

**INTERNAL REGULATION OF THE JANÁČEK ACADEMY OF MUSIC AND  
PERFORMING ARTS IN BRNO of 21 August 2017  
Disciplinary Code for Students**

Based on the proposal of His Magnificence the Rector Prof. Ing. MgA. Ivo Medek, Ph.D., the Academic Senate approves this internal regulation of the Janáček Academy of Music and Performing Arts in Brno:

PART ONE

**LEGISLATION**

CHAPTER I

**LAWS AND THE DISCIPLINARY CODE**

Art. 1

(1) Disciplinary offences of students are governed by Sections 64 to 66 of Act No. 111/1998 Coll., on Higher Education Institutions and on Amendment to Other Acts (the Higher Education Act), as amended. The Disciplinary Commission of the Janáček Academy of Music and Performing Arts in Brno (hereinafter referred to as “the Disciplinary Commission”) is governed, without limitation, by Section 13 of the Higher Education Act; the disciplinary proceedings are governed, without limitation, by Section 69 of the Higher Education Act.

(2) The Disciplinary Code for Students (hereinafter referred to as “the Disciplinary Code”) governs the responsibility of the students of the Janáček Academy of Music and Performing Arts in Brno (hereinafter referred to as “JAMU”) not enrolled at any of its faculties (hereinafter referred to as “non-faculty students”) for disciplinary offences, convention, composition and meeting of the Disciplinary Commission and any disciplinary proceedings related to non-faculty students.

CHAPTER II

**SCOPE OF APPLICATION OF THE DISCIPLINARY CODE**

Art. 2

**TIME APPLICATION OF THE DISCIPLINARY CODE**

(1) The responsibility for a disciplinary offence shall be assessed pursuant to an applicable law or internal regulation in force at the moment when the disciplinary offence was committed; it shall be assessed pursuant to a later law or internal regulation solely if it is more favourable for the offender.

(2) A disciplinary offence shall be considered committed at the time when the offender acted or was obliged to act in the event of an omission. The time of the (potential) consequence is not of the essence.

(3) If the applicable law or internal regulation is amended while the disciplinary offence is being committed, the law or internal regulation in effect as of the moment of the completion of the act representing a disciplinary offence shall be applied.

Art. 3

**Personal Application**

This internal regulation governs the disciplinary offences committed by non-faculty students.

PART TWO  
**RESPONSIBILITY FOR DISCIPLINARY OFFENCES**  
CHAPTER I  
**FUNDAMENTALS OF DISCIPLINARY RESPONSIBILITY**

Art. 4

**Disciplinary Offences**

A disciplinary offence is a wilful violation of responsibilities set forth in the applicable laws and internal regulations of JAMU or its parts.

Art. 5

**Lack of Social Harmfulness**

An act that otherwise constitutes a disciplinary offence shall not be a disciplinary offence if it lacks social harmfulness.

CHAPTER II  
**OFFENDER AND ACCOMPLICE**

Art. 6

**Offender**

A disciplinary offender is a student whose acts bear attributes of a disciplinary offence.

Art. 7

**Accomplice**

If a disciplinary offence has been committed by means of wilful and joint acts of two or more students, each of them shall be responsible as if they have committed the disciplinary offence themselves.

Art. 8

**Culpability**

(1) A disciplinary offence may be committed intentionally or negligently. Negligence shall be sufficient, unless the applicable law or internal regulation expressly states intention is required.

(2) A disciplinary offence is committed intentionally, if the offender

- a) Intended to violate or jeopardise an interest protected by law or internal regulation by their acts; or
- b) Was aware his or her acts may violate or jeopardise an interest protected by law or internal regulation, which he or she has been informed about in case of such a violation or jeopardy.

(3) A disciplinary offence is committed negligently, if the offender

- a) Was aware his or her acts may violate or jeopardise an interest protected by law or internal regulation but without reasonable grounds, relied on not violating or jeopardising such an interest; or
- b) Was unaware his or her acts may violate or jeopardise an interest protected by law or internal regulation, although given the circumstances and their personal situation, he or she should and might have known.

