

Pursuant to Article 144 of the Statute of the College of Management Bled, the Senate of the College of Management Bled, at its 3/2023 regular session held on 19 April 2023, adopted the following:

REGULATIONS ON THE DISCIPLINARY LIABILITY OF STUDENTS OF THE COLLEGE OF MANAGEMENT BLEĐ

I. GENERAL PROVISIONS

Article 1

The Rules on Student Disciplinary Responsibility regulate violations of the duties and obligations of students of the College of Management Bled (hereinafter: VM Bled), disciplinary responsibility, the bodies responsible for conducting disciplinary proceedings, the procedure for establishing disciplinary responsibility, and the time limits for conducting the procedure.

Article 2

In disciplinary proceedings under these Rules, the provisions of the General Administrative Procedure Act shall apply *mutatis mutandis*. Personal data of students shall, for the purposes of disciplinary proceedings under these Rules, be 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. All persons involved in the disciplinary procedure must act in accordance with the provisions of the cited acts.

Violations of study obligations are defined by law, the statute, the rules of VM Bled, the Rules on Student Disciplinary Responsibility, and other general acts of VM Bled. Criminal liability does not exclude disciplinary liability if the act also constitutes a violation of study duties or obligations. A student is responsible only for those violations of study duties and failures to fulfil obligations that were defined before or at the time of the violation in the law, the statute, the rules of VM Bled, the Rules on Student Disciplinary Responsibility, or other general acts, and for which a disciplinary measure was prescribed. Students are also disciplinarily liable for property damage caused intentionally or through gross negligence within the institution, teaching bases, and their immediate surroundings.

Article 3

Terms used in these Rules in the masculine grammatical form shall be considered neutral and shall apply equally to both male and female persons.

II. VIOLATIONS OF DUTIES AND FAILURE TO FULFIL OBLIGATIONS AND MEASURES

Article 4

A student is responsible if the act was committed intentionally or through gross negligence. Violations may be minor or serious.

Article 5

Minor violations are:

1. inappropriate behaviour that harms the reputation of VM Bled;
2. inappropriate attitude, communication, and behaviour towards students, higher education teachers, professional associates, and other employees at VM Bled and in the organisation where the student performs practical training;
3. acts by which the student violates the reputation of a student;
4. obstructing students in the educational process or in other work at VM Bled.

Article 6

Serious violations are:

1. acts that have the characteristics of criminal offences prosecuted ex officio and are incompatible with student status;
2. failure to fulfil duties defined by the statute and other internal legal acts of VM Bled;
3. serious violations of public order and peace on the premises of VM Bled and in premises or locations where study activities are carried out;
4. serious violations defined as such in the internal legal acts of organisations where practical training is carried out, and with which the student has been acquainted within that framework;
5. providing false information with the intention of obtaining unlawful benefit for oneself or another person;
6. a serious breach of order and discipline on the premises of VM Bled and/or anywhere the educational process and practical training are carried out;
7. causing material damage at VM Bled or during practical training, either intentionally or through gross negligence;
8. theft of equipment and tools at VM Bled or during practical training;
9. falsification of documents, signatures of students, higher education teachers, professional associates, or employees at VM Bled;
10. violation of copyright in the form of plagiarism in knowledge assessment or other study assignments such as seminar papers, diploma theses, and other works, as well as the unauthorised acquisition of exam tests and other materials intended for assessing student knowledge, and the use or distribution of such materials to other persons;
11. use of prohibited means during an examination and violations of examination rules defined by the Rules on Knowledge Assessment and Evaluation at VM Bled;
12. taking or attempting to take an exam or other knowledge assessment on behalf of another person instead of the registered student;
13. obstructing other students in the pedagogical process;
14. any act or omission that could endanger the life and health of students, higher education teachers, professional associates, employees of VM Bled, and anywhere the educational process is carried out;
15. destruction or alteration of computer systems and the rules established by the institution; computers owned by VM Bled or the lessor may not be used for personal commercial purposes;
16. three or more repeated minor violations of duties;
17. arriving at the institution under the influence of alcohol or prohibited drugs, or consuming alcohol or prohibited drugs and smoking on the premises of VM Bled or at locations where the educational process and practical training are carried out;

18. malicious misleading of students or other persons within the institution for the purpose of financial or material gain;
19. unethical conduct and behaviour that negatively affects the reputation of VM Bled, excluding informing the public about possible violations within the institution;
20. discrimination against another student on the basis of physical characteristics, religion, gender, race, disability, status, age, sexual orientation, or political belief;
21. verbal and non-verbal violence against higher education teachers, associates, and employees of the institution.

