

The unofficial consolidated text of the Rules on disciplinary responsibility of the students of the University of Primorska includes:

- Rules on disciplinary responsibility of the students of the University of Primorska no. 221-58 / 10 of 22 December 2010,
- Amendments and modifications of the Rules on disciplinary responsibility of the students of the University of Primorska, no. 002-12 / 2016 of 22 June 2016.

## **Rules on disciplinary responsibility of the students of the University of Primorska (unofficial consolidated text – UCT)**

### **I. General provisions**

#### **Article 1**

(1) These Rules regulate violations of duties and obligations of students and other participants in the education process at the University of Primorska, disciplinary responsibility, bodies in charge of disciplinary procedures for students of the University of Primorska, and the procedure for determining disciplinary responsibility of students.

(2) The provisions of these Rules shall also apply to students who are staying in dormitories of the University of Primorska.

#### **Article 2**

(1) In the disciplinary procedure under these Rules, the provisions of the General Administrative Procedure Act shall apply *mutatis mutandis*.

(2) The personal data of students is collected, processed and published in accordance with the principles and provisions of the Personal Data Protection Act and the Rules on the Protection of Personal and Confidential Data for the purposes of the disciplinary procedure under these Rules. All individuals involved in the disciplinary procedure must act in accordance with the provisions of the cited acts.

#### **Article 3**

In these Rules, the masculine grammatical form (he, his) is used as neutral for men and women.

### **II. Breach of duties, non-compliance with obligations and provisions**

#### **Definition of disciplinary responsibility**

#### **Article 4**

(1) Under the provisions of these Rules, students are responsible for breach of duties and non-compliance with obligations regulated by law, these Rules, General Acts of the University of Primorska (hereinafter: the University) and its faculties and affiliated institutions (hereinafter: member institutions) and the decisions of the bodies and working bodies of the University and its member institutions.

(2) The student is responsible if the act is committed or allowed by intention or by serious negligence.

(3) The student is also responsible if the act is started and not completed (an attempt to breach duties and be non-compliant with obligations).

## **Breach of duties**

### **Article 5**

Breach of duties and non-compliance with the student's obligations under these Rules may be less serious or serious.

### **Article 6**

#### **Less serious breach of duties are:**

1. inappropriate behaviour that damages the reputation of the university;
2. inappropriate attitude towards other students, higher education teachers and other employees at the university;
3. obstruction of other students in the educational process or other work at the university;
4. the first violation during the examination and assessment process, if the student interacts with another individual or other individuals during the examination, if the student copies the answers from another individual or other individuals or uses unauthorized devices, or if the student in any other way disturbs the examination;
5. inappropriate attitude towards the mentor, employees of the practical training provider, or clients (guests) during professional training, field work and other forms of practical training in real-work environments.

### **Article 7**

#### **Serious breach of duties are:**

1. the second and subsequent violations referred to in point 4 of Article 6 of these Rules;
2. violation during the examination and assessment process, if the student sits an exam or attempts to sit an exam instead of (another) registered student, or if he permits someone else to sit an exam or attempt to sit an exam instead of himself;
3. violation during the examination and assessment process, if the student, in the final work or other final dissertation and seminar papers and other written works, copies full or partial texts of other authors and uses them as his own work, or if, for certain parts of the copied texts, does not cite the author (plagiarism);
4. forgery of documents;
5. providing false information with the intention of unjustifiably benefitting himself or anyone else;
6. obtaining examinations and other materials intended for examination of students in an unauthorised way, and the use or transmission of such materials to other individuals;
7. repeated or multiple submission of the same or majority of the same written works (e.g. seminar paper, report) in different subjects without the approval of the professor;
8. serious violation of order and discipline on the premises of the university and on the premises or in places where the educational process is carried out;

9. arriving at the premises of the university and the premises or places where the educational process is carried out drunk or under the influence of drugs, or the consumption of alcohol or drugs at these locations;
10. damaging the property of the university;
11. any act or permission of action that might threaten the lives or health of students, higher education teachers and other staff at the university;
12. third and subsequent repetitions of minor breaches of duty and non-compliance with obligations.

