

Anglo-American University

Code of Discipline for Students

1. Disciplinary Offense

- i. A disciplinary offense is a culpable violation of the obligations laid down by law or the internal regulations of the AAU.
- ii. An offense is committed intentionally if the offender intended to violate or compromise the AAU standards of conduct by their conduct, or knew that their conduct could violate or compromise those standards and acknowledged that it might do so. An offense is committed by negligence if the offender knew that their conduct might violate or compromise the AAU standards of conduct, but without reasonable grounds relied on the fact that it would not do so, or did not know that their conduct might violate or compromise the AAU standards of conduct, even though they should and could have known this under the circumstances and in light of their personal circumstances. Negligence is sufficient for liability for a disciplinary offense.
- iii. An attempt to commit a disciplinary offense is an act that is immediately directed towards the completion of a disciplinary offense and that is committed by a student with the intention of committing a disciplinary offense if the disciplinary offense is not completed. Such conduct is punishable in the same way as a completed act.
- iv. A disciplinary offense may not be dealt with if a period of one year has elapsed since its commission or since the entry into force of a criminal conviction by which the student was found guilty of conduct that gives rise to disciplinary liability for the disciplinary offense.

2. Addressing Suspected Disciplinary Offenses

- i. The person responsible for receiving and handling the complaint is the supervisor of the student suspected of disciplinary offense, meaning the Dean of their school; if the student is not enrolled at any AAU school or if no initiator of the offense is known, the Dean of Students is to receive and handle the complaint. The student's supervisor may initiate the handling of a suspected disciplinary offense on their own initiative.
- ii. Anyone who receives a formal report of a suspected disciplinary offense and is not responsible for dealing with the complaint shall forward the complaint to the appropriate person referred to in paragraph (i) of this Article without undue delay and within one week at the latest.
- iii. In the case of a first-and-minor offense, the student's supervisor may decide the matter on their own. Before making a decision, the supervisor shall inform the student of the opportunity to comment on the decision's grounds. If it is not a first-and-minor offense, the student's supervisor shall immediately refer the case to the Disciplinary Committee. The supervisor may also refer the case to the Disciplinary Committee at their discretion, at any stage of the handling. A resolution, including the determination of the sanction, shall then be issued by the Disciplinary Committee. The student's supervisor shall inform the complainant or the accused, if the supervisor has already communicated with them about the case, of the referral.
- iv. Intentional or repeated plagiarism, sexual harassment, bullying, stalking, threatening, violent behavior, or abuse are not considered minor offenses.
- v. In the case of plagiarism:
 - (a) A mitigating circumstance may be the case of novice students, and the benefit of the doubt may be given if it is reasonable to assume that the small-scale plagiarism was the result of ignorance rather than intent.
 - (b) An aggravating circumstance in plagiarism is an act intended to make the plagiarism more difficult to detect. Such conduct includes, for example, the additional modification of individual words or phrases, the creation of typos, the use of machine translation tools or the creation of synonymous text, etc.
- vi. Whoever handles a suspected disciplinary offense is obliged to take the necessary evidence and to handle the matter in such a way that it can be established beyond reasonable doubt whether the act occurred and whether the accused committed the disciplinary offense. The handling must be initiated, conducted, and concluded without undue delay.
- vii. At any time after the complaint is received, the decision-making body (Dean of School, Dean of Students, Disciplinary Committee) may decide, depending on the nature of the case, on a provisional organizational measure against the accused person, and the accused person shall be obliged to comply with such organizational measure. Such measures include, for example, a change in the work schedule (including teaching), restrictions on participation in classes or activities of the AAU, restrictions on access to the AAU campus or accommodation, an obligation to refrain from certain conduct or communication, whether in relation to specific persons or in general, etc.
- viii. The student's supervisor or the Disciplinary Committee chairperson shall take one of the following steps within one week of receipt of a formally reported complaint:

