

Pursuant to Article 154 of the Bylaws of the University of Zagreb School of Medicine (hereinafter referred to as the School), the dean of the School authorized the consolidated text of this Regulations of Disciplinary Procedures Related to Misconduct of Faculty and Students on 15 July 2009.

The consolidated text of the Regulations of Disciplinary Procedures Related to Misconduct of Faculty and Students comprises the Regulations of Disciplinary Procedures Related to Misconduct of Faculty and Students, reference no: 01-70/60-2008, of 7 March 2008, as well as the Decision on the Revisions of the Regulations of Disciplinary Procedures Related to Misconduct of Faculty and Students, reference no: 02-61/8-2009, brought by the Academic Assembly of the School at its regular session held on 14 July 2009.

## **REGULATIONS ON DISCIPLINARY PROCEDURES RELATED TO MISCONDUCT OF FACULTY AND STUDENTS**

### **I. GENERAL PROVISIONS**

#### Article 1

(1) These Regulations govern all the infringements of working discipline and other duties due to gross infringement of the School's reputation caused by faculty members, non-academic staff (hereinafter referred as faculty) and students of the School, measures taken, specifying the procedures and determining authorized bodies for conducting the procedure and deciding on measures taken against the infringers.

The provisions stipulated in these Regulations are valid for all the students of the graduate course of studies in medicine, students of the university specialist studies, as well as students of the doctoral studies as long as they are enrolled into such programs and are entitled to the rights and privileges of the above courses.

#### Article 2

Faculty members should be committed to the provisions outlined in the employment contract. Each faculty member should abide by the rules and regulations governing the area of higher education and research, Labor Act, collective agreements, Bylaws of the University and the School, as well as all other general regulations of the School governing the labor relations.

At all times in their academic activities and conduct all the faculty members should abide by the ethical rules of behavior and ethical values, whether at School or when acting outside it.

#### Article 3

During their activities at the School or outside it, students should be committed to:

1. abide by the regulations of the University Bylaws, Bylaws of the School, as well as all other general provisions stipulated in University /School regulations and acts;
2. safeguard the reputation of students, the School and the University.

Infringements of the provisions outlined in Paragraph 1 of this Article shall lead to the disciplinary responsibility of students.

Punitive responsibility according to any other legal basis shall not exclude the disciplinary responsibility.

## **II INFRINGEMENTS OF LABOR RESPONSIBILITIES OF FACULTY MEMBERS AND STUDENTS' DUTIES**

### Article 4

No faculty member can be subject to disciplinary measure for infringements of labor responsibilities, which has not been prior to its execution prescribed and defined by the governing regulations, or by some general act, as an infringement of the labor responsibilities.

No student can be subject to disciplinary measure for infringements of his/her duties and responsibilities, which has not been prior to its execution prescribed and defined by the governing regulations, or by some general act, as an infringement of the referenced duties and responsibilities.

### Article 5

Out-of-necessity defense shall not be considered as infringement of the labor responsibility or duty.

Out-of-necessity defense is a natural reaction to illegal attack directed against someone or any other subject.

In case a faculty member or a student has overreacted in his/her out-of-necessity defense, he/she may be sanctioned by a mild disciplinary measure.

### Article 6

Infringement of labor responsibility or duty performed in extreme necessity shall not be considered as such.

Extreme necessity is considered to exist when the infringement was done in order that the perpetrator should avoid facing an immediate danger which could not be avoided in any other way, and by avoiding which the damage performed is not exceeding the damage which has threatened.

There is no extreme necessity in cases when the faculty member or student was obliged to face the danger.

### Article 7

Any member of the faculty or student shall be held liable for infringement of the labor responsibilities and duties performed premeditatively, or out of sheer negligence.

### Article 8

Infringement of the labor responsibilities and duties is considered to be premeditated when the perpetrator was aware that his/her deeds can lead to the infringement of the labor responsibility, and that he/she willingly concedes to its manifesting.

## Article 9

The infringement of the labor responsibilities is considered to be done out of negligence when the perpetrator is fully aware of its possible incidence, but he/she carelessly held it unlikely to happen or thought himself/herself likely to prevent it to happen.

## Article 10

No faculty member or student shall be held disciplinary liable when in the time of executing the infringement of the labor responsibility or duty could not be aware of any of its features prescribed by the law, or who could without being held guilty erroneously justify such infringements being made, or omitted to be made.

In case a faculty member, or a student, was mistaken out of negligence, he/she shall be deemed liable, if that infringement was done out of negligence.