## **Disciplinary measures and sanctions**

### **Article 8**

The following disciplinary measures and sanctions may be imposed on students for breach of duties and non-compliance with obligations:

1. warning,
2. reprimand,
3. ban on taking the exam or ban on submitting the same paper/work or final work,
4. temporary exclusion from the university,
5. permanent definitive exclusion from the university.

### **Article 9**

(1) A warning can be issued to a student for minor breaches of duty and non-compliance with obligations.

(2) The warning is served in writing to the student.

### **Article 10**

(1) A reprimand is imposed on the student for serious violations and non-compliance with obligations.

(2) The reprimand or decision on the reprimand is served in writing to the student.

### **Article 11**

(1) A temporary exclusion from the university may be imposed on a student for serious breach of duties and non-compliance with obligations in the cases specified in points 2, 3, 4, 5, 8, 10, 11 and 12 of Article 7 of these Rules and in the event that a reprimand has been imposed on the student at least twice.

(2) A temporary exclusion from the university may, depending on the gravity of the infringement, last from one to five years.

(3) The measure of temporary exclusion from the university is imposed in such a way as to prohibit the student from pursuing study obligations for a certain period of time.

### **Article 12**

(1) A permanent exclusion from the university is imposed on the student for serious breach of duties and non-compliance with obligations in the case where a temporary exclusion measure has already been imposed on the student.

(2) The measure of permanent exclusion from the university is imposed by written notification of the decision to the student.

### **III. Disciplinary authorities**

#### **Article 13**

(1) Disciplinary procedures are managed by disciplinary commissions of the university member institutions and by the disciplinary commission of the university, which also impose disciplinary measures on students for breach of duties and non-compliance with obligations.

(2) In the cases defined in these Rules, a shortened procedure managed by the dean of the home faculty of the student is applied.

#### **Article 14**

(1) Disciplinary commissions of university member institutions have a chairman and two members and an equal number of substitute members.

(2) The chairman and one member and their deputies are appointed by the senate of the university member institution from among higher education teachers of the university member institution; a student representative and a deputy is appointed by the senate of the university member institution after a proposal from the student council of the university member institution.

#### **Article 15**

(1) The disciplinary commission of the university has a chairman and four members and an equal number of substitute members.

(2) The chairman, three members and their deputies are appointed by the senate of the university from among higher education teachers of the university; a student representative is appointed by the senate of the university after a proposal from the student council of the university.

#### **Article 16**

(1) The chairman and members of disciplinary commissions of university member institutions and the disciplinary commission of the university are appointed for two years and may be reappointed.

(2) Members of disciplinary commissions of university member institutions cannot be at the same time members of the disciplinary commission of the university and vice versa.

### **IV. Introduction of a disciplinary procedure**

#### **The initiation and the request to initiate the procedure**

## **Article 17**

(1) The letter to initiate a disciplinary procedure may be submitted to the dean of the university member institution by an employee of the university or a university student (hereinafter: the initiator of the procedure).

(2) The dean of the student's home faculty starts the procedure, based on the request for the initiation of the procedure for determining disciplinary responsibility (hereinafter: the applicant).

(3) The applicant serves the request for the initiation of a disciplinary procedure to the chairman of the disciplinary commission of the university member institution and the student against whom the procedure is initiated.

(4) The application must be written and must contain:

- the name(s) and surname and other personal data of the student against whom the procedure is initiated,
- a description of the act or exemption which constitutes a breach of duty or non-compliance with obligations,
- the statement of any evidence,
- a proposal for the collection of evidence before the main hearing in the preparatory procedure.

(5) The student must be notified of all actions related to the disciplinary procedure which are taking place, from the moment the disciplinary procedure is started.

## **V. Disciplinary procedure before the disciplinary commission of a university member institution**

### **Verification of evidence and preparatory procedure**

## **Article 18**

(1) When the chairman of the disciplinary commission of the university member institution receives the request, he first establishes whether sufficient evidence has been collected concerning the alleged act or whether it is necessary to obtain additional evidence or hear the proposed witnesses in the preparatory process.