III. DISCIPLINARY MEASURES AND SANCTIONS

Article 7

For violations of duties and failure to fulfil obligations, the following disciplinary measures and sanctions may be imposed:

- warning;
- reprimand;
- prohibition from taking an examination;
- prohibition from registering the same topic for seminar papers, diploma theses, and final assignments;
- expulsion from VM Bled.

Article 8

A warning may be imposed on a student for minor violations of duties and failure to fulfil obligations. The imposed warning measure shall be executed by serving the warning to the student.

A reprimand may be imposed on a student for serious violations of duties and failure to fulfil obligations. The imposed reprimand measure shall be executed by serving the reprimand or the decision on reprimand to the student.

Article 21 of the Rules on Knowledge Assessment and Evaluation and Examination Regulations at VM Bled regulates the disciplinary measure of prohibition from taking an examination.

The prohibition of registering the same topic for seminar papers, diploma theses, and final assignments shall be imposed on a student for violations of copyright in the form of plagiarism.

Expulsion from VM Bled may be imposed on a student for serious violations of duties and failure to fulfil obligations in cases of falsification of documents, providing false information, serious breaches of order and discipline, causing material damage, any act or omission that could endanger the life or health of others, repeated minor violations (three or more times), and in cases where the student has already been reprimanded at least twice.

The measure of expulsion from VM Bled shall be executed by serving the decision to the student.

IV. BODIES RESPONSIBLE FOR CONDUCTING DISCIPLINARY PROCEEDINGS

Article 9

Disciplinary responsibility of students shall be decided by the bodies responsible for conducting disciplinary proceedings at the higher education institution:

- the Disciplinary Committee at first instance;
- the Senate of VM Bled at second instance.

Article 10

Disciplinary responsibility at first instance shall be established by the Disciplinary Committee, which consists of three members. The Disciplinary Committee also decides on compensation for damage resulting from violations of study obligations and failure to fulfil duties.

Article 11

The Disciplinary Committee at first instance consists of three higher education teachers (a chair and two members). The members of the Disciplinary Committee are elected by the Senate of VM Bled.

The term of office of all members and their deputies is four (4) years, with the possibility of reappointment.

Article 12

The second-instance disciplinary body is the Senate of VM Bled.

Article 13

The Disciplinary Committee may invite experts from various fields to participate in resolving specific issues.

V. INITIATION OF DISCIPLINARY PROCEEDINGS

Article 14

A written request for initiating a disciplinary procedure may be submitted to the Dean by an employee of the higher education institution or a student (an individual or a group).

Within eight working days of receiving the request, the Dean shall decide by a formal decision whether to initiate disciplinary proceedings. The decision shall be forwarded to the Disciplinary Committee and to the student against whom the request has been filed. No appeal is allowed against this decision of the Dean.

Article 15

The request must be in writing and must include:

- the name and surname of the student, date of birth, place of birth, and year of study of the student against whom the initiation of the procedure is requested;
- a description of the act or omission that constitutes a violation of duties or failure to fulfil obligations;
- an indication of any evidence;

- a proposal of which evidence should be collected prior to the main hearing in the preparatory procedure; and
- personal data of the applicant.

VI. EXAMINATION OF EVIDENCE AND PREPARATORY PROCEDURE

Article 17

When the Chair of the Disciplinary Committee receives a request, they first determine whether sufficient evidence has been collected regarding the alleged act or whether it is necessary, within the preparatory procedure, to obtain additional evidence or hear the proposed witnesses.