## Article 11

To the faculty member or students who can be excused for not being aware of committing, or failing to do certain prohibited action, a mild disciplinary measure can be expressed, or he/she may not be sanctioned until a more appropriate disciplinary measure be used.

### **III LABOR RESPONSIBILITES AND DUTIES AND THEIR INFRINGEMENTS**

#### **III.I. Labor responsibilities of faculty members and their infringements**

## Article 12

Each faculty member shall abide to his/her occupational duties as follows:

- to perform his/her teaching, research and professional assignments conscientiously, in a timely manner, and demonstrating quality performance,
- to inform within 24 hours at the latest the head of his/her department of the reasons of his/her inability to perform his/her teaching duties, or of his/her inability to come to work,
- to permanently improve his/her teaching, research and professional capacities,
- to safeguard and protect by his/her actions the reputation of the School,
- to perform his/her duties conscientiously taking part in professional committees and governing bodies related to the management of the School and the University of Zagreb,
- to take all the prescribed protection measures in his/her work, and to use protective agents and equipment,
- to demonstrate a rational use of the School's funds as well as funds related to research projects,
- to abide by the provisions of the Bylaws and other general legislative acts of the School and the University of Zagreb.

## Article 13

Less severe infringements of the labor responsibilities and duties are as follows:

- unexcused absence from the teaching/working process without prior informing of that fact the head of a particular organizational unit, or Personnel Department,

- tardiness for more than three times within a month, or abandoning the class prior to the prescribed time scheme,
- creating such a working environment that causes irritation and possible friction among the faculty members or non-academic staff members,
- failure to submit, within 5 days of its termination, a written summary of the business trip, accounting for the financial issues related to the trip,
- failure to return advance-payments received for business trips exceeding the amount of 10,000 kuna within 5 days counting from the day of its financial settlement,
- untimely execution of the orders given by the head of the department, vice-dean or the dean, which has not resulted in any harmful consequences,
- negligent delivery of the teaching process,
- handling required project reporting in an untimely manner,
- failure to keep track records of the teaching performed,
- unauthorized use of the space and equipment of the School after the prescribed office hours and contrary to the provisions brought by the authorized bodies,
- spreading false information related to the main activity and business dealings of the School.

#### Article 14

Cases of severe infringements of the labor responsibilities and duties are as follows:

- repetition of the less severe infringements referenced above,
- any wrongful actions that demand punitive consequences,
- any act of failure to perform, or rejection to execute, or any act of negligent behavior, or untimely performance of the working assignments,
- unexcused absence from work, or any willful abandoning from work, which causes disruptions in the working process of the School,
- unauthorized use of the resources of the School,
- breeches of regulations related to the occupational safety and protection, as well as fire protection regulations, which cause or might result in damage,
- disclosure of the professional secret that was prescribed by the law, other regulations or Labor Regulations,
- abuse or exceeding of one's of authority,
- intentional, or due to utmost negligence, infliction of considerable material damage,
- improper and incorrect behavior towards colleagues or students, or their harassment,
- direct or indirect discrimination of another faculty member or student, any harassment and sexual harassment,
- failure to meet the deadlines for completing expert opinions in academic advancement procedure,
- failure to meet the deadlines for completing the court expert opinions,
- incorrect keeping of records of the teaching process,
- disclosing personal data and information in procedures in which the authorized bodies of the School have not reached final decisions,
- fraudulent use of absence periods declared for sick leave,
- unsubstantiated rejection of a faculty member to participate in the work of faculty committees, as well as failure to take responsibility in emergency circumstances related to the teaching process (urgent substitution of an absent colleague in teaching),
- involvement in any business transactions related to the School's principal line of activity without prior consent of the dean, i.e. Academic Assembly,

- appearing at work under the influence of alcohol or other opiates, i.e. their abuse during work,
- tarnishing the reputation of the School by unacceptable behavior, slander, etc.,
- disclosure of the professional secret and data decreed to be protected.

### **III.II. Labor responsibilities of students and their infringements**

#### *Article 15*

Every infringement of responsibilities and duties are outlined in these Regulations.

Less severe cases of disciplinary infringement are as follows:

1. creation of excessive noise that can be disrupting for other students, faculty and non-academic staff of the School,
2. any behavior affecting the hygiene and cleanliness of facilities of the School, as well as having negative effects on the School's environment,
3. any other disciplinary infringement that has not resulted in more severe consequences.