(2) If the chairman of the disciplinary commission of the university member institution assesses that there is sufficient evidence stated or enclosed in the request for the initiation of a disciplinary procedure indicating that the student has indeed committed the offense, the preparatory procedure is not necessary.

(3) If the chairman of the disciplinary commission of the university member institution assesses that the evidence is not sufficient, or that it is dubious or conflicting, he initiates the preparatory procedure.

## **Article 19**

(1) In the preparatory procedure, the disciplinary commission of the university member institution examines evidence, questions the student against whom the disciplinary procedure is initiated and obtains other evidence necessary for the decision.

(2) The chairman of the disciplinary commission of the university member institution may authorize an employee of a university member institution to collect evidence.

#### **Article 20**

When the preparatory procedure is completed, the disciplinary commission of the university member institution examines the request for the initiation of a disciplinary procedure and the collected evidence and decides whether the procedure is to continue or schedules the main hearing or stops the procedure, if it finds that there is no basis for continuation.

#### **Article 21**

If the disciplinary commission of the university member institution decides to stop the procedure, it shall inform the applicant and the student against whom the disciplinary procedure has been initiated.

#### **Article 22**

(1) If the disciplinary commission of the university member institution decides to continue the procedure, the chairman of the commission determines the time and place of the hearing and determines which evidence will be provided at the hearing. If a preparatory proceeding has been conducted, the evidence presented in the preparatory proceeding may be re-presented at the main hearing.

(2) The invitation to the hearing shall be served personally to the student against whom the disciplinary procedure is being conducted at least eight days before the main hearing. The invitation should state explicitly that the student may bring a legal representative to the main hearing and that the main hearing will be held in the absence of the student if the student does not provide a justifiable reason for the absence.

(3) The invitation to the hearing shall also be sent to the applicant of the disciplinary procedure, to witnesses, and, if necessary, to the experts and other persons involved in the main hearing.

#### **Article 23**

Minutes have to be prepared if the student is questioned in a preparatory procedure, or if any action related to the process before the disciplinary commission is performed prior to the main hearing.

### **Main hearing**

#### **Article 24**

(1) The chairman of the disciplinary commission of the university member institution opens the main hearing with a roll call and, in the case of any absence, checks whether the invitations have been served properly and if anybody has apologised for their absence, reads the request for the initiation of a disciplinary procedure and briefly explains the course of the preparatory procedure, if it was carried out.

(2) When the student against whom the disciplinary procedure is being initiated declares that he understood the request for the initiation of a disciplinary procedure and that he understands what he is being accused of, the chairman of the disciplinary commission of the university member institution begins to present the evidence offered in the request for the initiation of the disciplinary procedure and / or collected in the preparatory procedure.

(3) The chairman of the disciplinary commission of the university member institution invites the student against whom the disciplinary procedure is being conducted to declare the claims in the request and give his defence.

(4) After the student's statement, the chairman of the disciplinary commission of the university member institution invites witnesses individually into the room where the main hearing takes place or may also confront statements of individual witnesses.

#### **Article 25**

(1) The chairman and members of the disciplinary commission of the university member institution may ask the student, as well as other persons involved in the procedure, questions in order to establish legally relevant facts and circumstances concerning the violation.

(2) The student and his legal representative have the right to examine evidence at the hearing, ask questions of witnesses and experts, and comment on and explain their statements.

(3) With the permission of the chairman of the disciplinary commission of the university member institution, other persons invited to the main hearing may also ask questions.

#### **Article 26**

(1) When the process of evidence is completed, the chairman of the disciplinary commission of the university member institution calls upon the student to present his defence in the final speech.

(2) The disciplinary commission of the university member institution concludes the main hearing and withdraws for consultation and voting.

(3) The disciplinary commission of the university member institution makes a decision with a simple majority.

#### **Article 27**

(1) After consulting and voting, the chairman of the disciplinary commission of the university member institution orally declares the decision taken.

(2) Within eight days after the completion of the main hearing, the disciplinary commission of the university member institution must issue a written copy of the decision and serve it to the student against whom the disciplinary procedure was initiated or to his representative, if there is one, and to the applicant, who also informs the initiator of the procedure.

(3) Minutes of the main hearing, consultation and voting are written.

