

The text of the Regulations on Disciplinary Procedures Related to Misconduct of Faculty and Students of the University of Zagreb School of Medicine (hereinafter: the School) comprises the Regulations on Disciplinary Procedures Related to Misconduct of Faculty and Students, reference No.: 02-61/8-2009, of 15 July 2009, the Decision on the Revisions of the Regulations on Disciplinary Procedures Related to Misconduct of Faculty and Students, reference No.: 02-61/12-2009, brought by the School's Academic Assembly at its regular session held on 24 November 2009, the Decision on the Revisions of the Regulations on Disciplinary Procedures Related to Misconduct of Faculty and Students, class: 003-08/12-02/10, reference No.: 380-59/12-221/10, brought by the School's Academic Assembly at its regular session held on 30 October 2012, as well as the Decision on the Revisions of the Regulations on Disciplinary Procedures Related to Misconduct of Faculty and Students, class: 003-08/20-02/1, reference No.: 380-59-10101-20-2059/7, brought by the School's Academic Assembly at its regular session held on 30 June 2020.

REGULATIONS ON DISCIPLINARY PROCEDURES RELATED TO MISCONDUCT OF FACULTY AND STUDENTS

I GENERAL PROVISIONS

Article 1

These Regulations govern all the infringements of labour and other responsibilities due to gross infringement of the School's reputation caused by the academic faculty members, non-academic staff (hereinafter: faculty member) and students of the School (hereinafter: student), actions taken, specifying the procedures and determining the competent bodies for conducting the procedure and deciding on the measures taken against the offenders.

The provisions stipulated in these Regulations are valid for all the students of the graduate studies in medicine, students of the university specialist studies, students of the doctoral studies as long as they are enrolled into such programmes and are entitled to the rights and privileges of the above studies, as well as attendees of continuing medical education programmes for the duration of such programmes.

Article 2

Faculty members should be personally committed to the provisions outlined in their employment contract.

Each faculty member should abide by the rules and regulations governing the area of higher education and research, Labour Act, other regulations, collective agreements, Bylaws of the University of Zagreb and the School, as well as all other general regulations of the School governing the labour relations.

At all times in their academic activities and conduct, all the faculty members should abide by the ethical rules of conduct and 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 provisions of the University of Zagreb Bylaws, Bylaws of the School, as well as all other general provisions stipulated in the University of Zagreb/School regulations and acts;
2. safeguard the reputation of students, the School and the University of Zagreb.

Any infringements of the provisions outlined in Paragraph 1 of this Article shall lead to the disciplinary liability of students.

Criminal liability according to any other legal basis shall not exclude disciplinary liability.

II INFRINGEMENTS OF LABOUR RESPONSIBILITIES OF FACULTY MEMBERS AND STUDENTS' DUTIES

Article 4

No faculty member can be subjected to disciplinary measure for the infringements of labour responsibility 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 labour responsibility.

No student can be subjected to disciplinary measure for the infringements of his/her duties and responsibilities which have 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.

Article 5

An out-of-necessity defence shall not be considered an infringement of the labour responsibility or duty.

An out-of-necessity defence is a natural reaction to an 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 defence, he/she may be sanctioned by a milder disciplinary measure.

Article 6

The infringement of labour responsibilities or duties 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 offender should avoid facing an immediate danger which could not be avoided in any other way, and ensuring that the damage performed does not exceed the damage which has threatened.

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

Article 7

Any accountable member of the faculty or student shall be held liable for the infringement of the labour responsibilities and duties performed premeditatedly or out of sheer negligence.

Article 8

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

Article 9

The infringement of the labour responsibilities is considered to be done out of negligence when the offender 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, or when the offender was not aware that his/her deeds can lead to the infringement of the labour responsibilities, but according to the circumstances and personal capacity he/she should and could have been aware of that possibility.

Article 10

No faculty member or student shall be considered to be under disciplinary liability, if in the time of executing the infringement of the labour responsibilities or duties, they could not be aware of any of its features prescribed by the law, or they could, without being held guilty, erroneously justify such activities being made or failed 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

The faculty member or students who can be excused for not being aware of committing a certain action or failing to perform an action defined as prohibited can be subjected to a milder disciplinary measure, or he/she may not be sanctioned until a more appropriate disciplinary measure could be used.