The following instances shall be deemed as severe cases of disciplinary infringement:

1. actions constituting a felony which is routinely persecuted, i.e. any other misdemeanor,
2. forging of the student's course and grade book (hereinafter referred as index), or other documents with the intention of falsely claiming ones rights or student status, as well as intentional destroying and damaging of index, or other documents related to the verification of the student's status and rights in the course of his/her studies,
3. intentional damaging of facilities and resources owned by the School,
4. severe breach of order and discipline related to the execution of particular teaching formats and exams,
5. severe breaches of civilized behavior and decency against faculty members, non-academic staff, health professionals and patients at the clinical facilities of the School or the University , i.e. against students, citizens and other persons present at the premises of the School/University, or other official spaces,
6. repetition of less severe disciplinary infringements.

### **IV MEASURES AGAINST LABOR INFRINGEMENTS**

#### *Article 16*

For infringements of the responsibilities outlined in Articles 14 and 15 of these Regulations, the faculty member can be charged with:

1. rebuke
2. public rebuke
3. proposition for the breach of labor contract.

#### *Article 17*

Reprimand and public reprimand are measures by means of which a faculty member is being alerted on the responsibilities which are being infringed by his/her misconduct, as outlined in Articles 14 and 15 of these Regulations, and through which he/she is being made aware of the possibility of dismissal in case of his/her continuation of the infringements stated.

## **V MEASURES AGAINST INFRINGEMENTS OF STUDENT RESPONSIBILITIES AND DUTIES**

### Article 18

Students can be charged with the following measures for the infringements of disciplinary regulations:

1. public rebuke
2. reprimand
3. reprimand prior to expulsion
4. permanent expulsion from the School

Public rebuke is being pronounced to a perpetrator for less severe infringements of the duties. Reprimand is being pronounced for the repeated less severe infringements of the duties. Reprimand prior to expulsion is being pronounced to a perpetrator for severe disciplinary infringements.

Measure of the permanent expulsion from the School is pronounced only in case of extremely severe disciplinary infringements. This measure results in a withdrawal and permanent expulsion of the student from the School.

Measure referenced in Paragraph 1, Section 4 of this Article can be pronounced conditionally in such a way that Disciplinary Court pronounces a sentence and simultaneously determines that this measure shall not be executed if the perpetrator, for the period determined by the Court, which should not be shorter than five months and longer than five years, does not perform a new disciplinary infringement.

Along with pronouncing disciplinary measures referenced in Paragraph 5 of this Article, certain bans can be imposed to the perpetrator (such as, a ban on taking exams for a certain period, a ban for verifying the semestral accomplishments, invalidating the documents and exams passed in an unacceptable manner, etc.), as well as certain commitments (such as, compensation of the material damage, return of goods, retaking certain courses, etc.).

## **VI THE ROLE OF THE FACULTY UNION**

### Article 19

Before reaching the proposition for regular or extraordinary dismissal, the Committee must consult with the Faculty Union's representative informing him/her on the intended decision. All the data related to overall implications of such a decision must be given by the Committee president to the Faculty Union's representative early on and in its entirety, so that he/she will be given enough time to react and comment on the whole issue.

## **VII BODIES AUTHORIZED FOR EXPRESSING DISCIPLINARY MEASURES**

### **VII.I. Disciplinary Committee**

### Article 20

The Disciplinary Committee (hereinafter referred to as the Committee) conducts the disciplinary procedure, decides on the responsibility of the faculty members and students and pronounces disciplinary measures.

The Committee is nominated by the Academic Assembly among the faculty members and non-academic staff for a term of 3 years.

Members representing student body of the School (two members and two deputy members) are elected among the representatives for the Students' Conference Branch of the School.

The president of the Committee is a faculty member.

The Committee has the deciding power in the disciplinary issues, when at least three members are present. In disciplinary procedure conducted against the student, the presence of the student representative must be ensured.

The composition of the Committee representatives is determined by its president separately for each proceeding.

All professional dealings of the Committee are being conducted by the Legal Department of the School.

#### Article 21

The president or a Committee member must be exempted from participation in the Committee in case of:

1. matrimonial or family relations with a perpetrator, or in a direct line of ascendance , or ascendants at the third degree,
2. his/her direct damaging by infringement of labor responsibilities or duties,
3. existence of other circumstances that hint at the possibility of his/her potential partiality.

Exemption from the Committee membership is decided ex-officio by the Committee.

#### Article 22

President or Committee member shall be relieved of the duty in case of:

1. his/her being disciplined within the duration of his/her term of office ,
2. being convicted for a punishable act,
3. his/her desire to be relived of duty,
4. termination of his/her working contract, or student status .

