision no later than in 15 days from the receipt of the written recommendation (together with the minutes from the meeting and the case file) from the Disciplinary Committee.

2. If the Rector finds it necessary in the interest of the due clarification of the matter, he may return it to the Disciplinary Committee for additional investigation.

3. The Rector may impose a less severe disciplinary sanction than that recommended by the Disciplinary Committee or suspend the disciplinary procedure if it becomes apparent that no disciplinary transgression (violation) had been committed or in the case of a lack of evidence that the disciplinary transgression (violation) had been committed by the student in question, or if the student ceases to be a student of ARCHIP.

4. The Rector's decision is made in writing and served to the student; it is filed in the records of the Disciplinary Committee and in the student's record kept at the study department of the school.

5. The Rector's decision must contain the result of the disciplinary examination and the imposition of a specific disciplinary sanction, or information on the suspension of the disciplinary procedure, and the reasoning behind the conclusion and information where an application for a review of the decision may be lodged, and the relevant deadline.

Article 8 – Review Procedure in Relation to a Disciplinary Transgression (Violation)

1. A student may apply with the Rector for a review of a disciplinary decision pertaining to him/her, no later than 30 days from the receipt of the said decision. A default on this deadline may be forgiven only on serious grounds which are worthy of special consideration. The review application does not stay the effect of the decision.

2. For the purposes of the review procedure, the Rector has the right to appoint an ad hoc review committee, which typically has two members, of whom one must always be a student; based on the content of the disciplinary file, the review committee deliberates whether the Rector's decision which is being challenged was issued in violation of the law or the internal regulations of ARCHIP, and whether reasons exist for an amendment, annulment or confirmation of the challenged decision, and it will inform the Rector of the result of its review by way of a written report, so that the Rector may exercise his/her authority and judgement and pass the final decision.

3. The Rector will abolish a decision on the imposition of the disciplinary sanction, including exclusion from study, if reasons transpire at a later stage which would justify the suspension of the disciplinary procedure. In such an instance, the Rector has the right to take measures, if necessary, to restore the rights of the student, and that the consequences of the flawed or annulled disciplinary decision were rectified, or, failing that, at least mitigated.

4. The Rector's decision after the review of the challenged disciplinary decision, done in writing, which is also served to the student, is final provided it contains a ruling, its justification and a statement that the review decision is final.

Article 9 – Final Provisions

1. The provisions contained herein take precedence only if the Statutes do not stipulate otherwise, or if the Statutes do not govern the said matter.
2. Changes, amendments, deletions (of parts) hereof may be made by the Rector only if these are confirmed by the Statutory Body of ARCHIP.
3. Pending the inauguration of the Disciplinary Committee and the appointment of its members, and of the Rector, the Statutory Body of ARCHIP exercises the authority and powers of the Disciplinary Committee and the Rector, in accordance with these Rules of Disciplinary Procedure.
4. According to Section 39(9) of the Higher Education Act, these Rules of Election and Procedure of the Academic Senate of ARCHIP comes into force on the day of the registration with the Ministry of Education, Youth and Sports of the Czech Republic.

Statutory Body of ARCHIP

Ing. arch. Regina Loukotová m.p.
Ph.D. Ing. Jiří Janeček m.p.
PaedDr. Jiří Šimice m.p.