III LABOUR RESPONSIBILITIES AND DUTIES AND THEIR INFRINGEMENTS

III.I Labour responsibilities of faculty members and their infringements

Article 12

Each faculty member shall abide to his/her labour responsibilities 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 continuously 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 labour responsibilities are as follows:

- unexcused absence from the teaching/working process without prior informing the head of the particular organizational unit, or Human Resources Department;
- tardiness for more than three times within a month, or leaving the class prior to the prescribed schedule;
- creating such a working environment that causes irritation and possible friction among the faculty members;
- failure to submit, within 5 days of its termination, a written summary of a business trip, accounting for the financial issues related to the trip;
- failure to return advance-payments received for business trips exceeding the amount of 10,000.00 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 execution of the teaching process;
- disorderly record keeping and untimely reporting about work on research projects and programs;
- failure to keep record 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 competent bodies;
- spreading false information related to activities and business of the School.

Article 14

Severe infringements of the labour responsibilities 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 behaviour, or untimely performance of the working assignments;
- unexcused absence from work or any wilful leaving of the work place, which causes disruptions in the work process of the School;
- unauthorized use of the resources of the School;
- breaches of regulations related to the occupational safety and protection, as well as fire protection regulations, which result or might result in damage;
- disclosure of the professional secret that was prescribed by the law, other regulations or Labour Regulations;
- abuse or exceeding of one's authority;
- intentional, or due to utmost negligence, infliction of considerable material damage;
- improper and incorrect behaviour towards colleagues or students, or their harassment;
- direct or indirect discrimination of another faculty member or student, any harassment or sexual harassment;
- failure to meet the deadlines for completing the expert opinions in the academic advancement procedure;
- failure to meet the deadlines for completing the court expert opinions;
- incorrect record keeping of the teaching performed;
- disclosing personal data and information about procedures for which the School competent bodies have not reached final decisions;
- fraudulent use of 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, for his/her own or someone else's gain, related to the School's principal activities without prior consent of the dean, i.e. Academic Assembly;
- appearing at work under the influence of alcohol or other opiates, i.e. their consummation during work:
- tarnishing the reputation of the School by unacceptable behaviour, slander, etc.;
- disclosure of the professional secrets and data decreed to be protected;
- unexcused absence from the sessions of the School's governing bodies, committees and boards;
- failure to comply with the provisions of the Rules of Procedure for Conducting the Written Exams.

III.II Labour duties of students and their infringements

Article 15

Every disciplinary infringement of the duties is outlined in these Regulations.

Less severe disciplinary infringements of the duties are as follows:

1. generally unacceptable behaviour as defined by the Student Code of Conduct;
2. any behaviour 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.

Severe disciplinary infringements of the duties are as follows:

1. actions constituting a felony which is routinely prosecuted, i.e. any other misdemeanour;
2. particularly unacceptable behaviour as defined by the Student Code of Conduct;
3. failure to comply with the provisions of the Rules of Procedure for Conducting the Written Exams;
4. borrowing or lending the student card, either for or without a fee;
5. using someone else's student card as his/her own;
6. selling the student card;
7. changing the information on the student card, its chip and/or magnetic strip;
8. repetition of the less severe disciplinary infringements.

IV MEASURES AGAINST INFRINGEMENTS OF LABOUR RESPONSIBILITIES

Article 16

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

1. warning;
2. public warning;
3. proposition of dismissal.

Article 17

A warning and public warning are measures by means of which a faculty member is alerted about 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 made aware of the possibility of a dismissal in case of his/her continuation of the stated infringements.

V MEASURES AGAINST INFRINGEMENTS OF STUDENT DUTIES

Article 18

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

1. warning and public warning;
2. reprimand;
3. reprimand prior to expulsion;
4. permanent expulsion from the School.

A public warning shall be imposed to an offender for the less severe infringements of the duties. A reprimand shall be imposed in case of the repetition of the less severe infringements of the duties. A reprimand prior to expulsion shall be imposed to an offender for the severe disciplinary infringements.

The permanent expulsion from the School measure shall be imposed only in case of the extremely severe disciplinary infringements. This measure results in a withdrawal and permanent expulsion of the student from the School.