If the Chair of the Disciplinary Committee assesses that the request for initiating the disciplinary procedure contains or includes sufficient evidence indicating that the student indeed committed the alleged act, the preparatory procedure is not required.

If the Chair of the Disciplinary Committee assesses that the evidence is insufficient, doubtful, or contradictory, they shall initiate a preparatory procedure.

Article 18

In the preparatory procedure, the Disciplinary Committee examines the evidence, hears the student against whom the disciplinary procedure is proposed, and obtains other evidence necessary for making a decision.

Article 19

Once the preparatory procedure is completed, the Disciplinary Committee reviews the request for initiating the disciplinary procedure and the collected evidence, and decides whether to continue the procedure and schedule a main hearing or to terminate the procedure if it determines that there are no grounds for continuation.

Article 20

If the Disciplinary Committee decides to terminate the procedure, it shall inform the student against whom the disciplinary procedure was initiated and the applicant.

Article 21

If the Disciplinary Committee decides to continue the procedure, the Chair of the Disciplinary Committee shall determine the time and place of the hearing and specify which evidence will be presented at the hearing. If a preparatory procedure was conducted, the evidence presented during that procedure may also be presented again at the main hearing.

Article 22

The summons shall be personally delivered to the student against whom the disciplinary procedure is conducted at least eight working days before the main hearing. The summons must explicitly state that the student may bring a legal representative to the main hearing, and that the hearing will be conducted in their absence if they fail to justify their absence.

The summons shall also be sent to the applicant who requested the initiation of the disciplinary procedure, to witnesses, experts if necessary, and other persons participating in the main hearing. Witnesses must respond to the summons and tell the truth.

Article 23

If the student is heard during the preparatory procedure, or if any action is taken in the matter before the Disciplinary Committee prior to the main hearing, a written record must be made thereof.

VII. MAIN HEARING

Article 24

The Chair of the Disciplinary Committee opens the main hearing by establishing the presence of all invited persons and, in case of absence, whether they were duly invited and whether they justified their absence. The Chair then reads the request for initiating the disciplinary procedure and briefly explains the course of the preparatory procedure, if it was conducted.

Once the student against whom the disciplinary procedure is conducted states that they understand the request for initiating the disciplinary procedure and what they are being accused of, the Chair of the Disciplinary Committee begins presenting the evidence proposed in the request and/or collected during the preparatory procedure.

The Chair then invites the student to respond to the allegations and present their defence.

After the student's statement, the Chair invites the witnesses and may also confront individual witness statements.

Article 25

The Chair and members of the Disciplinary Committee may ask the student, as well as other persons participating in the procedure, questions to establish legally relevant facts and circumstances related to the violation.

The student and their legal representative have the right to examine evidence at the hearing, question witnesses and experts, and provide comments and explanations regarding their statements.

Article 26

Once the evidentiary procedure is completed, the Chair of the Disciplinary Committee gives the floor to the student to present their final defence.

The Disciplinary Committee then closes the main hearing and conducts deliberation and voting. The Disciplinary Committee always decides by a majority of votes.

Article 27

After deliberation and voting, the Chair of the Disciplinary Committee publicly announces the adopted decision.

Within eight working days after the conclusion of the main hearing, the Disciplinary Committee must issue a written decision on the imposed measure and deliver it to the student against whom the disciplinary procedure was conducted, or their representative if they have one, as well as to the applicant, who also informs the initiator of the procedure.

Minutes shall be kept of the course of the main hearing as well as of the deliberation and voting. The minutes are signed by the Chair of the Disciplinary Committee, the members of the Disciplinary Committee, the student, witnesses, and the representative.

Article 28

The Disciplinary Committee may, by imposing a measure, find the student guilty and impose an appropriate disciplinary measure, or acquit them of responsibility.

When imposing measures, the Disciplinary Committee takes into account the degree of the student's responsibility, the conditions under which the violation was committed, the student's prior behaviour, the severity of the violation and its consequences, the damage caused, and other aggravating and mitigating circumstances, with the primary aim of having an educational effect on the student.