- (a) if it is deemed appropriate, initiate informal handling of the complaint;
 - (b) begin formal handling of the complaint (disciplinary procedure);
 - (c) if the complaint is formally incomplete, ambiguous, unsupported by any evidence, or factually unrelated to the Code of Discipline for Students, ask the complainant to complete it within a specified period of at least one week. If the completion does not remedy the defects, they shall reject the complaint.
- ix. The informal handling is a process that can be used in situations where the substance of the complaint is the harm caused to the complainant or a third party. The informal handling means that the student's supervisor or the Disciplinary Committee chairperson will try to resolve the issue informally and amicably with both parties. This must be completed within three weeks. If the complainant accepts the outcome of the informal efforts as an adequate resolution, the complaint will be dropped with a notation that an informal resolution has been reached. Otherwise, a formal handling shall be initiated within one week of the conclusion of the informal handling.
- x. The formal handling of the complaint (disciplinary procedure) is initiated by the student's supervisor or the Disciplinary Committee chairperson who:
- (a) informs the suspect in writing of the charge of a disciplinary offense, including a description of the act, the time and place where the act was supposed to have been committed (if known), the reasons why the act is considered to be a violation of the AAU standards of conduct, or the specific standard of the Code of Conduct that was supposed to have been violated, and the evidence on which the complaint is based,
 - (b) gives the student two weeks to make a written statement, to provide a list of witnesses or relevant documents; a face-to-face meeting may be held within the same period if appropriate,
 - (c) informs the accused person's supervisor.
- xi. False or misleading statements during the disciplinary procedure may lead to additional sanctions.
- xii. If the formal handling is conducted by the Disciplinary Committee, it takes its decision at its meeting. It shall invite the accused student to attend, giving at least one week's notice. The invitation shall include notification of the opportunity to comment on the decision's grounds. The accused student may attend the entire meeting, except the deliberations and voting of the Disciplinary Committee. An oral hearing may be held in the absence of the accused person only if they fail to attend without due excuse or without sufficient reasons, although duly invited, or if they expressly state that they do not wish to attend.

3. Participation in the Handling and Exclusion from the Handling

- i. Anyone involved in handling a complaint shall be bound to maintain the confidentiality of facts that come to their knowledge in connection with the handling and which, in order to ensure the proper handling or in the interests of others, require to be kept secret. They shall be released from that obligation only on the grounds laid down by a special law or if the person concerned consents.
- ii. Each member of the AAU community is required to appear at a subpoenaed hearing and testify about facts relevant to the hearing if their testimony is offered into evidence. However, testimony may be withheld from any person who would place themselves or a person close to them in danger of prosecution for a criminal or administrative offense. The handling authority shall ensure that any oral hearings with the complainant and the accused are held in such a way that they do not meet.
- iii. Anyone who may reasonably be presumed, in view of their relationship to the case, to the involved parties or to their representatives, to have such an interest in the outcome of the handling that their impartiality may be doubted, shall be excluded from all acts in the handling in the performance of which they could influence the outcome of the handling.
- iv. A party to the handling may object to the partiality of a person involved in the handling as soon as the party becomes aware of it, but no later than 15 days after becoming aware of it. The objection shall be disregarded if the party to the handling has demonstrable knowledge of the ground for exclusion but fails to raise the objection without undue delay. The chairperson of the Disciplinary Committee, or the President if the bias of the chairperson of the Disciplinary Committee is alleged, shall decide on the objection by resolution without delay.
- v. Anyone who becomes aware of circumstances indicating that he or she has been excluded shall immediately inform the chairperson of the Disciplinary Committee, who shall immediately decide whether the person concerned is excluded. If the chairperson becomes aware of circumstances indicating that he or she has been excluded, the chairperson shall immediately inform the President, who shall immediately decide whether the chairperson of the Disciplinary Committee is excluded. Pending the decision on partiality, only such acts may be taken in the handling as cannot be delayed.
- vi. If the supervisor of the person suspected of a disciplinary offense is excluded from the handling, the next person up the line of the AAU organizational structure shall replace them.

- vii. If a member of the Disciplinary Committee is excluded from handling a case, the President shall appoint a substitute member of the Disciplinary Committee to handle the case, taking into account whether the excluded member was a staff member or a student.