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

Along with imposing the disciplinary measures referenced in Paragraph 5 of this Article, certain bans can be imposed to the offender (e.g., a ban on taking exams for a certain period, ban on verifying the semestral accomplishments, invalidating the documents as well as exams passed in an unacceptable manner, ban on the use (confiscation) of the student card for three months in case of repeated infringements, ban on the use (confiscation) of the student card for six months in case of the severe cases of disciplinary infringements, etc.), as well as impose certain commitments (e.g., the compensation of the material damage, return of goods, retaking certain courses, etc.).

VI ROLE OF FACULTY UNION

Article 19

Before deciding on the proposition for a regular or extraordinary dismissal, the Disciplinary Committee must consult with the Faculty Union's representative, informing him/her about the intended decision.

All the data related to the overall implications of such a decision must be given by the Disciplinary Committee president to the Faculty Union's representative early on and in its entirety, so that he/she has enough time to react and comment on the whole issue.

VII BODIES AUTHORIZED TO IMPOSE DISCIPLINARY MEASURES

VII.I Disciplinary Committee

Article 20

The Disciplinary Committee (hereinafter: Committee) conducts the disciplinary procedure, decides on the liability of the faculty members and students and imposes disciplinary measures.

The Committee shall be nominated by the School's Academic Assembly among the faculty members and associates for a term of 3 years.

The members representing the student body of the School (two members and two deputy members) are elected among the School's Student Council representatives.

The president of the Committee shall be an academic faculty member.

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

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

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

Article 21

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

1. matrimonial or family relations, either in a direct line or up to the third degree of relations, with the offender;
2. him/her directly being damaged by the infringement of the labour responsibilities or duties;
3. existence of other circumstances that hint at the possibility of his/her potential partiality.

The exemption from the Committee membership shall be decided ex-officio by the Committee.

Article 22

The president or a member of the Committee shall be relieved of duty in case of:

1. his/her being disciplined within the duration of his/her term of office;
2. being convicted for a criminal act;
3. his/her desire to be relieved of duty;
4. termination of his/her employment contract or student status.

VIII DISCIPLINARY PROCEEDINGS

Article 23

Disciplinary proceedings are initiated by submitting a proposal for initiating the disciplinary proceedings based on the knowledge about the infringement of the labour responsibilities and duties.

The proposal may be lodged by the School's Management Board and the dean.

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

- name of the addressee;
- name and surname of the faculty member or student against whom the proceedings are proposed,
- description and time of the infringement;
- all the facts that are relevant for demonstrating the infringement of the labour responsibilities and duties;
- proof supporting the infringement;
- signature of the claimant.

Until the conclusion of the proceedings, the dean can impose certain bans on the student (e.g., a ban on enrolment, ban on attending classes, ban on taking exams for a certain period, ban on verifying the semestral accomplishments, invalidating the documents and exams passed in an unacceptable manner, etc.), as well as impose certain commitments (e.g., the return of goods, retaking certain courses, compensation of the material damage, etc.).

Article 24

The proposal must be factually substantiated by stating exact place, time and method of the infringement, together with the proofs corroborating the said infringement.

The proposal shall be addressed to the president of the Committee.

Article 25

The president of the Committee shall, within 90 days of the receipt of the proposal, issue written summons to the faculty member or student to present his/her defence.

The defence shall be in written form and it should be received within 8 days from the receipt of the summons.

Article 26

The president of the Committee shall, within 90 days from the deadline for presenting the defence of the faculty member or student, determine the schedule (day, time and place) of the hearing, and inform the members of the Committee, claimant, as well as the faculty member/student against whom the disciplinary charges are brought to attend the hearing.

The president of the Committee may also summon advisors to attend the Committee and assist the Committee in the proceedings.

The president of the Committee is obligated to determine the date of the hearing to be at least 8 days after the date the summons were delivered to the faculty member or student.

In case the faculty member or student fails to appear at the hearing without justification, the Committee shall conduct the proceedings in his/her absence.

Article 27

The hearing shall start with the reading of the proposal for initiating the disciplinary proceedings because of an infringement of the labour responsibilities and duties.

After the proposal is read, the defending party (faculty member or student) shall be given a chance to make his/her statement against the statements made in the proposal and present his/her defence.

Upon the completion of the hearing process, the 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, offer proofs and question the witnesses and expert witnesses, as well as to give additional explanations related to statements given by the witnesses or expert witnesses.

