

Pursuant to Article 102 of the Statute of School of Advanced Social Studies in Nova Gorica, the Senate of the SASS adopted the following document at its 5th regular meeting on 29 September 2020:

## **Rules on Disciplinary Responsibility of Students of the School of Advanced Social Studies in Nova Gorica (NPB-1)**

### **I. General provisions**

#### Article 1

These rules specify the disciplinary responsibility of students of the School of Applied Social Studies in Nova Gorica (hereinafter: students) and the procedure for determining the disciplinary responsibility of students.

#### Article 2

(1) In disciplinary proceedings under these Rules, the provisions of the General Administrative Procedure Act (Official Gazette of the Republic of Slovenia, No. 24/06, ZUP - UPB2, with amendments, hereinafter: ZUP) shall apply mutatis mutandis.

(2) Personal data of students are collected, processed and published for the needs of the disciplinary procedure according to these Rules in accordance with the principles and provisions of the Personal Data Protection Act (Official Gazette of the Republic of Slovenia, 94/07, ZVOP-1 - UPB1, with amendments).

(2) All persons involved in the disciplinary procedure have to act in accordance with the provisions of the cited acts.

#### Article 3

The expressions used in the Rules that are written in male gender apply to both men and women.

### **II. Breach of duty and failure to comply with obligations and measures**

#### **Definition of disciplinary liability**

#### 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 School of Advanced Social Studies in Nova Gorica (hereinafter: the School) and the decisions of the bodies and working bodies of the School.

(2) A student is held accountable if the offence has been committed intentionally or due to gross negligence.

## Definition of violations

### Article 5

Violations of responsibilities and failure to comply with obligations are classified under these Rules either as major or minor offences.

### Article 6

Minor offences:

1. inappropriate behaviour that damages the reputation of the School,
2. inappropriate attitude towards other students, higher education teachers and associates and other employees at the School,
3. hindering other students in the educational process or in other work at the School.

### Article 7

Major offences:

1. violations of the knowledge assessment procedure under the provisions of the Rules on the Examination and Assessment of Student Knowledge (hereinafter: the Rules), e.g. copying, use of unauthorized devices, unauthorized communication with other students during the exam, etc.
2. plagiarism in final theses or assignments (diploma, master's and doctoral theses, seminar papers and other written products)
3. forgery of official documents,
4. giving false information in order to unjustifiably benefit oneself or someone else,
5. 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,
6. repeated or multiple submission of the same or majority of the same written works (e.g. seminar paper, report) in different courses without the approval of the course coordinator,
7. serious violation of order and discipline at lectures, tutorials and seminars,
8. arriving at the premises of the School and the premises or places where the educational process is carried out under the influence of alcohol or drugs, or consuming alcohol or drugs at these locations,
9. damaging the property of the School, intentionally or due to gross negligence,
10. serious violations of law and order at the premises of the School and the premises or places where the educational process is carried out,
11. any act or omission constituting a threat to the life or health of students, higher education teachers, associates and other employees of the School,
12. if another person takes or attempts to take the exam instead of the registered student; after the established violation, the student may not continue the exam, and their product is given a negative grade; the sanction is carried out by the examiner and the violation of the exam rules is recorded on the list,
13. other acts that constitute criminal offences under the Criminal Code of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 50/12, KZ-1 - UPB2, as amended) and are prosecuted ex officio,
14. third and subsequent repetitions of minor offences.

## Disciplinary measures and sanctions

### Article 8

(1) In the event of a student's breach of duty and failure to comply with their obligations, the following measures may be imposed:

1. warning,
2. reprimand,
3. temporary ban on performing the study requirements of a course,
4. temporary ban on performing the study requirements at the School,
5. exclusion from the School.

(2) In the event of violations of the knowledge assessment procedure under the provisions of the Rules, the student is imposed the sanctions defined in the cited Rules and disciplinary measures defined in these Rules.

#### 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 on the student in writing.

#### Article 10

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

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

#### Article 11

(1) Temporary ban on performing the study requirements of a course is imposed in the event of major violations within an individual course. The ban on performing the requirements is imposed for at least one exam date and for a maximum of 12 months.

(2) The imposed measure shall be implemented by serving the decision on the ban to the student.

#### Article 12

(1) A temporary exclusion from the School may be imposed on a student for major breach of duties and non-compliance with obligations in the cases specified in points 2, 3, 4, 7, 8, 9, 10, 11 and 13 of Article 7 of these Rules and in the event that a reprimand has been imposed on the student at least twice.

(2) A ban on performing the study requirements at the School may, depending on the gravity of the infringement, last from 6 months to five years.

