

Pursuant to Article 21 of the Statute of the EMUNI University (hereinafter: Statute) the Senate of the EMUNI University at its 19th session on 23 September 2014 adopted the following

Rules on Disciplinary Accountability of students of EMUNI University

I. General Provisions

Article 1

These Rules set out the disciplinary accountability, breach of duty and obligations of the student and other education participants at EMUNI University (hereinafter: students) and the procedure of determining disciplinary accountability of students.

The Rules set out the bodies responsible for conduct of procedure for EMUNI students, competencies of the disciplinary bodies, breaches, duties and failure to meet obligations of the students, procedure deadlines, disciplinary measures which may be used by the disciplinary bodies and legal remedies to be used in the disciplinary proceedings.

Article 2

The disciplinary proceedings in these Rules apply the provisions of the General Administrative Procedure Act (OJ RS, No 24/06-ZUP-UPB2, 126/2007, 65/2008, 8/2010, 82/2013).

The students' personal data are gathered, processed and published for the purposes of the disciplinary proceedings in line with the principles and provisions of the Personal Data Protection Act (OJ RS, No 94/07) and Rules on Protection of Personal and Confidential Data. Anyone involved in the disciplinary proceedings must act in line with the provisions of these acts.

II. Breaches of duty, failure to meet the obligations and measures

Definition of disciplinary accountability

Article 3

In case of the students' breach of duty and failure to meet obligations set out in these Rules and general acts of EMUNI University, legal acts of EMUNI University currently in force apply.

Definition of breaches

Article 4

Breaches of duty and failure to meet obligations may be minor or serious.

Article 5

Minor breaches are:

1. Misconduct, detrimental to the reputation of the EMUNI University,
2. impediment of other students, academic staff and other employees in the educational process or other work at the EMUNI University
3. inappropriate attitude towards other students, academic staff and other employees at the EMUNI University.

Article 6

Serious breaches are:

1. third or subsequent minor breach,
2. breaches in the procedure of knowledge examination according to the Rules on the assessment of knowledge at EMUNI University:
 - a) breach of the examination rules,
 - b) unauthorized acquisition of examination tests and other materials, used for the assessment of students' knowledge, and the use or submission of the obtained materials to others,
 - c) taking the exam on behalf of the student who applied to the exam,
 - d) plagiarism of the final written products and written products of individual study units and the re- or multiple submissions of the same product or in a substantial part the same written work (e.g. papers, reports, etc.) in different courses,
3. acts that have signs of a criminal offence according to the Criminal Code:
 - a) alcohol and drug abuse in the EMUNI premises,
 - b) unauthorized distribution, use and publishing of the results of research work,
 - c) forgery of official documents,
 - d) providing false data with the purpose of unjustified benefit to himself or someone else,
 - e) damage to EMUNI property, caused intentionally or out of great negligence,
 - f) serious breach of public law and order in the EMUNI premises and in the location of the conduction of the education process,

- g) every act or omission of act that could present danger to life or health of students, higher education teachers and collaborators and other EMUNI employees,
- h) other acts with signs of a criminal offence according to the Penal Code of the Republic of Slovenia (OJ RS, No 55/08, KZ-1) which is prosecuted ex officio.

Disciplinary measures

Article 7

In case of a minor breach, the following measures can be taken:

1. Warning,
2. Reprimand.

In case of a serious breach, the following measures can be taken:

1. Reprimand,
2. Temporary expulsion from EMUNI University,
3. Permanent expulsion from EMUNI University.

In case of breaches in the procedure of knowledge examination according to the Rules on the assessment of knowledge at EMUNI University, the student is subject to the sanctions and disciplinary measures set out in said Rules.

In case of breaches in the procedure of knowledge examination according to the Rules on the assessment of knowledge at EMUNI University, the higher education teacher or collaborator imposes sanctions related to the examination and assessment (taking away the exam sheet, ban from continuing with the exam, a negative mark etc.) and submits the request to start disciplinary proceedings in the Education Department. The study programme coordinator (SPC) shall adopt the decision about the start of the disciplinary proceedings on the basis of the request, as the body of first instance in the disciplinary proceedings.

Article 8

Warning or reprimand, imposed upon the student, is performed with the student being served with such a warning or reprimand.

Article 9

Temporary expulsion from EMUNI University may be imposed on the student for serious breaches in the examination and assessment procedure according to the Rules on the assessment of knowledge at EMUNI University for acts with signs of a criminal offence according to the Penal Code, and in case the student has previously at least twice been sanctioned with a reprimand.

Temporary expulsion may last from one to 5 years, depending on the breach.

Permanent expulsion from EMUNI University is imposed upon the student for serious breaches (acts with signs of a criminal offence according to the Penal Code) and in case the student has previously been sanctioned with temporary expulsion from EMUNI.

