

Pursuant to Article 43. of the Statute of the Šibenik University of Applied Sciences, the Council of the Šibenik University of Applied Sciences, at its 10th session held on 20 December 2023, adopted the:

REGULATIONS ON DISCIPLINARY RESPONSIBILITY OF STUDENTS

I. INTRODUCTORY PROVISIONS

Article 1

(1) These Regulations regulate the disciplinary liability of students, the rules of procedure for determining disciplinary liability and disciplinary measures to be imposed in disciplinary proceedings.

(2) The provisions of this Regulations shall apply to all students of the Šibenik University of Applied Sciences (hereinafter: University of Applied Sciences).

(3) The terms used in this Regulations that have a gender meaning refer equally to the female and male gender.

II. PRINCIPLES OF DISCIPLINARY PROCEEDINGS

Article 2

(1) In disciplinary proceedings, the principles of officiality, legality, fair procedure, proportionality, protection of the accused, determination of the substantive truth and orality of the hearing shall apply.

(2) A disciplinary measure may not be imposed on a student for those acts that were committed before they were determined as disciplinary offences by an ordinance or other general act.

(3) Criminal and/or misdemeanour liability of a student shall not exclude disciplinary liability.

(4) Disciplinary liability does not exclude liability for damage caused.

(5) Every student has the right to delete a disciplinary penalty from the record of disciplinary measures of the University of Applied Sciences upon the expiry of a certain deadline. Upon deletion from the register of disciplinary measures, previously imposed disciplinary measures cannot affect student rights and obligations.

(6) Each student shall be considered not to have been disciplined and shall be deemed not to have committed a disciplinary offence until he or she has been punished for the disciplinary offence committed by a final decision of the Disciplinary Commission.

(7) Every student has the right to present a defence before the disciplinary court in person or through the Student Ombudsman.

(8) A disciplinary measure may not be imposed on a student for a disciplinary offence for which disciplinary proceedings have already been finalised.

(9) The Disciplinary Committee shall examine and establish the facts that incriminate the student and are in their favour with equal care.

(10) A student has the right to inspect the disciplinary file.

III. ETHICAL PRINCIPLES OF STUDY

Article 3

- (1) Students are obliged to behave in accordance with the generally accepted ethical principles of studying and higher education in a way that respects the reputation, status and honour of the University of Applied Sciences as a higher education institution, its employees, other students and other members of the higher education community.
- (2) All students should be respected and respect others as persons in accordance with the guaranteed rights to life, integrity, dignity and privacy.
- (3) All students have the right to equality and fairness in a manner that excludes any discrimination, abuse, harassment or exploitation.
- (4) Students shall have the duty to fulfil their student obligations at the University of Applied Sciences in a responsible, conscientious, professional and ethical manner.
- (5) Students shall be obliged to comply with all legal regulations and legal procedures applicable to them.
- (6) Students are obliged to respect each other and have the right to express views, especially academic, professional, religious and moral.
- (7) All students should be objective and must not allow prejudice of any kind to affect their objectivity in academic and student activities.
- (8) Students must adhere to the highest standards of academic and student excellence, and refrain from reporting for the purpose of suppressing, any falsification, plagiarism, fabrication of results, and the like.
- (9) Students should avoid and take all actions to prevent conflicts of interest.

IV. DISCIPLINARY OFFENCES

Article 4

- (1) For a disciplinary offence of the first degree, a student shall be disciplined who:
 - has been convicted by a final judgment for a criminal offence or misdemeanour committed against an employee of the University of Applied Sciences or another student of the University of Applied Sciences
 - has been convicted of a criminal offense to the detriment of the University of Applied Sciences
 - intentionally causes significant material or non-material damage to the University of Applied Sciences
 - negligently or intentionally violates or endangers the life, health, personal rights or freedoms of an employee of the University of Applied Sciences or another student.
- (2) For a disciplinary offence of the second degree, a student shall be disciplined if they:
 - personally or through another person or means, prevents the proper performance of teaching or testing of students' knowledge, as well as all other activities in the premises or in the organization of the University of Applied Sciences
 - uses prohibited materials or means or communicates with other persons in an unauthorized manner during the performance of written or oral exams and other examinations, with the aim of enabling himself or another to unduly perform better in the examination or other examinations;