4. Result of the Handling

- i. The handling results in a record of the handling and a resolution as to whether the conduct in question was a disciplinary offense and, if so, a determination of the responsibility for the conduct, the seriousness of the offense, and the sanction, if any. The resolution shall include a statement of reasons.
- ii. Before issuing a decision, the decision-making body shall invite the accused student to acquaint themselves with the decision's grounds and give them an opportunity to comment.
- iii. The decision-making body may suspend the disciplinary proceedings if the student's studies are interrupted until re-enrolment or until termination of studies. The decision-making body shall, by resolution, discontinue the disciplinary proceedings if:
 - (a) it fails to prove that the act in question occurred, was a disciplinary offense or was committed by the accused,
 - (b) the accused has resigned from studies or termination of their studies becomes effective,
 - (c) the conditions for the accused to be held liable for the act under the general legal provisions are not met,
 - (d) a period of one year has elapsed since the commission of the offense or since the entry into force of a criminal conviction by which the accused was found guilty of conduct that gives rise to disciplinary liability for the disciplinary offense.
- iv. The resolution of discontinuation may include a determination of whether the conduct in question was a violation of the Code of Conduct or another regulation and, if so, a determination of the responsibility for the conduct and the seriousness of the offense. The resolution shall include a statement of reasons.
- v. Unless compelling external circumstances prevent it, the resolution must be issued within 45 days of the formal handling of the complaint. The resolution, including the statement of reasons and an indication of the possibility to file an appeal, shall be sent without delay to the accused person, to the complainant and to the persons concerned, including the accused person's superior.
- vi. For delivery of the resolution:
 - (a) If the accused studies under a Czech accreditation, the resolution must be delivered into the hands of the addressee and to the student's university e-mail. It is considered delivered on the day listed on the confirmation of delivery issued by the mail service provider, or on the day the student confirms delivery (confirmation from AAU email address is sufficient). Should the delivery fail, i.e., if the decision letter returns as undelivered, or if no confirmation by the mail service provider is issued within 30 days, the student will be notified by e-mail and by public announcement on the AAU official notice board and webpage; notification will be deemed effective on the 15th day after the announcement.
 - (b) If the accused does not study under Czech accreditation, the resolution may be delivered via the AAU's student information system which includes e-mail notification. It is considered delivered on the first day after the resolution is made accessible in the information system.
 - (c) The complainant and other persons concerned are notified of the outcome of the handling by e-mail.
- vii. The complainant or the accused may request a review of the case by the President within 30 days of receipt of the resolution. The appeal must be submitted to the body that issued the decision. If the 30-day appeal period expires without appeal or if the student waives the right to appeal (confirmation from the AAU email address is sufficient), the decision will become final.
- viii. The authority that issued the decision may itself only grant the appeal by altering the decision or annulling it, otherwise it will forward the appeal to the President for decision. The President shall amend or annul a decision which has been made in contravention of the law or an internal regulation, or where the decision has not been sufficiently substantiated. In all such cases, the President shall explain their decision in writing. This decision may not be appealed and shall become final on the date of delivery.

5. Confidentiality

- i. All disciplinary proceedings are confidential and conducted in accordance with the General Data Protection Regulation (GDPR). The outcome can only be shared with those directly involved (including the complainant) or who need the information to carry out their work (or other) duties.
- ii. The identity of the complainant and other persons involved is reasonably known only to those responsible for handling the complaint.

- iii. Confidentiality includes, but is not limited to, the name of the person(s), as well as identifying features, descriptions, pseudonyms or other elements or factors that may enable third parties to identify the person(s), and details of the conduct in question, provided that they are specific enough to identify the circumstances or parties involved.
- iv. Examples of situations where confidentiality cannot be maintained include circumstances where disclosure of information is required by law or where the requirement for disclosure outweighs the protection of the right to confidentiality (e.g., allowing the accused to prepare a defense).
- v. If the identities of the parties must be disclosed, confidentiality will be expected and required of those who have a right to and necessarily must know the identities of the parties.
- vi. A breach of confidentiality may be a violation of Czech law and legal action may be taken against the party who violated it. Violations of confidentiality may also result in disciplinary action by the AAU.

6. False Accusations and Protection from Retaliation

- i. Initial allegations of a disciplinary offense which are found to be false and malicious may themselves become the basis of disciplinary proceedings, as may the intentional misrepresentation of information in the handling of a suspected disciplinary offense.
- ii. However, any allegations made in good faith, even if false, will not be subject to disciplinary action against the complainant, and efforts will be made to ensure that retaliation does not occur in connection with the good faith reporting of the alleged offense.
- iii. Retaliation and/or reprisals against an individual who in good faith reports or provides information about conduct that may violate the Code of Conduct are against the law and will not be tolerated.