Article 29

If the student against whom the procedure has been initiated does not attend the hearing, the Disciplinary Committee decides whether the hearing will be conducted in their absence or postponed, as follows:

- if the student was properly summoned and did not justify their absence, the hearing may be conducted in their absence;
- if the student was not properly summoned, or if the student was not heard but should have been in the opinion of the Disciplinary Committee, or if the student was properly summoned and justified their absence, the main hearing shall be postponed;
- if the properly summoned student justified their absence, but such justification is unsubstantiated, unfounded, false, or clearly intended to delay the procedure, the hearing may be conducted in their absence.

VIII. APPEAL

Article 30

An appeal against the decision of the first-instance disciplinary body may be filed within fifteen working days from the delivery of the decision to the Senate of VM Bled, which acts as the second-instance disciplinary body.

An appeal may be filed by the student to whom the measure was imposed, as well as by the applicant if the disciplinary procedure was initiated upon their request against a decision adopted at first instance to terminate the procedure.

The appeal suspends the enforcement of the decision.

Article 31

The Senate of VM Bled considers the appeal against the imposed measure submitted by the affected student or their defence representative and decides on the appeal.

The provisions applicable to the first-instance procedure shall apply mutatis mutandis.

A person who conducted the procedure at first instance may not participate in the appeal procedure as a member of the second-instance body.

Article 32

The decision of the first-instance disciplinary body becomes final on the 16th day after delivery.

The decision of the second-instance disciplinary body becomes final on the day following delivery and cannot be appealed.

IX. LIMITATION PERIODS

Article 33

The initiation of disciplinary proceedings becomes time-barred:

- for minor violations within three months from the date the violation was committed or discovered;
- for serious violations within six months from the date the violation was committed or discovered;
- if the act has elements of a criminal offence, the initiation and conduct of the procedure become time-barred simultaneously with the criminal prosecution.

After the expiry of the above deadlines, the initiation of proceedings is no longer possible.

X. TERMINATION OF THE PROCEDURE

Article 34

In practice, situations may arise where it is necessary to terminate the disciplinary procedure. Such cases include:

- if the limitation period for initiating or conducting the procedure has expired;
- if the body that requested the initiation of the procedure withdraws the request;
- if the disciplinary body determines:
 - that the student has already been finally acquitted for the same violation;
 - that the student cannot be held responsible for the violation or failure to fulfil obligations.

XI. REOPENING OF THE PROCEDURE

Article 35

The disciplinary procedure may be reopened for the following reasons:

- if the student was deprived of the opportunity to participate due to improper conduct of the procedure;
- if the disciplinary decision is based on false testimony of a witness or expert, or if a favourable decision for the student was issued based on their untrue statements;
- if the decision is based on a forged document or a document containing false content;
- if the decision resulted from a criminal offence committed by a member of the Disciplinary Committee;
- if the same violation has already been finally decided;
- if the decision is based on a final court or other authority decision that has subsequently been annulled, amended, or repealed;
- if new facts are discovered or new evidence becomes available that could lead to a different decision;
- if a member who should have been excluded participated in the decision-making.

A proposal to reopen the procedure may be submitted by the student, their legal representative, the dean, or the person who requested the initiation of the disciplinary procedure. The proposal must state the reasons for reopening and the evidence to be presented.

Article 36

A proposal to reopen the procedure may be submitted within 30 days from the date on which the entitled person became aware of the reason for reopening.

After the expiry of the limitation period, the disciplinary procedure cannot be reopened either to the detriment or benefit of the student.

Article 37

The reopened disciplinary procedure shall be conducted in two instances in the manner defined by this regulation.

XII. FINAL PROVISIONS

Article 38

The Rules on Student Disciplinary Responsibility, as well as its amendments and supplements, are adopted by the Senate of VM Bled.

Article 39

These Rules enter into force on the day following their adoption by the Senate of VM Bled and are published on the VM Bled website.

Article 40

These Rules may be amended in the same manner as they were adopted. Amendments and supplements enter into force on the day following their adoption by the Senate of VM Bled and are published on the VM Bled website.

Reference No.: VM-P-008/2023

Date: 19 April 2023

President of the Senate of the
College of Management Bled
mag. Tadeja Krašna