(3) The measure of exclusion from the School is imposed on the student for major breaches and non-compliance with obligations, if the measure of temporary exclusion from the School had already been imposed on them.

(4) A decision on temporary exclusion from the School is served on the student in such a way as to prohibit the student from attending educational and research activities at the School for a certain period of time or definitively.

### III. Disciplinary authorities

#### Article 13

Disciplinary proceedings are conducted at the first instance by the Disciplinary Committee of the School (hereinafter: the disciplinary committee), and by the Senate of the School at the second instance.

#### Article 14

(1) The disciplinary committee consists of a president, two members and an equal number of deputies.

(2) The president, one member and their deputies are appointed by the School Senate from among higher education teachers, and one member from among the students and his deputy are appointed by the School Senate on the proposal of the Student Council of the School.

#### Article 15

The president and members of the disciplinary committee are appointed for two years and may be reappointed.

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

#### **Initiative for the procedure**

##### Article 16

(1) The letter to initiate a disciplinary procedure may be submitted to the Dean of the School by higher education teachers, higher education associates, other employees of the SASS or its students (hereinafter: the applicant).

(2) The Dean of the School starts the procedure for determining disciplinary responsibility based on the received initiative.

#### **Request to initiate the procedure**

##### Article 17

(1) The applicant serves the request for the initiation of a disciplinary procedure to the Dean.

(2) The application shall be made in writing and shall contain:

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

(3) The student must be notified of all actions taking place against him related to the disciplinary procedure.

### **V. Disciplinary procedure before the Disciplinary Committee of the School**

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

#### Article 18

(1) When the president of the disciplinary committee 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 procedure.

(2) If the president of the disciplinary committee 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 offence, the preparatory procedure is not necessary.

(3) If the president of the disciplinary committee 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 president of the disciplinary committee examines evidence, questions the student against whom the disciplinary procedure is initiated and obtains other evidence necessary for the decision on the introduction of disciplinary procedure.

(2) The president of the disciplinary committee may authorize a technical assistant who is an employee of the School to collect evidence.

#### Article 20

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

#### Article 21

If the disciplinary committee decides to stop the procedure, it shall inform the student against whom the disciplinary procedure has been initiated and the applicant of the request, who informs the initiator.

#### Article 22

(1) If the disciplinary committee decides to continue the procedure, its president determines the time and place of the hearing and determines which evidence will be provided at the hearing. If a preparatory procedure has been conducted, the evidence presented in the preparatory procedure 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 delivered to the student shall explicitly state that the student may bring a legal representative to the main hearing and that the main hearing will also take place in the student's absence unless he justifies his non-appearance.

(3) The invitation to the hearing shall also be sent to witnesses 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 committee is performed prior to the main hearing.

### **Conditions for the start of the main hearing**

#### Article 24

(1) In order to start the main hearing, certain conditions must be met and verified by an authorized person.

(2) These conditions apply to:

- the disciplinary committee, i.e.: its composition and the reasons for possible exclusions of individual members of the committee,
- invitations, which must be served in due time,
- the student must be informed about his rights in the procedure (e.g. clear definition of the alleged violation, right to legal representative, rights at the hearing such as being able to ask questions, make suggestions and comments to witnesses and experts, not testify against himself, etc.).

(3) The persons invited to the hearing shall be as follows:

- the applicant who filed the request for the initiation of a disciplinary procedure,
- the student against whom the disciplinary procedure is initiated,
- witnesses and
- experts if appropriate.

### **Main hearing**

#### Article 25

(1) The president of the disciplinary committee opens the main hearing with a roll call, 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 president of the disciplinary committee begins to present the evidence proposed in the request for the initiation of the disciplinary procedure and/or collected in the preparatory procedure.

(3) The president of the disciplinary committee then invites the student against whom the disciplinary procedure is being initiated to answer the charges and give defence.

(4) The president of the disciplinary committee invites witnesses individually into the room where the main hearing takes place or may also confront statements of individual witnesses.

#### Article 26

(1) The president and members of the disciplinary committee may ask the student and other persons involved in the procedure questions in order to establish facts and circumstances concerning the offence.

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

(3) With the permission of the president of the disciplinary committee, other persons invited to the main hearing may also ask questions.

#### Article 27

When the provision of evidence is completed, the disciplinary committee concludes the main hearing and withdraws for consultation and voting.

#### Article 28

(1) After consultation and voting, the disciplinary committee returns into the room where the main hearing is taking place. The disciplinary committee orally declares the adopted decision.