The expelled student is served with the decision with which he or she is for a certain period or permanently forbidden from participation in the educational or research work at EMUNI University.

III. Bodies in charge of the disciplinary proceedings

Article 10

The disciplinary proceedings are led in the first instance by the SPC, and by the President of EMUNI University in the second instance.

IV. Start of disciplinary proceedings

Request for start of proceedings

Article 11

A written request for the start of disciplinary proceedings may be submitted to the SPC by the higher education teacher or collaborator, an EMUNI employee or a student (hereinafter: applicant).

The procedure of determining the disciplinary accountability may be started on the basis of the request, submitted by the SPC.

Article 12

The applicant submits the request for the start of disciplinary proceedings with the SPC.

The request must be in written form and must include:

- Name and last name and other personal data of the student, against whom the request for proceedings has been submitted,
- Description of the act or omission of act, which constitutes as breach of duty or failure to meet obligations,
- Presentation of proofs and witnesses, if any.

The student must, from the moment when the request to lead the procedure has been served, informed of all acts relating to the disciplinary proceedings against him or her.

V. Disciplinary proceedings of 1st instance

Article 13

1. Disciplinary proceedings of 1st instance are conducted in case of breaches, defined in Articles 6 and 7 of these Rules.
2. Disciplinary proceedings of 1st instance are led by the SPC who decides on the matter on the basis of the request.

VI. Appeal against the decision of the disciplinary body of 1st instance

Article 14

The student or applicant who submitted the request may appeal against the decision, issued by the disciplinary body of 1st instance, on the basis of:

1. Substantial breach of the disciplinary proceedings rules,
2. erroneous or incomplete fact-finding,
3. erroneous use of substantive provisions.

The appeal may be filed within 15 days from the receipt of the decision in written form.

Article 15

The President of EMUNI University, as the body of 2nd instance, has the competencies to decide on the appeal against the decision of 1st instance

Article 16

The disciplinary body of 2nd instance issues a decision with which the decision of the body of 1st instance may be confirmed or changed, or revoked and the matter returned to the disciplinary body of 1st instance for further consideration.

The disciplinary body of 2nd instance must take a decision no later than 30 days after the receipt of the appeal.

The decision of the disciplinary body of 2nd instance is final.

The student may initiate an administrative dispute at the competent court against the decision of the disciplinary body of 1st instance. The administrative dispute must be initiated within 30 days from the receipt of the decision in written form.

VII. Reopening of Proceedings

Article 17

The disciplinary proceedings may be reopened in the following cases:

1. If wrongful conduct of procedure has prevented the student from participating in the procedure,
2. If the disciplinary decision has been based on false statement by a party in the procedure,
3. If the disciplinary decision has been based upon a forged document or upon a document certifying false facts,
4. If a final decision on the same breach has already been taken,
5. If the disciplinary decision has been based on a final decision of a court or other body which has been repealed,
6. If new facts have been found or if the possibility of using new proofs has been found or acquired, on the basis of which a different decision would have been issued in the disciplinary proceedings,
7. If a member that should have been excluded participated in the issuing of the disciplinary commission decision.

Article 18

Motion to reopen the proceedings may be filed by the student against whom the disciplinary proceedings have been brought, or the applicant.

The motion to reopen the proceedings must include reasons for the motion for reopening, and proofs or facts that should be produced to determine the existing reason for reopening the case.

Article 19

Motion to reopen the proceedings may be filed within 30 days from the day that the claimant learnt of the reason which serves as the basis for the reopening of the case.

After one year has passed since the decision of the disciplinary commission has become final, the motion to reopen proceedings may not be filed anymore.

VIII. Termination of Proceedings

Article 20

The disciplinary proceedings may be terminated in the following cases:

1. If the limitation period to start and conduct a procedure has expired,
2. If the applicant has withdrawn the motion,
3. If the disciplinary body determines that:
 - Measures for the same breach of duty and failure to meet obligations have already been taken against the student,
 - The student has been exonerated for the same breach of duty and failure to meet obligations, or,
 - The student is not responsible for the breach of duty and failure to meet obligations.

IX. Expiry of period of limitation of proceedings

Article 21

The period of limitation on the initiation of proceedings is six months in minor breaches and 12 months from the day the breach was discovered in serious breaches.

When the breach has signs of a criminal offence, the period of limitation of proceedings expires simultaneously with the limitation of criminal prosecution.

X. Records of disciplinary proceedings and documentation

Article 22

EMUNI University must keep record of the proceedings and documentation, issued on the basis of the provisions of these Rules.

XI. Transitional and final provisions

Article 23

These Rules enter into force on the day they are adopted by the Senate of EMUNI University.



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