

Pursuant to Article 88, paragraph 2 of the Act on Scientific Activity and Higher Education (Official Gazette 123/03, 198/03, 105/04, 174/04, 2/07, 46/07, 45 / 09, 63/11, 94/13, 139/13, 101/14, 60/15 and 131/17), Article 141, paragraph 4. Of the Statute of the University of Split, Article 77, paragraph 2 and Article 28, and in accordance with Article 46 of the Statute of the Faculty of Philosophy in Split (consolidated text, March - 2018), the Faculty Council of the Faculty of Philosophy in Split, at the 5th regular session in the academic year 2018/19, held on February 13, 2019 adopts

## THE RULES ON DISCIPLINARY LIABILITY OF STUDENTS

### I. GENERAL PROVISIONS

#### Article 1.

These Rules determine the types of disciplinary offences, disciplinary bodies, disciplinary procedure and the disciplinary measures that can be imposed on students of the Faculty of Humanities and Social Sciences in Split (hereinafter: the Faculty)

#### Article 2

Students are expected to comply with the Statute of the University of Split, the Ordinance on study and study regime at the University of Split, the Statute of the Faculty of Humanities and Social Sciences in Split, these Rules and other general acts of the Faculty, as well as to fulfil their study programme and other obligations at the Faculty.

Students shall preserve the reputation and dignity of the University, the Faculty, its employees, students and all other stakeholders in the teaching process.

### II. TYPES OF DISCIPLINARY OFFENCES

#### Article 3

Disciplinary offences are classified as minor or serious.

#### Article 4

Minor disciplinary offences are:

1. intentional disturbance of any form of instruction;
2. inappropriate behaviour towards teachers, associates and other employees of the Faculty or students (e.g. swearing, shouting ...);
3. illicit receipt and provision of assistance and use of illicit aids in knowledge tests;
4. misuse of the premises, the material resources, IT equipment and other devices of the Faculty;
5. coming to the premises of the Faculty or other places where classes are held under the visible influence of alcohol or other intoxicants;

6. causing by gross negligence a material damage to the equipment and material resources and on the premises of the Faculty or in other places where classes are held;
7. smoking on the premises of the Faculty;
8. use of mobile devices during the teaching process, unless in function of that process;
9. unauthorized use of emergency exits during non-emergencies.

#### Article 5

Serious disciplinary offences are:

1. data forgery in index or in other documents related to studies and student's rights;
2. unauthorized access to computer and network equipment of the Faculty that is not intended for free use of students and / or use of computer and network equipment of the Faculty for illegal purposes;
3. presenting someone else's work as one's own, false personation, attending a knowledge test on behalf of another person;
4. inappropriate behaviour on the premises of the Faculty or in other places where classes are held (causing or participating in riots or physical confrontations, any form of sexual harassment or insults and threats to teachers, employees or students);
5. spreading untruths about the Faculty, teachers and other employees of the Faculty;
6. consuming alcohol or other intoxicants during classes;
7. intentional causing of material damage to the equipment and the material resources and on the premises of the Faculty or in other places where classes are held;
8. repeated committing of minor disciplinary offences while studying at the Faculty;
9. other behaviours that grossly damage the reputation of the Faculty, its students and the academic community.

#### Article 6

Criminal liability or misdemeanour liability does not exclude disciplinary liability.

### II.DISCIPLINARY MEASURES

#### Article 7

One of the following measures may be imposed on a student for minor disciplinary offences:

1. warning;
2. exclusion from studies for up to one year.

#### Article 8

One of the following measures may be imposed on a student for serious disciplinary offences:

1. warning before exclusion;
2. exclusion from studies for up to two years;
3. expulsion from studies without the possibility of re-enrolment.

#### IV. DISCIPLINARY AUTHORITIES

##### Article 9

The decision on the disciplinary measure for disciplinary offence is made by the Disciplinary Committee in charge of the procedure for determining the disciplinary responsibility of the students of the Faculty (hereinafter the Disciplinary Committee).

##### Article 10

The Disciplinary Committee has a president and four members. The Faculty Council appoints the president and one member of the Disciplinary Committee from among the teachers, one member from among the associates of the Faculty and two members from among the students.

Student representatives are appointed upon the Faculty Student Union's proposal.

The term of office of the Disciplinary Committee is two years.

#### V. DISCIPLINARY PROCEDURE

##### Article 11

Disciplinary procedure is initiated by the Dean, based on a report on disciplinary offence or on his/her own initiative after learning of such an event, by submitting a written request for disciplinary action to the president of the Disciplinary Committee.

The written request should contain: information on the perpetrator of the disciplinary offense, a factual description of the offense, the legal designation by which the event was determined as a disciplinary offense and a proposal for a disciplinary measure set by these Rules.

##### Article 12

Disciplinary procedures are conducted at a session of the Disciplinary Committee, which is attended by a two-thirds majority of members. Immediately after receiving the request for disciplinary action, and no later than 15 days from the date of receipt of the request, the president of the Disciplinary Committee will schedule a session to which the student to whom the request relates and the student ombudsman are invited.

In addition to the written invitation to the hearing, the request for disciplinary action is served to the student and the student ombudsman. The invitation shall contain a warning that, under the prescribed conditions, the session may be held without their presence.

The student and the student ombudsman may submit a written statement to the Disciplinary Committee on the facts and circumstances that are relevant for the imposition of the disciplinary measure and propose the summoning of witnesses.

##### Article 13

Day and time of the session will be determined in such a way that the student has enough time to prepare the defence, and the time between the delivery of the invitation and the day of the hearing must not be shorter than 8 (eight) days.