(2) Within eight days after the main hearing, the disciplinary committee shall issue a written copy of the decision and serve it to the student against whom the disciplinary procedure was initiated, and to the applicant, who also informs the initiator of the procedure.

#### Article 29

(1) The disciplinary committee may find the student guilty with a decision and impose an appropriate disciplinary measure or acquit the student.

(2) The disciplinary committee 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.

(3) Minutes of the main hearing and deliberation are made.

#### Article 30

If the student against whom the procedure was initiated does not attend the hearing, the disciplinary committee 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 committee believes he should have been, or if the student was properly invited and has apologised for his absence, the main hearing is postponed.

### **VI. Shortened disciplinary procedure**

#### Article 31

(1) A shortened disciplinary procedure is carried out in the case of minor violations from point 4 of Article 6 of these Rules.

(2) Shortened procedure is led by the Dean of the School.

(3) Shortened disciplinary procedure is initiated on the basis of the Student Office's notice about the established violation in the knowledge assessment procedure. On the basis of this notice, the Dean issues a warning which is served on the student.

### **VII. Appeal against the decision of the disciplinary authority of first instance**

#### Article 32

(1) The student, his legal representative or the applicant may appeal against the decision of the disciplinary authority of the first instance (Dean, disciplinary committee) for the following reasons:

1. material breach of the rules of disciplinary procedure,
2. erroneous or incomplete determination of the facts,
3. incorrect application of substantive provisions.

(2) An appeal may be lodged within fifteen days of receipt of the written copy of the decision.

#### Article 33

The School Senate makes the decision on the appeal against the decision of the disciplinary committee (second instance).

#### Article 34

(1) The disciplinary authority of second instance shall decide by a decision that may confirm or amend the decision of the disciplinary authority of the first instance, or repeal it and refer the case back to the disciplinary authority of the first instance.

(2) The disciplinary authority of second instance must decide within thirty days from receipt of the appeal.

(3) The decision of the disciplinary authority of the second instance is final.

(4) A student can initiate an administrative dispute at the competent court against the final decision of the disciplinary authority of the second instance within thirty days from receipt of a written copy of the decision.

#### Article 35

If the appeal is lodged by the student or his legal representative, the decision of the disciplinary authority of the second instance may not impose a more stringent measure.

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

#### Article 36

The disciplinary procedure may be revised for the following reasons:

1. if the student was denied the opportunity to participate in the procedure due to incorrect conduct of the procedure,
2. if the disciplinary decision is based on a false deposition of a witness or expert,
3. if the decision relies on a forged document or a document certifying untrue content,
4. false content,
5. if the same violation has already been definitively decided,
6. if the decision is based on a final decision of a court or other body, but this decision has been finally annulled,
7. 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,
8. if a member who should recuse himself participated in a decision-making process of the disciplinary committee.

#### Article 37



(1) The proposal for revision of 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 revision of the procedure, the reasons for which the revision is requested must be stated and substantiated with evidence proving the facts in order to establish the existing reason for revision of the procedure.

#### Article 38

(1) The proposal for revision of the procedure may be lodged within thirty days from the date on which the beneficiary has learnt of the reason for which the disciplinary procedure may be revised.

(2) After the expiration of one year from the date of the decision of the disciplinary committee, the proposal for revision of the procedure may no longer be lodged.

### **IX. Termination of the procedure**

#### Article 39

The disciplinary procedure may be terminated in the following cases:

1. if the limitation period for the initiation and conduct of a disciplinary procedure has expired,
2. if the applicant withdraws the request,
3. if the disciplinary authority determines:
  - that 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, or
  - the student is not liable for the breach of duty or non-compliance with the obligation.

### **X. Limitation period**

#### Article 40

(1) With regard to minor offences and failures to comply with obligations, initiation and conduct of the procedure lapse within three months. With regard to major offences and failures to comply with obligations, initiation and conduct of the procedure lapse within six months from the date on which the offence has been committed.

(2) When an offence has the characteristics of a criminal offence, the initiation and conduct of the procedure lapse at the same time as the criminal prosecution.

(3) The implementation of the imposed sanction lapses in 60 days from the date on which the decision became enforceable.

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

#### Article 41

The School shall keep records of disciplinary procedures and documentation issued based on the provisions of these Rules.

## **XII. Transitional and final decisions**

### Article 42

On the day these Rules enter into force, the articles 20 and 21 of the Rules on the Examination and Assessment of Student Knowledge from 21 September 2007 and 18 June 2009 shall cease to apply.

### Article 43

These Rules shall enter into force on the day following its adoption by the School Senate.

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Dean