Article 29

The hearing shall be recorded in the minutes containing all the data relevant for making the final decision.

Article 30

The enquiry shall be conducted by the President and Committee members who are authorised to question the faculty member or the student against whom the proposal was brought as well as any other persons involved in the proceedings; 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 evidence hearing, 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 that the faculty member or student has not infringed the labour responsibilities and duties, that there exist circumstances that exclude his/her liability, or establish evidence for his/her acquittal, it shall decide that the faculty member or student be relieved of the disciplinary liability.

Article 34

Should the Committee find out that the faculty member or student has committed an infringement of the labour responsibilities and duties and he/she is liable for its infringement, it shall decide on the 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, members of the Committee and the person taking the minutes.

Article 36

The decision on the 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, dispositive clause and the exposition.

The introduction shall consist of the name and composition of the Committee, name of the claimant, name of the faculty member or student, type of infringement made and scheduled date of the hearing.

The dispositive clause shall consist of the 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 said infringement of the labour responsibilities and duties, together with stating the measure imposed.

The exposition shall consist of the brief exposition of proposal for initiating the disciplinary proceedings, sequence of established facts together with the reasons which were decisive for evaluating the evidence (if needed), reasons which were decisive for rejecting any of the parties' requests, legal regulations and reasons which, through the established sequence of facts, have led to the formulation of the consented dispositive clause.

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

Article 38

The decision shall be delivered directly to the faculty member or student, as well as to the claimant of the proposal for initiating the disciplinary 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 being posted on the notice board of the School and shall thereupon be deemed delivered.

Article 39

The faculty member, student or the claimant may lodge a complaint against the Committee's decision to the Academic Assembly via the Complaints Committee within 15 days of the receipt of the decision.

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

Article 40

The School's Complaints Committee shall be nominated by the School's Academic Assembly and it should comprise faculty members, non-academic staff and students.

The School's Complaints Committee shall decide about 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 a 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.

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

Article 41

For the purpose of the consideration of the complaint, the president of the School's Complaints Committee shall appoint a rapporteur who has the task of exposing the content of the proposal for initiating the disciplinary 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 obligated to present the case to the Faculty Union or the Student Council representatives prior to disclosing the proposition to the Academic Assembly.

The student may lodge a complaint against the dean's decision on imposing certain bans or commitments to the Academic Assembly via the Complaints Committee within 15 days of the receipt of the Disciplinary Committee's decision.

Article 42

The Academic Assembly shall approve the contested 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 contested 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 annul the contested 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 the formulation of the decision and which cannot be dismissed in the complaints proceedings.

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

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

IX ENFORCEMENT OF MEASURES

Article 45

A warning shall be enforced by notifying the faculty member.

A public warning to the faculty member, as well as a reprimand and the reprimand prior to expulsion from the School to the student, shall be enforced by their display on the School's notice board and by their publishing in the School's news bulletin.

The measure of the permanent expulsion of the student from the School shall be enforced by entering it in the student's Index and the student losing his/her student status.

The disciplinary measures outlined in Paragraph 2 of this Article are executed when the decision becomes final in the disciplinary proceedings.

The decision on disciplinary proceedings shall become final upon the expiry of the complaints period, (if the faculty member or the claimant fails to object to the Disciplinary Committee's decision within the period prescribed by these Regulations), i.e. upon the delivery of the second instance decision by which the first instance decision has been confirmed or modified.

Article 46

The Committee shall be entrusted with the task of enforcing the disciplinary measures.

Article 47

The statute of limitations for the initiation and conducting of disciplinary proceedings against faculty members and students is one year from the day the infringement was made known, i.e. two years from the day the infringement was performed.

If an action which resulted in the infringement of the labour responsibilities of the faculty member or duties of the student constitutes a criminal offense, the right to initiate and conduct the disciplinary proceeding against faculty members or students is subject to the statute of limitations of one year from the day the infringement and offender were made known. However, such proceedings cannot be conducted after the statute of limitations for the criminal prosecution takes 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 favourable way than these Regulations, as is the case with 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 School's Academic Assembly shall designate the Complaints Committee within a period of 90 days from the day this Decision comes into effect.

Article 50

These Regulations shall enter into force 8 days of publication on the School notice board.

Zagreb, 30 June 2020

Dean
Professor Marijan Klarica, MD, PhD