- receives or provides illicit assistance or other information during the performance of written or oral exams and other examinations, with the aim of enabling oneself or another to unduly perform better in the examination or other examinations
 - uses an electronic device in an oral or written exam and other knowledge tests without authorization, with the aim of enabling himself or another person to unduly perform better on an exam or other knowledge test
 - submits and presents the student work as his own, knowing that it was made by another person, with the intention of violating the rules on plagiarism of student works
 - tries to influence the teacher's independence and impartiality of the work and/or evaluation of students
 - forges a signature or document and submits it to the University of Applied Sciences
 - misleading or attempting to mislead the employees of the University of Applied Sciences with the intention of acquiring rights that do not belong to them.
- (3) For a disciplinary offence of the third degree, a student shall be disciplined who:
- consumes alcoholic beverages on the premises of the University of Applied Sciences or stays under the influence of alcohol
 - consumes tobacco products, drugs or other narcotic substances on the premises of the University of Applied Sciences
 - enters the premises of the University of Applied Sciences inappropriately dressed, contrary to the rules of dress at the University of Applied Sciences, and especially, but not exclusively, in shorts, sleeveless garments, clothing items that do not cover intimate parts of the body, etc.
 - treats employees and/or other students at the University of Applied Sciences in a particularly rude, impolite or vulgar manner
 - intentionally disrupts, hinders or prevents the proper operation of technical equipment, installations or other devices of the University of Applied Sciences
 - undertakes actions due to unauthorized access to IT equipment and systems of the University of Applied Sciences
 - undermines the reputation and dignity of the University of Applied Sciences as a higher education institution, its employees or other students
 - does not act in accordance with the ethical principles of study specified in these Regulations.

V. DISCIPLINARY MEASURES

Article 5

- (1) A student who commits a disciplinary offence of the first degree referred to in Article 4, paragraph 1 of these Regulations shall be punished by a disciplinary measure of permanent exclusion from the study of the University of Applied Sciences and loss of the status of a student at the University of Applied Sciences.
- (2) A student who commits a disciplinary offence of the first degree referred to in Article 4, Paragraph 1, Items 3 and 4 of these Regulations may be punished with a disciplinary measure of temporary exclusion from the study of the University of Applied Sciences for a period of at least 3 months and a maximum of 12 months.
- (3) In the case of Article 5, Paragraph 2 of these Regulations, the Disciplinary Commission may impose a probation period of 12 months on a student who has been punished for a disciplinary offence of the first degree. (4) In the event that a student commits a new disciplinary offence of the first degree referred to in Article 4, paragraph 1 of these Regulations

within the probation period, the student shall be punished with a disciplinary measure of permanent exclusion from the study of the University of Applied Sciences and permanent loss of the status of a student of the University of Applied Sciences. The probation period begins to run on the expiry of the last day of the execution of the imposed disciplinary measure.

(5) A student who has been sentenced to a disciplinary measure of permanent expulsion from the study of the University of Applied Sciences and permanent loss of the status of a student of the University of Applied Sciences may not re-enrol in the study of the University of Applied Sciences within five years from the date of the final decision on disciplinary responsibility for committing a disciplinary offence of the first degree.

Article 6

(1) A student who commits a disciplinary offence of the second degree referred to in Article 4, paragraph 2 of these Regulations shall be punished with a disciplinary measure of prohibition from taking exams and/or attending classes for a period of up to 6 months or exemption from international student exchange for a period of up to 12 months.

(2) A student who commits a disciplinary offence of the second degree referred to in Article 4, paragraph 2 of these Regulations for the first time, may be conditionally punished by a disciplinary measure referred to in Article 6, paragraph 1 of this Regulations, with a probation period of up to 24 months. The probation period begins to run from the day the decision on disciplinary liability becomes final. If a student commits a new disciplinary offence during the probation period, the imposed disciplinary measure will be executed.

Article 7

(1) A student who commits a disciplinary offence of the third degree referred to in Article 4, paragraph 3 of this Regulations shall be punished by a disciplinary measure of reprimand.

