

Pursuant to Article 88, paragraph 2 of the Act on Scientific Activity and Higher Education (Official Gazette Nos. 123/03, 198/03, 105/04, 174/04, 02/07 – decision of the Constitutional Court of the Republic of Croatia, 46/07, 45/09, 63/11, 94/13, 139/13, 101/14, and 60/15) and Article 29 of the Statute of the Juraj Dobrila University of Pula, the Senate of the Juraj Dobrila University of Pula, at its 3rd session held on 30 November 2015, adopts the following:

ORDINANCE ON STUDENT DISCIPLINARY RESPONSIBILITY

I. GENERAL PROVISIONS

Article 1

(1) This Ordinance on Student Disciplinary Responsibility (hereinafter: the Ordinance) of the Juraj Dobrila University of Pula (hereinafter: the University) regulates disciplinary offenses, disciplinary measures, the conditions and procedures for conducting disciplinary proceedings, as well as the composition, appointment procedures, and competences of the Disciplinary Committee and the Appeals Disciplinary Committee, along with other matters related to student disciplinary responsibility.

(2) The provisions of this Ordinance apply to all full-time and part-time students of the University, regardless of the type and level of study, as well as to participants of other educational programs (hereinafter: students).

(3) A student's responsibility on any other grounds does not exclude disciplinary responsibility.

(4) The terms used in this Ordinance in the masculine gender for natural persons are gender-neutral and refer to both male and female persons.

Article 2

Students are obliged, both within and outside the University, to:

- comply with the Statute of the Juraj Dobrila University of Pula (hereinafter: the Statute) and other general acts of the University,
- respect the rules of study, uphold the reputation and dignity of the University, its teachers, students, and other members of the academic community, duly fulfill their academic and other obligations, and behave in accordance with the Code of Ethics of the Juraj Dobrila University of Pula.

Article 3

Disciplinary responsibility refers to the accountability of students for disciplinary offenses as defined by this Ordinance.

Article 4

(1) Disciplinary offenses may be classified as minor or major.

(2) Minor disciplinary offenses include:

- a) Improper behavior toward University teachers, staff, and students,
- b) Improper behavior on University premises and/or in the surrounding area that harms the reputation of the University (e.g., disrupting classes, attending classes under the influence of alcohol or other intoxicants, making noise, shouting, disturbing hygiene and cleanliness, chewing gum, etc.),
- c) Unauthorized use, misappropriation, or damage of University property, done intentionally or through gross negligence, causing damage up to HRK 1,000.00,
- d) False representation for the purpose of recording class attendance,
- e) Engaging other persons to attend classes and/or record attendance,
- f) Inappropriate use of University computer equipment,
- g) Other acts committed in connection with a faculty/department/academy that bear the characteristics of a misdemeanor.

(3) Major disciplinary offenses include:

- a) Unauthorized use of the student transcript (index) or student ID card,
- b) Unauthorized insertion or alteration of data in the index, student ID, or other University documents (e.g., forgery of documents, forging a teacher's signature in the index, falsifying certificates or confirmations issued by the University), intentional destruction or damage of the index, student ID, or other University documents, or false reporting of their loss,
- c) Use of someone else's electronic identity or allowing someone else to use one's own electronic identity,
- d) Taking an exam, quiz, or other form of knowledge assessment for a course without fulfilling the requirements to do so (e.g., not enrolled, lacking approval to continue studies),
- e) Unauthorized receiving or providing of assistance, or using prohibited aids during exams, quizzes, or other forms of knowledge assessment,
- f) Refusal to temporarily surrender items mentioned in Article 4, paragraph 3, item e), at the request of a teacher or assistant during an exam, quiz, or other form of knowledge assessment,
- g) False representation during an exam, quiz, or other form of knowledge assessment,
- h) Engaging other persons to take exams, quizzes, or other forms of knowledge assessment,
- i) Submitting a seminar paper, final paper, or thesis that was authored by another student or a third party, or copying from another student's or author's written work, or violating copyright and intellectual property rights,
- j) Unauthorized use, misappropriation, or damage of University property, done intentionally or through gross negligence, causing damage exceeding HRK 1,000.00,
- k) Unauthorized access to or misuse of the University's computer system or network,
- l) Committing minor disciplinary offenses more than twice during the course of study,
- m) Assisting in the commission of a major disciplinary offense,
- n) Other acts committed in connection with the University that bear the characteristics of a criminal offense,
- o) Offering, accepting, or giving money or other services in exchange for obtaining confirmation of the fulfillment of academic or extracurricular obligations,

p) Violence or any other form of violent behavior toward students, staff, or other individuals involved in University operations.

II. DISCIPLINARY PROCEDURE

Bodies of the Disciplinary Procedure

Article 5

- (1) The bodies responsible for conducting the disciplinary procedure are the Disciplinary Committee and the Appeals Disciplinary Committee.
- (2) The Disciplinary Committee decides on student disciplinary responsibility in the first instance, while the Appeals Disciplinary Committee decides in the second instance.
- (3) The Disciplinary Committee and the Appeals Disciplinary Committee are appointed at the University level.