#### **Article 28**

(1) The disciplinary commission of the university member institution issues a verdict, in which it may find the student guilty and impose an appropriate disciplinary measure or acquit the student.

(2) The disciplinary commission of the university member institution takes into account the level of responsibility of the student, the conditions in which the student committed the violation, the student's previous behaviour, the gravity of the violation and its consequences, the damage, and other aggravating and/or extenuating circumstances.

### **Article 29**

(1) If the student against whom the procedure was initiated does not attend the hearing, the disciplinary commission of the university member institution decides whether the hearing is carried out in his absence or is postponed, namely:

- if the student was properly invited, but did not apologize for his absence, the hearing may be conducted in his absence;

- if the student was not properly invited or if the student was not heard and the disciplinary commission believes he should have been, or if the student was properly invited and has apologised for his absence, the main hearing is postponed.

(2) If the student was properly invited and has justified his absence, but the justification is unreasoned, unfounded, false or obviously aims to delay the process, the hearing may be conducted in his absence.

## **VI. Disciplinary procedure before the university's disciplinary commission**

### **Article 30**

(1) A student, his legal representative or the applicant of the request may lodge a complaint with the university's disciplinary commission against the decision of the disciplinary commission of the university member institution within fifteen days of a receipt of the written copy of the decision for the following reasons:

1. for a substantial violation of the rules of the disciplinary procedure,
2. for incorrect or incomplete determination of the facts,
3. due to incorrect use or non-use of substantive provisions.

(2) The disciplinary commission of the university can confirm the decision of the disciplinary commission of the university member institution, partially or completely change it or declare it void and return it to the disciplinary commission of the university member institution.

(3) If the student or his legal representative lodges a complaint, the decision of the university's disciplinary commission must not be changed to his detriment by imposing a more stringent measure.

(4) The university's disciplinary commission must make a decision within fifteen days after the complaint has been received. The decision of the disciplinary commission of the university is final.

(5) The student may initiate an administrative dispute against the final decision of the disciplinary commission of the university at the competent court within thirty days of receipt of a written copy of the decision.



(6) The provisions of these Rules shall apply mutatis mutandis to the procedures before the disciplinary commission of the university member institution.

## **VII. Shortened disciplinary procedure**

### **Article 31**

A shortened disciplinary procedure is carried out if the student, during an examination:

- interacts in an illicit way with another person or other persons during the examination, or copies the examination answers from another person or other persons or uses unauthorized devices or otherwise disturbs the examination in any way;
- tries to sit the exam instead of (another) registered student or allows the student to sit or try to sit the exam instead of him.

### **Article 32**

(1) In the case of the first violation referred to in the first indent of Article 31 of these Rules, the procedure shall be carried out as specified in the Rules on the examination and assessment of knowledge at UP, and the dean shall issue a warning to the student and a ban on taking the examination for the next six (6) months.

(2) In the case of the second or repeated infringement referred to in the first indent of Article 31 of these Rules or the violations referred to in the second indent of Article 31 of these Rules, the procedure shall be conducted in accordance with Article 43 of the Rules on the examination and assessment of knowledge at UP, and the dean shall issue the student a reprimand and a ban on taking the examination for the next twelve (12) months.

(3) The student may lodge a complaint against the warning or reprimand with the disciplinary commission of the university member institution within 15 days after notification of the warning or reprimand.

(4) The decision of the disciplinary commission of the university member institution is final.

(5) If the student's appeal is justified, he must be allowed to take the exam in the extraordinary examination period.

### **Article 33**

In the case referred to in Article 32 of these Rules, the dean, subject to attenuating and other circumstances, may impose on the student a lighter sanction than stated.

## **VIII. Revision of the procedure**

### **Article 34**

The disciplinary procedure may be renewed for the following reasons:

1. if, due to incorrect conduct of the procedure, the student was denied the opportunity to participate in the procedure,
2. if the decision is based on a false deposition of a witness or expert or if a favourable decision for the student was issued on the basis of his untruthful statements,
3. if the decision relies on a forged document or a document certifying untrue content,

4. if the decision is based on a final decision of a court or other body, but this decision has been finally annulled, amended or abolished,
5. if new facts or findings are discovered, or if possible new evidence is obtained, on the basis of which a different decision would be issued in the disciplinary procedure,
6. if a member who should recuse himself participated in a decision-making process of the disciplinary commission, or the disciplinary commission was formed incorrectly or if the prescribed majority did not vote for the decision.