### **VIII DISCIPLINARY PROCEEDINGS**

#### Article 23

Disciplinary proceedings are initiated by submitting a proposal for the alleged violation of the disciplinary code of conduct or labor regulations.

The proposal may be lodged by the School's Management Board, the dean, vice-dean, head of the department and any faculty member or student.

The proposal for initiating the disciplinary proceedings should comprise the following:

- name of the addressee,
- name/family name of the faculty member or student against whom the proceedings are proposed,
- description and time of the alleged infringement,
- all the facts that are relevant for the alleged infringement of the labor/disciplinary regulations,

- proof supporting the alleged infringement,
- signature of the plaintiff.

#### Article 24

All written allegations must be substantiated by quoting exact place, time and mode of the alleged infringement, together with the proofs corroborating the said allegation. Allegations are addressed to the head of the Committee.

#### Article 25

President of the Committee shall, within 90 days of the receipt of the allegations, issue written summons to the faculty member or a student expected to present his/her defense. The defense shall be in written form and it should be received within 8 days from the receipt of the summons at the latest.

#### Article 26

President of the Committee shall, within 90 days of the expiration of the term for presenting the defense of the faculty member or student, determine the schedule (day, time and place) of the hearing, and inform the members of the Committee, as well as faculty member/student against whom the disciplinary charges are brought of the scheduled hearing. President of the Committee may also summon advisors to the Committee who shall assist the Committee in the conduct of the proceedings. The President of the Committee shall determine the date of the hearing at least 8 days prior to the date the summons were handed over to the faculty member or student. In case the faculty member or student fails to appear at the hearing due to unexcused reasons, the Committee shall conduct the proceedings in his/her absence.

#### Article 27

The hearing shall start with reading of allegations against infringement of labor/disciplinary regulations or code of conduct. Upon reading the allegations the defending party (faculty member or student) shall be given a chance to make his/her statement against the allegations and present his/her defense. Upon the completion of the hearing process, fact-finding procedure is initiated by the Committee.

#### Article 28

At the hearing the defending party, i.e. faculty member or student, shall have the right to present facts and question the witnesses and expert witnesses, as well as to give additional explanations related to evidence, or statements given by the witnesses.

#### Article 29

Hearing process shall be registered for the minutes containing all the data relevant for making the final decision.

#### Article 30

Enquiry is conducted by the President and committee members who are entitled to question the faculty member or the student against whom allegations are being made; other persons witnessing the hearing may also question the defending party upon the consent of the President of the Committee.

#### Article 31

The Committee shall select the evidence and decide on the sequence of presenting the evidence.

The Committee may also propose to present the evidence which has not been previously disclosed, or which has previously been rejected to be presented.

#### Article 32

Upon the completion of the hearing of evidence, the President of the Committee shall conclude the hearing. The Committee decides on the measures to be enacted with a majority vote.

#### Article 33

Should the Committee find out that the faculty member or student has not violated against the labor regulations or disciplinary conduct, or establish evidence for his/her exculpation, it shall decide that the faculty member or student be relieved of the disciplinary responsibility.

#### Article 34

Should the Committee find out that the faculty member or student has committed an infringement of the labor regulations or disciplinary code, it shall decide on taking corresponding disciplinary measure.

#### Article 35

The decision reached by the Committee shall be recorded in the minutes of the Committee meeting verified by the signatures of the President and the person responsible for taking minutes.

#### Article 36

Decision on pronouncing a disciplinary measure shall be communicated by the President of the Committee.

#### Article 37

The decision of the Disciplinary Committee shall be presented in written form. The decision shall consist of the introduction, enacting clause, and the exposition.

The introduction shall comprise the following: name and composition of the Committee, name of the plaintiff, name of the faculty member or student, type of infringement made and date scheduled for the hearing.

Enacting clause shall comprise the following: personal data of the faculty member or student, decision exculpating the faculty member or student, or decision making the faculty member or student liable for the infringement of the said labor or disciplinary regulations, together with stating the measure reached.

Exposition shall comprise the following: brief exposition of the proposal for initiating the proceedings, sequence of established facts, together with the reasons which were decisive for evaluating the evidence (if needed), reasons which were decisive for rejecting the plaintiff's claims, legal regulations and reasons which, through the established sequence of facts, have lead to the formulation of the consented enacting clause.

The decision shall be signed by the President of the Committee.

#### Article 38

The decision is to be delivered directly to the faculty member or student, as well as to the party who initiated the proceedings by signing the receipt by the addressee, or via regular mail.