Article 6

- (1) The Disciplinary Committee consists of five (5) members and their deputies.
- (2) Three members and their deputies are selected from among the teaching staff, one member and their deputy are selected from among the students, and one member and their deputy are selected from the legal profession.
- (3) The members and deputy members of the Disciplinary Committee are appointed and dismissed by the Senate upon the proposal of academic units, the Student Union in Pula, and the Secretary General of the University.
- (4) The term of office for committee members and their deputies is two years.

Article 7

- (1) The Appeals Disciplinary Committee decides on appeals against decisions made in disciplinary proceedings. The Appeals Disciplinary Committee consists of the Vice-Rector for Teaching and Students, the University Secretary General, and the President of the Student Union, serving by function.
- (2) The Chair of the Appeals Disciplinary Committee is the Vice-Rector for Teaching and Students.

Article 8

- (1) The members and deputy members of the Disciplinary Committee must not be the same as those of the Appeals Disciplinary Committee.
- (2) Failure to comply with the provisions of this Ordinance, especially regarding the conduct of disciplinary and appeal procedures and related deadlines, constitutes sufficient grounds for the dismissal of the chairpersons, members, and secretaries of both the Disciplinary Committee and the Appeals Disciplinary Committee, as well as their deputies.

Course of the Disciplinary Procedure

Article 9

- (1) A disciplinary procedure is initiated by submitting a proposal to the Chair of the Disciplinary Committee.

(2) The proposal to initiate disciplinary proceedings must be submitted using the prescribed form, which is an integral part of this Ordinance, and must include:

- the name and surname of the student,
- the date on which the disciplinary offense and the offender became known,
- a description of the disciplinary offense and other evidence relevant to determining disciplinary responsibility,
- the names of witnesses to the disciplinary offense,
- the signature of the person submitting the proposal.

(3) The right to submit a proposal to initiate disciplinary proceedings is granted to: the Disciplinary Committee on its own initiative, the Rector, heads of constituent units and their deputies, study program coordinators, teachers, associates, non-teaching staff, students, or participants in any University study program.

(4) A proposal to initiate disciplinary proceedings may not be submitted more than six months after the date on which the offense and the offender became known. Disciplinary proceedings may not be conducted if more than two years have passed since the date the alleged offense occurred. If it is established that the alleged disciplinary offense constitutes a misdemeanor or a criminal offense, the statute of limitations will correspond to that of the applicable offense.

Article 10

(1) If it is determined that the proposal to initiate disciplinary proceedings does not contain the required information as set out in Article 9, paragraph 2 of this Ordinance, or that the statute of limitations for submitting or acting upon the proposal as defined in Article 9, paragraph 4 has expired, the Chair of the Committee must reject the proposal by written decision within three days from the date of its receipt.

(2) If the Chair does not reject the proposal in accordance with paragraph 1 of this Article, the Disciplinary Committee is required to issue a Decision on Initiating Disciplinary Proceedings within eight days from the date of receipt of the proposal.

(3) In the event of a decision referred to in paragraph 2, the Chair of the Disciplinary Committee must, within eight days from the date the decision is issued, deliver to the student against whom the proceedings have been initiated the Decision on Initiating Disciplinary Proceedings along with all accompanying documentation and a summons for an oral hearing, which must be held within 30 days from the receipt of the proposal.

(4) Upon adoption of the Decision on Initiating Disciplinary Proceedings, the Disciplinary Committee must inform the dean of the faculty/Music Academy/head of the department, the Student Ombudsperson, and the Student Union, who shall have the right to inspect the case file opened based on the proposal.

Article 11

(1) Disciplinary proceedings are conducted in the form of an oral hearing.

(2) The oral hearing is public and generally held on working days on University premises.

(3) The oral hearing before the Disciplinary Committee may be conducted without the presence of the student if the Committee determines that the student was duly summoned in accordance with Article 10, paragraph 3 of this Ordinance and failed to justify their absence.

(4) The Disciplinary Committee decides which individuals will be summoned to the hearing.

- (5) The Student Ombudsperson is permitted to attend the hearing.
- (6) Before the hearing begins, the Chair of the Disciplinary Committee determines who is present and whether all conditions for holding the hearing are met.
- (7) The oral hearing begins with the reading of the proposal to initiate disciplinary proceedings, followed by the evidentiary procedure.

Decision on Disciplinary Responsibility

Article 12

- (1) The decision on disciplinary responsibility and the measure imposed by the Disciplinary Committee shall be made immediately upon the conclusion of the oral hearing.
- (2) The Disciplinary Committee may decide to:
 - terminate the disciplinary procedure,
 - acquit the student of disciplinary responsibility,
 - impose a disciplinary measure prescribed by this Ordinance.
- (3) The Disciplinary Committee may render a decision to acquit the student of disciplinary responsibility if:
 - the offense for which the procedure was initiated is not classified as a disciplinary offense under this Ordinance,
 - it has not been proven that the offense was committed.
- (4) The Disciplinary Committee may terminate the disciplinary procedure if:
 - the statute of limitations has expired and the student against whom the procedure is conducted has raised an objection on that ground,
 - another circumstance arises that renders the continuation of the procedure pointless.