If the student ombudsman, although duly served, does not submit a written statement before the session or does not respond to the invitation and does not justify his/her absence, it will be considered that there are no objections and suggestions and the session can be held without his/her presence.

Disciplinary Committee may discuss the disciplinary action in absence of the student to whom the request relates or the witnesses whose summons he proposed, only if that they did not respond or did not justify their absence even though the summons were duly served.

#### Article 14

The invitation is delivered to the student and the student ombudsman by the official faculty e-mail address or by registered mail to the address provided by the student on the „studomat“ platform as his/her place of residence (as in ISVU).

The summon shall be served to the witness by registered mail to the address indicated in the letter proposing their testimony.

#### Article 15

The session of the Disciplinary Committee begins with the reading of the request for disciplinary action.

If submitted, the statement of the student and the student ombudsman on the facts and circumstances relevant for the imposition of the disciplinary measure must be presented to the Disciplinary Committee.

After that, the student against whom disciplinary procedure has been initiated will be invited to provide his / her statement on allegations in the request for disciplinary action and present his / her defence. If the student ombudsman and witnesses are present, their testimony will be requested. At the session, the student has the right to present facts, propose evidence, ask questions to witnesses if any, and provide additional information related to the witnesses' statements.

The president of the Disciplinary Committee may forbid asking suggestive questions, questions aimed at delaying the procedure as well as those that are not directly related to the conduct of disciplinary proceedings.

Before the end of the session, the president of the Disciplinary Committee gives the floor to the student against whom the procedure is being conducted and after his/her presentation concludes the session and withdraws with the members of the Disciplinary Committee to discuss and vote on the decision.

#### Article 16

Minutes are kept at the session including all data relevant for decision.

The minutes must include information on the composition of the Disciplinary Committee, the names of all present, the place, the day and the time of the beginning of the session.

The minutes shall contain a summary of the request for initiating the disciplinary action, the testimonies of the student, of the student ombudsman and of the witnesses, if present, the course of the evidentiary procedure and other issues relevant for the decision.

The minutes shall be signed by the president of the Disciplinary Committee.

#### Article 17

The Disciplinary Committee decides by secret ballot and by a majority vote of all members of the Disciplinary Committee. The decision on disciplinary responsibility may be taken by the Disciplinary Committee immediately or no later than within 3 (three) days from the day of the conclusion of the session.

The Disciplinary Committee may acquit the student of charges for the disciplinary offence or find him/her guilty and impose a disciplinary measure.

When imposing a disciplinary measure, the following elements are considered in particular: the severity of the injury and the consequences, the degree of responsibility of the student, the circumstances under which the violation was committed, the student's previous work and behaviour and other circumstances relevant for the imposition of the disciplinary measure.

#### Article 18

A written decision of the Disciplinary Committee shall be delivered to the student against whom the procedure was conducted, to the applicant who initiated the action and to the student ombudsman if he/she participated in the procedure.

The decision is delivered by personal delivery or by official faculty e-mail address or by registered mail to the address provided by the students in "Studomat" as their residential address (as in ISVU).

#### Article 19

The student or the applicant may file an objection against the decision of the Disciplinary Committee to the Faculty Council.

No legal remedy is allowed against the disciplinary measure of warning and the disciplinary measure of warning before exclusion.

The complaint shall be submitted within 8 (eight) days from the day of delivery of the decision

#### Article 20

The Faculty Council may reject the appeal and confirm the first-instance decision or modify the first-instance decision.

The decision of the Faculty Council is final.

### VI. STATUTE OF LIMITATIONS

#### Article 21

The statute of limitations for initiation of disciplinary procedure expires after 6 (six) months from the day of learning of the disciplinary offence.

If the offence contains the characteristics of a criminal offense, the statute of limitations expires at the same time as the statute of limitations for the criminal offense.

The statute of limitations for initiating disciplinary procedure does not run in the period from 1 July to 31 August and from 21 December to 7 January of the current year.

### VII. EXECUTION OF DISCIPLINARY MEASURES

#### Article 22

Disciplinary measures are executed after the decision becomes definitive in the conducted disciplinary proceedings.

#### Article 23

The decision on the imposed disciplinary measure is stored in the student's personal file, while the disciplinary measure of exclusion from studies is registered in all official records of the student.

### VIII. MATERIAL LIABILITY OF STUDENTS

#### Article 24

The student is materially liable for any damage that he/she causes intentionally or through gross negligence on the equipment and material resources and on the premises of the Faculty or in other places where classes are held.

The student from the previous paragraph of this article is obliged to compensate the material damage by restoring the previous situation or by compensation in cash. If the student who committed the material damage does not compensate the damage to the Faculty within a certain period of time, the dean will initiate a procedure against the student for compensation of the damage before the competent authorities.

### IX. FINAL PROVISIONS

#### Article 25

The nouns student, teacher, president, etc. in these Rules cannot in any sense be interpreted as a basis for gender discrimination or privilege.

#### Article 26

These Rules are adopted by the Faculty Council with the prior opinion of the Student Union of the Faculty.

Amendments to these Rules shall be adopted in a manner identical to the adoption of these Rules.

#### Article 27

These Rules enter into force on the eighth day after their publication on the official website and the notice board at the Faculty headquarters.

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Split, February 13, 2019

DEAN

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These Rules were published on the official website and bulletin board at the seat of the Faculty on 13 February 2019 and shall enter into force on 21 February 2019.

SECRETARY

Maja Kuzmanić, B.Sc. iur.