(2) The reprimand referred to in Article 7, paragraph 3 of these Regulations shall be issued for a period of 12 months. Upon the expiry of the 12-month period, the reprimand shall be deleted from the register of disciplinary measures.

(3) A student whose three warnings referred to in Article 7, paragraph 3 of these Regulations have been entered in the register of disciplinary measures shall be punished with a disciplinary measure prohibiting him from taking the exam and/or attending classes for a period of up to 6 months.

Article 8

(1) In the event of the existence of particularly mitigating circumstances, a disciplinary measure prescribed for a minor disciplinary offence up to one degree of severity of the disciplinary offence committed may be imposed on a student for a disciplinary offence committed.

(2) In the event of repetition of disciplinary measures during the period of the registered disciplinary measure in the record of imposed disciplinary measures of the University of Applied Sciences, an extended disciplinary measure or the existence of particularly aggravating circumstances, a disciplinary measure prescribed for a more serious disciplinary offence up to one level may be imposed on the student, except for the disciplinary measure of permanent expulsion from studies and loss of student status at the University of Applied Sciences.

VI. ACQUISITION OF DISCIPLINARY OFFENCES

Article 9

- (1) If a student commits several disciplinary offences for which disciplinary proceedings are being conducted at the same time, a separate disciplinary measure shall be determined for each disciplinary offence committed, and then all disciplinary measures shall be consolidated into a single disciplinary measure.
- (2) When imposing a single disciplinary measure, the Disciplinary Court may impose a disciplinary measure prescribed for a more serious disciplinary offence of up to two degrees of severity on a student who has committed disciplinary offences.

VII. STATUTE OF LIMITATIONS

Article 10

- (1) In the case of disciplinary offences, the absolute limitation period shall commence upon the expiry of a period of 12 months from the date of the commission of the disciplinary offence.
- (2) If the disciplinary offence also commits a criminal offence or misdemeanour, the statute of limitations for the disciplinary offence shall commence at the same time as the statute of limitations for criminal prosecution or misdemeanour prosecution.
- (3) The statute of limitations for disciplinary offences shall not run during the period from 1 to 31 August.

VIII. STUDENT OMBUDSMAN

Article 11

- (1) A student of a University of Applied Sciences may be elected as a student ombudsman.
- (2) The Student Ombudsman shall be appointed by the Student Union of the Šibenik University of Applied Sciences.
- (3) The Student Ombudsman shall be appointed for a term of office of two years.
- (4) The Student Ombudsman shall be obliged to represent students in disciplinary proceedings, at their request and with their consent.
- (5) The Student Ombudsman shall have the right to present a defence on behalf of the student, to draw up documents in disciplinary proceedings and to receive documents in disciplinary proceedings.
- (6) In the event that a student agrees to be represented by the Student Ombudsman in disciplinary proceedings, all documents shall be delivered to the student and the Student Ombudsman, but the time limits shall begin to run from the date of proper delivery of the document to the student.

IX. DISCIPLINARY PROSECUTOR

Article 12

- (1) The Disciplinary Prosecutor and their Deputy shall be appointed by the Council of the University of Applied Sciences.
- (2) A member of the Council of the University of Applied Sciences from among teachers may be appointed as a disciplinary prosecutor or their deputy.
- (3) The Disciplinary Prosecutor and their Deputy shall be appointed for a term of two years.

Article 13

- (1) Every natural and legal person shall have the right to file a report of a disciplinary offence with a disciplinary prosecutor.
- (2) The report of a disciplinary offence must state:
 - name, surname and e-mail address of the applicant
 - The name and surname of the student who is considered to have committed a disciplinary offence
 - a legal description of the disciplinary offence with a reference to the provision of these Regulations which prescribes the offence as a disciplinary offence
 - Factual description of the disciplinary offence
 - to present evidence of the commission of a disciplinary offence
 - the names, surnames and contact details of the witness, if any.
- (3) A signed report on the commission of a disciplinary offence shall be submitted electronically to the e-mail address of the disciplinary prosecutor. The report shall be deemed to have been received at the time it is recorded on the Disciplinary Prosecutor's inbox server.