Should the faculty or student reject to receive the decision, or in case of impossibility of its delivery, the above referenced decision shall be made public by positing on the notice board of the School; such a delivery shall be deemed completed in that case.

#### Article 39

The faculty member, student or the initiating party may lodge a complaint against this Committee decision to the Academic Assembly via the Complaints Committee within 15 days of its receipt.

The complaints procedure shall not interfere with the execution of the disciplinary measure.

#### Article 40

The School's Complaints Committee is being nominated by the Academic Assembly comprising the faculty members, non-academic staff and students.

The School's Complaints Committee shall decide on the complaint lodged against the Committee's decision in a five-member jury, whereas two student members should be included in case the proceedings are initiated against the student.

The Academic Assembly shall, on the basis of the proposal of the School's Complaints Committee, reach the decision related to the complaint within 30 days from the day the complaint was lodged.

Complaints lodged in an untimely manner, as well as complaints lodged by an unauthorized person shall be rejected.

#### Article 41

In relation to the consideration of the complaint the president of the School's Committee shall appoint the rapporteur who has the task of exposing the content of the claim for initiating the proceedings, presenting the arguments of the defending party, supporting evidence and established sequence of facts, as well as the legal basis on which the decision was founded.

The School's Complaints Committee shall be obliged to present the case to the Faculty Union or the Students' Conference representatives, prior to disclosing the proposition to the Academic Assembly.

#### Article 42

The Academic Assembly shall approve the refuted decision, if the same has been reached in accordance with the law and general acts of the School and the University of Zagreb.

#### Article 43

The Academic Assembly shall modify the refuted decision, if the facts have been correctly established, but the governing law or general acts have been falsely applied.

#### Article 44

The Academic Assembly shall quench the refuted decision, if the same has been founded on erroneously or incompletely established state of facts, or in case the Committee has made a breach in the procedure, which has in turn significantly influenced its formulation which cannot be dismissed in the complaints proceedings.

In case of Paragraph 1 of this Article, the case shall be forwarded to the Committee for further reconsideration and adjudicating.

If the complaint was lodged only by a faculty member, the Academic Assembly is obliged not to change the decision to the detriment of the said faculty member.

### **IX EXECUTIVE MEASURE**

#### Article 45

The rebuke is being carried out by notifying the faculty member.

Public rebuke and reprimand, as well as reprimand prior to expulsion of the student from the School are being carried out by their disclosing on the notice board of the School and by their publishing in the School's news bulletin MEF.

The measure of permanent expulsion of the student from the School is being carried out by its notification in the Index and by depriving the student of his/her student status.

Disciplinary measures outlined in Paragraph 2 of this Article are being carried out when the decision of their effecting cannot be disputed in the disciplinary proceedings.

The decision reached in the course of the disciplinary proceedings shall become final when the complaints period has expired, (if the faculty member or the claimant fails to object against this decision of the Committee within the period prescribed by this regulations), i.e. by reaching the decision of the second degree, by which the decision of the first degree has been confirmed or modified.

#### Article 46

The Committee is entrusted with the task of executing the disciplinary measures.

#### Article 47

Limitation period for the conduct of disciplinary proceedings against faculty members and students is one year from the day the infringement was made public, i.e. expiration of the period of two years from the day the infringement was performed.

If an action which resulted in the breach of labor responsibility of the faculty member or disciplinary code of student is to be sanctioned as a tortious act, the right to conduct the disciplinary proceeding against faculty members or students is subject to the limitation period of one year from the day this infringement was made public. However, such proceedings cannot be conducted after the limitation period for the right to sanction such tortious acts comes into effect.

### **X TRANSITIONAL AND FINAL PROVISIONS**

#### Article 48

Should the Collective Agreement regulating the area of research and higher education prescribe certain rights in a more favorable way than these Regulations, as well as in all other cases prescribed by the law or the Collective Agreement, the provisions of the Collective Agreement or governing law shall be applied.

#### Article 49

The Academic Assembly of the School shall nominate the Complaints Committee within a period of 90 days from the day this Decision has come into effect.

#### Article 50

By coming into effect of these Regulations, the Regulations on Students' Disciplinary Code ceases to be effective.

#### Article 51

These regulations are coming into effect from the day of its public disclosure on the notice board of the School.

Zagreb, 15 July 2009

No: 02-61/8-2009

Dean  
Professor Nada Čikeš, MD, PhD

This consolidated text of the Regulations was made public on the notice board of the School on 27 July 2009.

Secretary  
Darko Bošnjak, LLB