Art. 9

### **Insanity**

A person shall be held harmless for a disciplinary offence if he or she was not capable of recognizing the illegal nature of his or her acts or controlling his or her acts at the time of perpetration; however, a person shall not be held harmless if he or she had brought the state of insanity on himself/herself, even by negligence, by using an addictive substance (an addictive substance means alcohol, narcotic drugs and psychotropic substances as well as any other substances capable of having adverse effects on a person's mind, their control and cognitive abilities and behaviour).

## **CHAPTER III CIRCUMSTANCES EXCLUDING UNLAWFULNESS**

Art. 10

### **Necessity**

An act that otherwise constitutes a disciplinary offence shall not be a disciplinary offence if someone performs it out of necessity.

Art. 11

### **Defence**

An act that otherwise constitutes a disciplinary offence shall not be a disciplinary offence if someone performs it in defence.

## **CHAPTER IV CESSATION OF DISCIPLINARY RESPONSIBILITY**

Art. 12

### **Reasons for Cessation of Disciplinary Responsibility**

Responsibility for a disciplinary offence ceases

- a) At the end of a period of limitation;
- b) If the person is no longer a student;
- c) By death of the student;
- d) By amnesty.

Art. 13

**Period of Limitation**

The period of limitation is one year from

- a) The disciplinary offence perpetration; or
- b) Final judgment of conviction in a criminal case.

Art. 14

**Suspensions of Limitation Period**

The period of limitation shall not include any time

- a) When the person is not a student; or
- b) Of administrative court proceedings in the case.

**CHAPTER V  
SANCTIONS**

Art. 15

**Sanction Types and Imposition**

(1) Any of the following sanctions may be imposed for a disciplinary offence:

- a) Reprimand;
- b) Conditional expulsion from studies;
- c) Expulsion from studies.

(2) The sanctions may be imposed solely in accordance with the law. Sanctions may solely be imposed individually. In situations when a sanction with a lesser effect on the offender is sufficient a sanction with a greater effect on the offender may not be imposed.

Art. 16

**Sanction Determination**

(1) The following factors are taken into account in sanction determination:

- a) Nature of the acts representing the disciplinary offence;
- b) Circumstances of the disciplinary offence;
- c) Consequences resulting from the offence;
- d) Degree of culpability;
- e) Previous behaviour of the student who committed the disciplinary offence;
- f) Efforts exerted to remedy the consequences of the disciplinary offence.

(2) Expulsion from studies may be applied solely in the event of an intentional disciplinary offence.

Art. 17

**Total and Aggregate Sanction**

(1) If the Rector imposes a sanction for two or more disciplinary offences, the Rector shall impose a total sanction, which is the most severe sanction that would be imposed for any one of the disciplinary offences.

(2) The Rector shall impose an aggregate sanction under paragraph 1 for a disciplinary offence committed before a decision of conviction for another disciplinary offence was issued. By imposing an aggregate sanction, the Rector shall cancel the verdict on the sanction imposed on the offender by the previous decision, as well as any other decisions following this verdict, if there are no grounds for them due to the change caused by such cancellation. The aggregate sanction shall not be lower than the sanction imposed by the previous decision.

Art. 18

### **Withdrawing Sanction**

A sanction may be withdrawn if the disciplinary offence discussion itself results in rectification.

Art. 19

### **Special Provisions on Conditional Expulsion from Studies**

(1) The sanction of conditional expulsion from studies may be imposed solely if the conditions for imposing the sanction of expulsion from studies are met and the Rector reasonably believes expulsion from studies is not required for the offender to refrain from committing other disciplinary offences.

(2) In the event of a conditional expulsion from studies, the Rector shall set a deadline and conditions for acquittal. The acquittal period, starting upon legal force of the decision, shall be set by the Rector for a period from one to four years, until the end of the studies at the latest.

Art. 20

### **Decision on Conditional Expulsion**

(1) If the conditionally expelled refrains from committing another disciplinary offence within the acquittal period and has met the set conditions, the Rector shall decide the person has acquitted themselves; otherwise, the Rector shall decide, possibly even before the end of the acquittal period, that the sanction of expulsion from the studies shall be executed.

(2) Exceptionally, the Rector may, with regard to the circumstances of the case and the personality of the offender, keep the conditional expulsion from the studies in force, although the offender has given rise for the sanction of the expulsion from studies to be executed, and prolong the acquittal period reasonably; however, the period may not be exceeded.