X. PROPOSAL FOR THE DETERMINATION OF DISCIPLINARY RESPONSIBILITY

Article 14

- (1) Within eight days, the disciplinary prosecutor shall, based on the received report or ex officio and all the above circumstances and proposed evidence, make a decision on the submission of a motion for the imposition of a disciplinary measure.
- (2) The disciplinary prosecutor may make a decision on filing a motion for the determination of disciplinary liability or a decision on the rejection of the complaint.
- (3) The decision of the disciplinary prosecutor to reject the report referred to in Article 13, paragraph 2 of these Regulations shall be reasoned.
- (4) The decision of the Disciplinary Prosecutor referred to in Paragraph 2 of this Article shall be delivered to the applicant at the e-mail address specified on the application, to the student against whom the complaint has been filed to the e-mail address assigned to him by the University of Applied Sciences through the @AAI system, to the Dean of the University of Applied Sciences and to the Student Union.
- (5) In the event that the Disciplinary Prosecutor makes a decision to dismiss the report of committing a disciplinary offence, the applicant shall have the right to object within three days from the date of receipt. The objection shall be submitted to the Dean of the University of

Applied Sciences, together with the application and attachments and the decision to reject the application.

(6) The Dean shall decide on the objection referred to in Article 13, Paragraph 1 by a written decision within eight days. The decision on the objection shall be delivered to the persons indicated in Article 14, paragraph 4 of these Regulations, in the prescribed manner.

(7) In the event that the Dean accepts the objection referred to in Article 14, Paragraph 5 of these Regulations, the Disciplinary Prosecutor shall be obliged to submit a proposal for the determination of disciplinary liability within eight days.

Article 15

(1) The Disciplinary Prosecutor shall submit a proposal for the determination of disciplinary liability to the Disciplinary Commission by submitting the proposal to the official e-mail addresses of the members of the Disciplinary Commission, in accordance with the provisions on Delivery.

(2) In the motion for determining disciplinary liability, the disciplinary prosecutor must state:

- name, surname, JMBAG, @AAI the student's e-mail address
- legal description of the disciplinary offence with an indication of the provision of these Regulations which prescribes the offence as a disciplinary offence
- Factual description of the disciplinary offence
- A disciplinary measure that is required to be imposed on a student
- Evidence proposals

(3) Disciplinary proceedings shall commence with the submission of a proposal for the determination of disciplinary liability.

XI. DISCIPLINARY COMMISSION

Article 16

(1) The Disciplinary Committee shall consist of three members and three deputies.

(2) Two members and two deputies of the Disciplinary Committee shall be appointed by the Council of the University of Applied Sciences from among the teachers employed at the University of Applied Sciences.

(3) One member and one deputy of the Disciplinary Committee shall be appointed by the Student Union from among the students at the University of Applied Sciences.

(4) Members of the Disciplinary Commission shall be elected for a term of office of two years.

XII. SESSION OF THE DISCIPLINARY COMMITTEE

Article 17

(1) The Disciplinary Commission shall make a decision on disciplinary liability at the sessions of the Disciplinary Commission.

(2) The Disciplinary Committee may decide at the session if all members of the Disciplinary Commission are present at the session, or if any member is prevented from participating in the session of the Disciplinary Commission, then the Disciplinary Committee may decide if his or her deputy is present at the session.

(3) The sessions of the Disciplinary Committee may be held electronically via the tools for audio-video communication in real time.

Article 18

(1) The session of the Disciplinary Commission shall begin with the determination of the identity of all those present, then the member or deputy of the Disciplinary Commission shall read the proposal for the determination of disciplinary liability, after which the Disciplinary Prosecutor shall have the right to orally explain their proposal for the determination of disciplinary liability. The student for whom the imposition of a disciplinary measure is proposed presents their defence at the end.

(2) All evidentiary proposals must be submitted no later than eight days before the session of the Disciplinary Commission. At the session of the Disciplinary Commission, new evidentiary proposals may not be proposed unless they could have been proposed before, through no fault of the proposer. The proposal for the presentation of a new evidentiary proposal shall be decided immediately at the session of the Disciplinary Commission without postponing the session.