7. Sanctions

- i. In imposing sanctions, an account is taken of the nature of the conduct, the circumstances in which it occurred, the consequences caused, the degree of culpability, as well as the accused's previous conduct and the efforts made to remedy its consequences. The imposition of a sanction may be waived if the hearing of the disciplinary offense itself leads to a remedy.
- ii. Any of the following sanctions may be imposed for a disciplinary offense:
 - (a) reprimand,
 - (b) non-academic probation with a time limit and conditions for proving oneself,
 - (c) expulsion from studies.
- iii. For a first-and-minor offense, no more severe sanction than a reprimand can be imposed.
- iv. In the case of a non-academic probation, a time limit and conditions for proving oneself must be set. The conditions for proving oneself may include:
 - (a) refraining from improper conduct,
 - (b) issuing a letter of apology,
 - (c) attend counseling or tutoring,
 - (d) attend consultation at the Academic Tutoring Center,
 - (e) completing an assignment as determined by the Disciplinary Committee.
- v. After the expiration of the time limit set in the decision on non-academic probation, the student's supervisor will decide whether the student has fulfilled the conditions set in the decision and whether they have proved themselves. If the supervisor does not decide within 30 days, the student shall be deemed to have fulfilled the conditions and to have proved themselves. If the student's supervisor issues a decision that the student has not proved themselves, such a decision shall have the effect of a sanction of expulsion.
- vi. Exclusion from studies is only possible in the case of intentional commission of a disciplinary offense. A student who has been admitted to study as a result of their fraudulent behavior will also be expelled from studies.
- vii. The decision to impose a sanction for a disciplinary offense is recorded in the student's academic file kept by the AAU.

8. Disciplinary Committee

- i. In the case of students, a Disciplinary Committee is established to consider disciplinary offenses that are repeated or serious.
- ii. The Disciplinary Committee shall have at least five regular members, of which at least two-fifths, and no more than half, shall be students of the AAU, and the remainder shall be employees of the AAU. For this purpose, an AAU student is defined as a student enrolled in an AAU accredited degree program.
- iii. The President appoints and removes the chairperson and members of the Disciplinary Committee after consultation with the Faculty Senate and the Student Council. In selecting the proposed persons, the President shall consider

their integrity and, in the case of AAU employees, their moral authority and several years of experience in the field of higher education. To handle a particular case, the Disciplinary Committee may appoint additional *ad hoc* members in an advisory capacity, depending on the nature of the case under consideration and the specifics of the discipline.

- iv. The term of office of the members of the Disciplinary Committee is two years. When appointing the Disciplinary Committee, the President shall ensure continuity of its activities and adequate representation of both sexes.
- v. The term of office of a member of the Disciplinary Committee shall commence on the date on the member is appointed. The term of office of a member of the Disciplinary Committee shall expire:
 - (a) on expiry of the period for which the member was appointed,
 - (b) by ceasing to be eligible for membership,
 - (c) by resignation, on the date on which the decision on the resignation of the member is delivered to the President,
 - (d) by appeal by the President, on the date of delivery of the President's decision, unless a later date is specified in such decision.
- vi. The appointment of a member of the Disciplinary Committee, as well as the appointment of an *ad hoc* member of the Disciplinary Committee, and their participation in the work of the Committee shall be conditional upon the written consent of the appointee, coupled with an undertaking of confidentiality regarding all confidential or otherwise sensitive aspects of the complaints under consideration. In the event of a conflict of interest, the member shall abstain from making decisions in the case. If a member of the Disciplinary Committee is excluded from the consideration of a matter, the President shall appoint a substitute member for the purpose of considering the matter, ensuring that a student representative shall be substituted by a student.
- vii. The Disciplinary Committee cooperates with other AAU bodies, the President's permanent advisory bodies and the bodies of individual Schools in the exercise of its competence. It shall have the right to request from these bodies further documentation on the complaint under consideration, including their opinions, and the views of members of the AAU community.
- viii. Meetings of the Disciplinary Committee shall be chaired by its chairperson or a member designated by the chairperson.
- ix. The Disciplinary Committee shall have a quorum if a majority of its members, including the chairperson (or the designee), is present at the meeting, including at least one teacher and one student. A resolution shall be adopted if a majority of the members of the Disciplinary Committee present vote in favor of it. In case of equal votes, the chairperson may cast a decisive vote.
- x. Meetings of the Committee are closed to the public. Other persons, e.g. witnesses, may attend at the invitation of the Committee or its chairperson. Upon request, the Committee shall allow the accused's supervisor and the President or the Vice President designated by the President to attend the meeting. The accused may be represented by an attorney or other representative at a meeting of the Committee, subject to the granting of a power of attorney.
- xi. If the Chairperson is temporarily unable to exercise their functions under these rules, a member delegated by the chairperson shall exercise them during the absence.

9. Final Provisions

- i. This Code was approved by the Board of Trustees on June 5, 2023 and comes into effect upon registration by the Ministry. On the effective date, the Disciplinary Code approved on June 13, 2022 shall be repealed.
- ii. Proceedings initiated before the entry into force of this Code of Discipline shall be completed in accordance with this Code. A Disciplinary Committee established before the entry into force of this Code shall be deemed to be a Disciplinary Committee established under this Code.