Disciplinary Measures

Article 13

- (1) A disciplinary measure may be imposed on a student for a committed disciplinary offense.
- (2) Disciplinary measures include:
 - a) a warning,
 - b) a temporary ban on taking one or more exams, quizzes, and/or other forms of knowledge assessment,
 - c) a temporary ban on attending classes,
 - d) temporary expulsion from studies,
 - e) permanent expulsion from studies.
- (3) Disciplinary measures of temporary or permanent expulsion from studies may only be imposed for serious disciplinary offenses.
- (4) The measure of temporary ban on taking exams, quizzes, and/or other forms of knowledge assessment, as well as the ban on attending classes, may not exceed one year from the date the decision becomes final.
- (5) The measure of temporary expulsion from studies may not exceed one year from the date the decision becomes final.
- (6) The period of student status suspension does not count toward the duration of disciplinary measures referred to in Article 13, paragraph 2, items b), c), and d).
- (7) If a student commits multiple disciplinary offenses subject to a single disciplinary

procedure, a single unified disciplinary measure shall be imposed.

(8) A student is materially liable for property that has been misappropriated or damaged intentionally or through gross negligence.

(9) When determining and assessing the disciplinary measure, special consideration must be given to the severity and consequences of the offense, the degree of the student's responsibility, the circumstances under which the offense was committed, the student's past academic performance and behavior, and other relevant factors influencing the offense.

Delivery

Article 14

(1) A written decision with justification must be delivered no later than three days after the date of issuance of the Decision referred to in Article 12.

(2) The written decision referred to in paragraph 1 of this Article shall be delivered to the student against whom the disciplinary procedure is conducted and to the person who submitted the proposal to initiate the disciplinary procedure.

(3) In conducting disciplinary proceedings, the Disciplinary Committee shall act in accordance with the rules of administrative procedure as prescribed by the General Administrative Procedure Act.

Article 15

(1) Notification of the final decision on the imposed disciplinary measure, except in the case of a warning, shall be posted on the notice board and/or published on the official website of the respective University unit.

(2) The notification referred to in paragraph 1 of this Article shall include:

- the classification number,
- registry number, and date of the decision imposing the measure,
- the initials of the student's first and last name,
- the name of the study program and the year of study in which the student is enrolled,
- and the disciplinary offense and the imposed disciplinary measure.

Article 16

(1) The right to appeal the decision of the Disciplinary Committee is granted to the student whose disciplinary responsibility was determined by the decision, as well as to the person who submitted the proposal for initiating the disciplinary procedure.

(2) The appeal must be submitted in writing to the Appeals Disciplinary Committee.

(3) The deadline for submitting the appeal is eight days from the date of receipt of the Decision referred to in Article 12.

(4) The Appeals Disciplinary Committee must decide on the appeal within 15 days from its receipt.

(5) The Appeals Disciplinary Committee may confirm, modify, or annul the contested decision of the Disciplinary Committee.

(6) A written copy of the decision on the appeal referred to in paragraph 5 of this Article shall be delivered to the student against whom the disciplinary procedure is conducted and to the person who submitted the proposal for initiating the disciplinary procedure.

(7) A timely submitted appeal suspends the execution of the Decision.

Article 17

(1) A member of the Committee or another person authorized by the Chair of the Committee shall keep minutes of all procedural actions undertaken by the Disciplinary Committee and the Appeals Disciplinary Committee.

(2) A case file is kept for each disciplinary and appeal procedure, under the corresponding file number, and shall be stored in the University archives for a minimum of 10 years.

(3) The competent professional service of the University maintains a permanent electronic database of imposed disciplinary measures, which includes all information specified in Article 15, paragraph 2 of this Ordinance, as well as the full name of the student to whom the measure was imposed, the student's ID number (JMBAG), and an electronic copy of the relevant decision. Access to the electronic database is granted to University teachers and staff of the Student Services and ISVU (Information System of Higher Education Institutions), and with the approval of the head of the relevant unit, to any person who proves a legal interest.

Article 18

(1) The execution of final decisions on disciplinary responsibility is carried out by the competent services of the University.

(2) The enforcement of a disciplinary measure for a minor offense becomes statute-barred after one (1) year, while disciplinary measures for serious offenses become statute-barred after two (2) years from the date the decision imposing the measure becomes final.

Article 19

(1) For all matters of disciplinary procedure not regulated by this Ordinance, the provisions of the General Administrative Procedure Act shall apply.

(2) Amendments and supplements to this Ordinance shall be adopted in the same manner as the Ordinance itself.

Article 20

This Ordinance shall be published on the University's website and shall enter into force on the day of its adoption.

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In Pula, November 30th 2015

Rektor
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