(3) If the hearing of witnesses is proposed, they shall be summoned to the session in accordance with the provisions on Delivery prescribed by these Regulations.

(4) The witness shall first be asked questions by the Disciplinary Committee, then by the Disciplinary Prosecutor, and finally by the student for whom the imposition of disciplinary responsibility is proposed.

(5) The session of the Disciplinary Commission may be postponed no more than once. The next session must be convened immediately and must be held within 8 days from the date of the postponed session.

(6) A session of the Disciplinary Committee may be held and a decision on disciplinary liability may be made without the presence of the student, if the delivery of the invitation to the session of the Disciplinary Committee has been duly delivered.

(7) Minutes shall be kept of the work of the session of the Disciplinary Commission. The minutes shall be kept by the Secretary of the University of Applied Sciences.

(8) An invitation to participate in a session of the Disciplinary Committee must be submitted no later than two days prior to the session of the Disciplinary Commission.

Article 19

(1) The burden of proving the student's disciplinary responsibility shall be on the disciplinary prosecutor.

(2) A student shall be exempted from disciplinary liability if the act with which he is charged is not a disciplinary offense, if the disciplinary prosecutor has not proved the commission of a disciplinary offense and if the proposal for determining disciplinary responsibility is untimely or if the statute of limitations has expired.

(3) A disciplinary measure shall be imposed on the student if the disciplinary prosecutor proves that the act charged against the student is a disciplinary offense.

XIII. DECISION ON DISCIPLINARY LIABILITY

Article 20

- (1) The decision on disciplinary liability shall be made at the session of the Disciplinary Commission.
- (2) At its session, the Disciplinary Commission shall orally communicate to the parties the operative part of the decision on disciplinary liability and promulgate it.
- (3) A written dispatch of the decision on disciplinary liability shall be delivered electronically to all parties to the proceedings, to the Student Ombudsman if he or she participated, to the Dean of the University of Applied Sciences and to the Secretary of the University of Applied Sciences within three days from the date of the session.
- (4) The decision on disciplinary liability shall consist of an introduction, operative part, explanation and instruction on legal remedy.
- (5) The introduction to the decision on disciplinary liability shall contain: the name and surname of the members or deputy disciplinary committee, the name and surname of the recorder, the name and surname of the disciplinary prosecutor, the name, surname, JMBAG, the name and surname of the student ombudsman if he or she participated, the legal basis for the disciplinary offence and an indication of the date of the session.
- (6) The operative part of the decision on disciplinary liability shall contain the factual basis of the disciplinary offence, the legal basis of the disciplinary offence and the disciplinary measure if it is pronounced, and if not, an indication that the student shall be acquitted of the charge of committing a disciplinary offence.
- (7) In the explanation of the decision on disciplinary liability, the Disciplinary Commission shall present the reasons for its decision by: presenting the indisputable facts, which disputable facts and for what reasons it considers proven or unproven, the assessment of the credibility of contradictory evidence, why the student was not heard directly, why the witness was not heard directly, why he did not accept a certain evidentiary proposal and what reasons he was guided by when resolving legal issues, and in particular in determining whether a disciplinary offence exists and the reasons for imposing a disciplinary measure in a certain proportion.

XIV. OBJECTION

Article 21

- (1) The disciplinary prosecutor and the student, in person or through the student ombudsman, shall have the right to file an objection to the decision on disciplinary liability.
- (2) An objection may be filed due to: incomplete or incorrectly established facts, incorrect application of the substantive provisions of these Regulations, material violation of the procedural provisions of these Regulations.
- (3) The objection shall be submitted in writing and shall be submitted electronically to the e-mail addresses of the Dean, Vice-Dean for Education and Secretary of the University of Applied Sciences. The complaint must be signed by the student.
- (4) An objection may be filed within three days from the date of receipt of the decision on disciplinary liability. The decision on disciplinary liability is considered to have been delivered at the time of recording the sending of e-mails on @AAI e-mail servers.