(3) If the Rector has not decided within one month from the end of the acquittal period under paragraph 1, the conditionally expelled is considered to have acquitted themselves.

## **PART THREE**

### **DISCIPLINARY COMMISSION**

#### **CHAPTER I**

### **DISCIPLINARY COMMISSION STATUS AND COMPETENCE**

Art. 21

#### **Disciplinary Commission Status**

Pursuant to Section 7(1)(e) of the Higher Education Act, the Disciplinary Commission is a self-governing academic body of JAMU, whose composition and competence is governed, without limitation, Section 13 of the Higher Education Act.

Art. 22

**Disciplinary Commission Competence**

The Disciplinary Commission deals with disciplinary offences of non-faculty students and presents a decision proposal to the Rector.

CHAPTER II  
**CHAIRPERSON OF THE DISCIPLINARY COMMISSION**

Art. 23

**Chairperson**

(1) The Chairperson, who manages the meetings and activities of the Disciplinary Commission and represents the Commission on the outside, is elected by the Disciplinary Commission at the first meeting after the position becomes empty. The Chairperson may authorize another member of the Disciplinary Commission to manage the meeting.

(2) If there is no Chairperson, the role of the Chairperson is performed by the most senior member of the Disciplinary Commission in order for the Chairperson to be elected without undue delay.

Art. 24

**Term of the Chairperson**

The term of the Chairperson of the Disciplinary Commission ends at the same time as the Chairperson's membership in the Disciplinary Commission or upon the election of another member as the Chairperson.

Art. 25

**Election of the Chairperson**

(1) The members of the Disciplinary Commission shall nominate candidates from among themselves. If the nominated member agrees with the candidacy, he/she is included in the ballot papers.

(2) The vote is secret. A candidate is elected, if he/she has received the majority of the votes of all members of the Disciplinary Commission. If neither of the candidates is elected this way, there is a second round of the election, to which only the two candidates at the final two top positions pass; if necessary, the final order of candidates with the same number of votes shall be decided by drawing lots.

(3) If neither of the candidates is elected in the second round either, the election shall be repeated.

CHAPTER III  
**DISCIPLINARY COMMISSION MEMBERSHIP**

Art. 26

**Members**

(1) The Disciplinary Commission has 6 members. Half of the Disciplinary Commission members are students.

(2) The members of the Disciplinary Commission are appointed and removed by the Rector, from among the JAMU academic community, based on a prior consent of the JAMU Academic Senate. The Rector shall have at least 4 persons approved by the JAMU Academic Senate as substitute members; the substitute member approval ceases to be effective after two years.

Art. 27

**Term**

- (1) The Disciplinary Commission membership starts on the date of appointment, unless a later date is set forth therein.
- (2) The term of the Disciplinary Commission members is two years.

Art. 28

**Term Expiration**

The Disciplinary Commission membership expires

- a) At the end of the term;
- b) By giving up the office;
- c) By death;
- d) Upon termination of membership in the JAMU academic community;
- e) By removal from the office.

CHAPTER IV  
**DISCIPLINARY COMMISSION RULES OF PROCEDURE**

Part 1  
**Procedure**

Section 1  
**General Provisions**

Art. 29

**Form of Discussions**

At the meetings, the Disciplinary Commission discusses any relevant matters. The meetings are not open to the public.

Art. 30

**Costs of Activities**

- (1) The costs of the Disciplinary Commission activities are borne by the JAMU Rectorate.
- (2) In duly justified cases, the Disciplinary Commission is entitled to request, through the Rector, an opinion of an independent expert for its decision.

Art. 31

**Communication with Members**

Any documents and information related to the activities of the Disciplinary Commission shall be sent to the e-mail addresses of its members stated in the JAMU electronic information system; a message sent by e-mail shall be considered delivered upon sending.

Section 2  
**Meetings**

Art. 32

**Convening Meetings**

The Disciplinary Commission meetings shall be convened by its Chairperson in order for the meeting to take place within 14 days from the date of receipt of the motion to initiate disciplinary proceedings.

Art. 33

**Invitation to Meeting**

The Chairperson shall inform the members of the Disciplinary Committee of the date of its meeting 7 days before the meeting date at the latest, stating the date, place, time and with the motion to initiate disciplinary proceedings attached.