#### **Article 35**

- (1) The proposal for reopening the procedure may be lodged by the student against whom the disciplinary procedure was initiated, his legal representative and/or the applicant.
- (2) In the proposal for reopening the procedure, the reasons for which the reopening is requested must be stated and substantiated with evidence proving the facts in order to establish the existing reason for reopening the procedure.

#### **Article 36**

- (1) The proposal for reopening the procedure may be lodged within one month from the date on which the beneficiary has learnt of the reason for reopening the disciplinary procedure.
- (2) After the expiration of one year from the date of the decision of the disciplinary commission, the proposal for reopening the procedure may no longer be lodged.

### **IX. Rejection of the request for initiating the procedure and termination of the procedure**

#### **Article 37**

- (1) The disciplinary commission shall dismiss the request for the initiation of a disciplinary procedure on procedural grounds, if:
  1. the limitation period for the initiation of a disciplinary procedure has expired,
  2. the student has already been served a disciplinary measure for the same breach of duty and non-compliance with the obligation, or the student has been finally acquitted for the same breach of duty and non-compliance with the obligation.
- (2) The disciplinary commission may also dismiss the request on procedural grounds at any time during the procedure until the decision is taken, if the reasons referred to in the previous paragraph are given. A complaint is allowed against the decision by which the request is rejected on procedural grounds.
- (3) The disciplinary commission may decide to terminate the procedure, if:
  1. the procedure cannot be continued,
  2. the applicant withdraws the request.

### **X. Periods of prescription**

#### **Article 38**

(1) The introduction of the procedure in cases of minor breaches of duties and non-compliance with obligations may be lodged within six months, and, in the case of serious breaches of duty and non-compliance with obligations, one year from the day when the violation is known.

(2) After the above deadlines have expired, the introduction of the procedure is no longer possible.

(3) When a violation has the characteristics of a criminal offence and the student is found guilty by the final judgment of a court in the criminal procedure, this shall not be an obstacle to the additional imposition of a disciplinary measure under these Rules. In such cases, the procedure has to be initiated within one year after the final judgment in which the student was found guilty.

(4) The imposed measure has to be executed within sixty days from the day the decision on the measure becomes final.

## **XI. Records of disciplinary procedures and documentation**

### **Article 39**

(1) University member institutions are obliged to keep records of disciplinary procedures and documentation issued on the basis of the provisions of these Rules and to inform the university rectorate twice a year about the imposed disciplinary measures.

**Rules on disciplinary responsibility of students of the University of Primorska no. 221-58 / 10 of 22 December 2010 contain the following transitional and final provisions:**

## **XII. Transitional and final provisions:**

### **Article 40**

The provisions of these Rules concerning the university member institutions, both higher education institutions and the dean, shall apply mutatis mutandis to other members of the university or its directors.

### **Article 41**

Amendments and modification to these Rules shall be adopted by the procedure and in the manner specified for its adoption.

### **Article 42**

(1) These Rules shall enter into force on the day following publication on the university's website.

(2) No later than two months after these Rules enter into force, the university and the university member institutions shall appoint disciplinary commissions in accordance with the provisions of these Rules, if they do not have disciplinary commissions or they are incorrectly formed. The Rectorate should be notified about the appointment.

(3) With the entry into force of these Rules, the Rules on disciplinary responsibility of the students of the University of Primorska no. 0221-9 / 07 and the provisions of Articles 44 and

45 of the Rules on examination and assessment of knowledge at the University of Primorska no. 0714-164 / 08 cease to be valid.

**The amendments and modifications of these Rules on disciplinary responsibility of the students at the University of Primorska, no.: 002-12 / 2016 of 22 June 2016 contain the following final provision:**

**Article 7**

Amendments and modification of these Rules enter into force on the 15<sup>th</sup> day after publication on the website of the University.

Date of publication: 27 June 2016