XV. DECISION ON THE OBJECTION

Article 22

- (1) The second-instance disciplinary committee shall decide on the objection.
- (2) The second-instance disciplinary committee shall consist of: the Dean, the Vice-Dean for Education and the President of the Student Union of the University of Applied Sciences.
- (3) No hearing shall be held before the second-instance disciplinary commission.
- (4) No new facts may be presented or new evidence proposed in the objection.
- (5) The second-instance Disciplinary Commission shall ex officio request the entire disciplinary file from the Disciplinary Commission.
- (6) The second-instance disciplinary commission shall make a decision within 15 days from the date of receipt of the complaint.
- (7) The second-instance Disciplinary Commission may reject the complaint as untimely, accept the complaint as well-founded and return the procedure to the Disciplinary Commission for a new decision or reject the complaint as unfounded.
- (8) The case may be returned to the Disciplinary Committee for reconsideration no more than once. In the event of an objection to the decision on disciplinary liability in repeated proceedings, the second-instance commission may not return the case to the Disciplinary Commission for re-decision, but may independently resolve the disciplinary proceedings on the merits.
- (9) No legal remedies shall be allowed against the decision of the second-instance disciplinary commission.

XVI. FINALITY AND ENFORCEABILITY OF THE DECISION ON DISCIPLINARY LIABILITY

Article 23

- (1) A decision on disciplinary liability shall become final upon the expiry of the deadline for lodging an objection if it has not been filed, by waiving the right to object or by making a decision of the second-instance disciplinary commission, except for the decision to return the object for re-decision.
- (2) The decision on disciplinary liability shall become enforceable on the day on which it becomes final.

XVII. RECEIVES

Article 24

- (1) All documents in disciplinary proceedings shall be delivered by e-mail, to the e-mail addresses assigned to employees and students by the Šibenik University of Applied Sciences through the @AAI system.
- (2) All documents in disciplinary proceedings shall be submitted in writing and shall be signed by hand, and a scanned copy of the handwritten document shall be delivered via e-mail.
- (3) Delivery is considered proper at the time of recording the sending of the document on @AAI servers for sending electronic mails to the correct @AAI e-mail addresses of the addressee of the document.

(4) The burden of proving the moment of proper delivery shall be on the addressee. In case of doubt, it is considered that the delivery was not proper.

XVIII. RECORDS OF DISCIPLINARY MEASURES

Article 25

- (1) Records of disciplinary measures shall be kept by the Student Affairs Service of the University of Applied Sciences.
- (2) The final decision on disciplinary liability for the purpose of entry in the Register of Disciplinary Measures shall be submitted by the Secretary of the University of Applied Sciences.
- (3) Decisions on imposed disciplinary measures shall be entered in the Register of Disciplinary Measures for the duration of the disciplinary measure.
- (4) Upon execution of a disciplinary measure, it shall be deleted from the record of imposed disciplinary measures.
- (5) After the deletion of a disciplinary measure from the record of imposed disciplinary measures, it may not have an impact on the student's rights and obligations.
- (6) In the event that the decision on disciplinary liability determines the period of probation for the student, the disciplinary measure shall be deleted upon the expiry of the probation period.
- (7) The disciplinary measure of permanent or temporary expulsion from studies and loss of student rights shall also be entered in the index.
- (8) All teachers and associates at the University of Applied Sciences have the right to inspect the Records of Disciplinary Measures.

XIX. TRANSITIONAL AND FINAL PROVISIONS

Article 26

The provisions of the Criminal Code and the Criminal Procedure shall apply accordingly to disciplinary proceedings.

Article 27

On the day of entry into force of these Regulations, the Regulations on Disciplinary Liability of Students, Reg.No.: 2182/I-43-413/08-01 of 14 May 2008, shall cease to be valid.

Article 28

These Regulations shall enter into force on the eighth day from the date of its publication on the website of the University of Applied Sciences.

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Šibenik, 20 December 2023



Dean

Ljubo Runjić, PhD, Professor of Professional Studies

The Regulations on Awards and Recognitions was published on the website of the University of Applied Sciences on December 19, 2023 and entered into force on December 27, 2023.



Secretary

Dragan Erceg, Master of Laws