Art. 34

**Meeting Attendance**

(1) The members of the Disciplinary Commission are obliged to be present at the meetings in person, unless serious reasons prevent them from doing so; presence by proxy is not allowed.

(2) If required by the matter to be discussed, the Chairperson may invite other persons to attend the meeting.

Art. 35

**Course of Meetings**

(1) The Chair opens the meeting by announcing whether the meeting has been convened properly, shall verify the Disciplinary Committee quorum and appoint a minute taker.

(2) The respective matters shall be presented one by one by the Chair or a person authorized by the Chair as a rapporteur. For each matter, the Chair shall start a discussion, which may be joined by any member of the Disciplinary Commission as registered in advance or before its end.

Art. 36

**Meeting Closing**

(1) At the end of the meeting, the Chair shall read the wording of the adopted decisions and any other significant items of the minutes; any objections of the Disciplinary Committee members against their wording that have not been withdrawn after the discussion shall be included in the minutes.

(2) The meeting shall be closed by the Chair's closing announcement.

Part 2  
**Decision-Making**

Art. 37

**Bias**

(1) A Member of the Disciplinary Commission shall be excluded from a discussion of a matter, if his or her relationship to the discussed matter or persons concerned gives rise to doubts about him or her being unbiased. The member is obliged to inform the Rector about this fact immediately upon its establishment.

(2) A party to the proceedings is entitled to raise an objection of bias with the Chairperson of the Disciplinary Commission without undue delay upon having established a possible reason of bias. In the objection of bias, the party to the proceedings shall state which of the Disciplinary Commission members the objection is directed at, what is considered the reason for bias and what evidence may be used to prove the bias.

(3) The objection including the statement of the concerned member shall be submitted to the Rector by the Chairperson of the Disciplinary Commission. The Rector shall decide whether the concerned member shall be excluded from the discussion of the matter in question.

(4) If a member is excluded from the discussion of the matter in question, the Rector shall appoint one of the substitute Disciplinary Commission members immediately.

Art. 38

**Procedure Before Adopting a Decision**

(1) Draft decisions are presented by the Chair. The vote is taken on draft decisions in the order in which they were presented. The vote on the amendment is taken before the amended decision. If any of the adopted decisions excludes any other decision, no vote is taken on such other decision.

(2) In the event of a proposal to the Rector for a decision on a disciplinary offence, the Disciplinary Committee shall vote in the following order:

- a) On guilt;
- b) If the decision on guilt is positive, whether sanction imposition shall be withdrawn;
- c) If sanction imposition has not been withdrawn, on a proposal to impose the sanction;
- d) If a decision on conditional expulsion from studies has been adopted, on proposed conditions and period of acquittal.

Art. 39

**Adopting Decisions**

(1) For a decision of the Disciplinary Commission to be adopted, the approval of a majority of all members of the Disciplinary Commission is required. If a member does not express his or her approval, he or she is considered not to have agreed with the proposal.

(2) The Chair shall announce whether a decision has been adopted immediately after ascertaining the result of the vote.

Art. 40

**Voting**

(1) The vote of the Disciplinary Commission is secret.

(2) The secret vote is performed by means of ballot papers with pre-printed options. Each member of the Disciplinary Commission votes by circling the option of their choosing; otherwise the ballot paper shall not be valid.

Part 3  
**Minutes of the Meeting**

Art. 41

**Minutes Taking and Particulars**

(1) The minutes of each meeting of the Disciplinary Commission are taken by the minute taker.

(2) The minutes shall always indicate who convened the meeting, when and where the meeting took place, who was present in the meeting, who chaired the meeting, the result of the votes, exact wording of adopted decisions and the date of the minutes. A party to the proceedings has the right for their opinion to be included in the minutes.

PART FOUR  
**DISCIPLINARY PROCEEDINGS**

CHAPTER I  
**GENERAL PROVISIONS**

Art. 42

**Principles**

The fundamental principles governing the activities of administrative bodies shall also be applied to disciplinary proceedings.<sup>1)</sup>

Art. 43

**Party to the Proceedings**

(1) A student suspected of committing a disciplinary offence (hereinafter referred to as “the Suspect”) is the sole party to the disciplinary proceedings that has been informed about the motion to initiate disciplinary proceedings (hereinafter referred to as “the Accused”).

(2) Until a final decision on the disciplinary offence states the guilt of the Accused, the Accused is considered not guilty. In the event of any doubts, the Rector shall decide in favour of the Accused.

Art. 44

**Delivery**

(1) The decision reached in the disciplinary proceedings may be delivered to the Accused in person. If the student provides a data mailbox address, the decision shall be delivered to their data mailbox. If the student has provided solely a delivery address, the decision shall be delivered to the student as restricted delivery mail to the delivery address.

(2) If a document in the disciplinary proceedings is not delivered because the student failed to fulfil the obligation to report his or her postal delivery address or data mailbox address or

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<sup>1)</sup>Sections 2 to 8 of the Administrative Procedure Code.

if the document delivery to the postal delivery address reported by the student fails, the document shall be delivered in the form of a public announcement; JAMU is not obligated to appoint a custodian for the student.

(3) Failure of the student to report a postal delivery address or a data mailbox address gives rise to such student's obligation to compensate JAMU for the costs incurred by such failure.

## CHAPTER II FIRST-INSTANCE PROCEEDINGS

### Art. 45

#### **Motion to Initiate Proceedings**

- (1) The motion to initiate disciplinary proceedings is filed with the Disciplinary Commission by the Rector.
- (2) The motion includes a description of the act, proposed evidence used as grounds, if any, as well as the reasons why the act is considered to be a disciplinary offence.

### Art. 46

#### **Initiation of the Proceedings**

The disciplinary proceedings are initiated by informing the Suspect of the disciplinary offence about the motion to initiate disciplinary proceedings.

### Art. 47

#### **Oral Proceedings**

(1) The disciplinary offence shall be discussed at a meeting of the Disciplinary Commission in the form of oral proceedings in the presence the Accused; oral proceedings without the presence of the Accused may solely take place if the Accused fails to arrive without any excuse, although he has been duly invited, 7 days prior to the oral proceedings at the latest. The motion to initiate disciplinary proceedings shall be attached to the invitation to the oral proceedings.

- (2) The Rector and the Accused are entitled to give their statements to the matter and propose evidence to support their claims.

### Art. 48

#### **Proposal for Decision**

(1) The Disciplinary Commission shall agree on a proposal for a decision on the disciplinary offence, which the Commission presents to the Rector.

(2) If the Commission finds the Accused guilty, the Commission shall propose that the Rector decides the Accused is guilty and imposes the sanction proposed by the Commission; otherwise, the Commission shall propose to terminate the proceedings.

### Art. 49

#### **Termination of the Proceedings**

If it is established that a disciplinary offence has not been committed, it it cannot be proved that a disciplinary offence has been committed by a non-faculty student, if the person is no longer a student or the responsibility for the disciplinary offence ceased, the Rector shall terminate the disciplinary proceedings.

Art. 50

**Right to Give an Opinion on the Decision Base**

Before the decision is issued, the Rector shall inform the Accused about the possibility to give an opinion on the decision base.

Art. 51

**Decision on Guilt and Sanction**

(1) If there is no reason to address the matter otherwise, the Rector shall decide on guilt and sanction, if any, based on the decision proposal submitted by the Disciplinary Commission.

(2) The Rector may not impose a sanction more severe than the one proposed by the Disciplinary Committee.

Art. 52

**Particulars of the Decision**

(1) The decision is executed in writing and includes the seal of JAMU and the signature of the person who issued the decision. The decision includes an operative part, statement of grounds and advice of the possibility to lodge an appeal.

(2) The operative part shall include the solution to the subject matter of the proceedings, the legal provisions applied in the decision-making process, name, surname, date of birth and place of residence of the Accused; if the Accused has been found guilty, it shall also include

- a) Description of the act with specifications of place, time and manner of perpetration;
- b) Legal classification of the act;
- c) Statement of guilt;
- d) Form of culpability;
- e) Sanction imposed or a statement of sanction withdrawal.

(3) The statement of grounds shall include the reasons of the operative part of the decision, the basis of its issue, contemplations taken into account by the Rector in assessment and interpretation of laws and internal regulations and information about how the Rector viewed the statement of the Accused.

(4) The advice of rights shall state that an appeal may be lodged against the decision within 30 days after the date of its notification and that the appeal shall be lodged with the Rector who makes a decision concerning the appeal. Suspensive effect of the appeal may not be ruled out.

**CHAPTER III  
APPELLATE PROCEEDINGS**

Art. 53

**Filing Appeal**

(1) The student may file an appeal against the decision within 30 days from the date of announcement of the decision unless he or she has waived this right in writing after the announcement of the decision. The appeal has suspensive effect.

(2) The appeal may contest the operative part of the decision. An appeal against the grounds for the decision only is inadmissible.

(3) The appeal must state

- a) First name, surname, date of birth and the place of permanent residence of the student,

- b) Matter to which it relates,
- c) Decision which is appealed, the scope to which the decision is contested and why the decision is deemed to be in conflict with legal or internal regulations or why the decision or the prior proceedings are considered incorrect. If the appeal does not specify the scope to which the decision is contested, it is assumed that the appellant seeks the cancellation of the entire decision.

Art. 54

### **Procedure after Filing the Appeal**

(1) The Rector may cancel or change the decision challenged by the appeal if the appeal is fully upheld by such procedure. This decision may be appealed.

(2) If the Rector does not find that the conditions for the procedure under clause 1 have been satisfied, the Rector shall pass the file with their statement to the appellate body within 30 days from the day of the delivery of the appeal.

Art. 55

### **New Facts**

New facts or proposals for producing new evidence specified in the appeal or in the course of the appellate procedure shall be taken into account only if the student was not able to use such facts or evidence earlier. Where the student objects that he or she was not allowed to perform a certain act during the first-instance procedure, such act must be made together with the appeal.

Art. 56

### **Appellate Body**

The appellate body is the Rector.

Art. 57

### **Scope of Review**

The Rector shall review the compliance of the contested decision and the procedure preceding the issue of the decision with legal and internal regulations and its correctness. Procedural errors which may not be reasonably believed to have influenced the compliance of the contested decision with legal and internal regulations or its correctness shall not be taken into account.

Art. 58

### **Decision on Appeal**

(1) The Rector shall issue the decision on the appeal within 30 days. The period starts on the day when the file is delivered to the Rector for decision. The Rector may not change the contested decision to the detriment of the appellant.

(2) If the Rector reaches the conclusion that the contested decision is in conflict with law or an internal regulation or is incorrect,

- a) The Rector shall cancel the contested decision or part thereof and
  - 1. Shall stay the proceedings, or
  - 2. Refer the matter back for new decision; in the grounds of this decision the Rector shall specify the legal opinion by which the Rector is bound during the new decision in the matter, or

b) The Rector shall change the contested decision or a part thereof.

(3) If the Rector finds out that there exists a fact which gives reason for termination of the proceedings, the Rector shall automatically cancel the contested decision and terminate the proceedings. A late or inadmissible appeal shall be dismissed by the Rector.

(4) If the Rector does not find any reason to proceed pursuant to clause 2 and 3, the Rector shall dismiss the appeal and uphold the contested decision. If the Rector changes or cancels the contested decision partially, the Rector shall uphold the remaining parts of the decision.

(5) Applicable to a decision in appellate proceedings is Article 52; the operative part shall specify the manner in which the decision was reached and the instruction shall state that there is no appeal admissible against the decision in appellate proceedings.

Art. 59

### **Follow-up Measures**

If necessary, bodies of JAMU or its unit shall in connection with the Rector's decision adopt measures to ensure that the student's rights are restored and the consequences caused by an erroneous decision are removed or at least mitigated.

## **PART FIVE**

### **FINAL PROVISIONS**

Art. 60

### **Repeal Provisions**

The Disciplinary Code for Students of the Janáček Academy of Music and Performing Arts in Brno, registered by the Ministry of Education, Youth and Sports (hereinafter referred to as "the Ministry") on 22 June 1999 under ref. no. 23 792/99-30 is hereby repealed.

Art. 61

### **Effectiveness**

This internal regulation comes into force on the day of its registration by the Ministry and into effect on the first day of the second calendar month following the month in which it came into force.

Prof. Ing. MgA. Ivo Medek, Ph.D., m.p.

The Rector

Prof. PhDr. Silva Macková, m.p.

The Chairperson of the JAMU Academic Senate

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