On the basis of Article 55 of the Statute of New University, the Management Board of New University adopted the following at its 49th meeting held on 25 October 2021:

RULES ON THE DISCIPLINARY LIABILITY OF STUDENTS OF NEW UNIVERSITY

I. CONTENT AND PURPOSE

Article 1

(purpose)

These Rules determine the bodies responsible for conducting disciplinary proceedings against students of New University (hereinafter: NU), the powers of the disciplinary bodies, breaches of duties and failures by students to fulfil their obligations, time limits for conducting proceedings, disciplinary measures that may be imposed by the disciplinary bodies, and legal remedies available in proceedings before the second-instance body.

II. BODIES CONDUCTING PROCEEDINGS FOR BREACHES OF DUTIES AND FAILURES TO FULFIL OBLIGATIONS

Article 2

(decision-making bodies)

At NU, proceedings concerning breaches of duties and failures by students to fulfil their obligations are conducted, and measures imposed, by the disciplinary committees of member institutions at first instance (hereinafter: disciplinary committees of member institutions) and by the deans of member institutions at second instance at NU level (hereinafter: deans of member institutions).

The decision of the second-instance body is final, and a student may seek legal remedies against it before the competent court.

Article 3

(composition of the disciplinary committee)

The disciplinary committee of a member institution consists of three (3) members, each of whom has a deputy. The chair of the committee and their deputy are proposed by the management board of the member institution from among its teaching staff; the second member and their deputy are proposed by the dean of the member institution from among the employees of the faculty secretariat; and the third member and their deputy are proposed by the student council of the member institution from among its students.

On the basis of these proposals, the senate of the member institution appoints its disciplinary committee. The term of office of the disciplinary committee of a member institution is two (2) years and may be renewed.

The disciplinary committees of member institutions always decide in panels of three members.

III. DISCIPLINARY LIABILITY

Article 4

(disciplinary liability)

A student who, through their own fault, fails to fulfil their duties and obligations laid down in regulations and acts of a member institution or the University, or fails to comply with resolutions adopted by a member institution or the University, or with decisions made by an authorised person, breaches a study obligation.

Criminal liability does not exclude disciplinary liability where the act also constitutes a breach of study duties or obligations.

Breaches of study obligations are defined by law, the Statute, the rules of the member institution, these Rules and other general acts of the University.

A student is liable only for such breaches of study duties and obligations as were defined, before or at the time of the breach, by law, the Statute, the rules of the member institution, these Rules or other general acts, and for which a disciplinary measure was prescribed.

IV. BREACHES OF STUDY DUTIES AND FAILURE TO FULFIL OBLIGATIONS

Article 5

(types of breaches)

Breaches of duties and failures to fulfil obligations may be minor or serious.

Article 6

(minor breaches)

Minor breaches are:

- inappropriate behaviour that damages the reputation of NU and its member institutions;
- inappropriate conduct towards students, higher education teachers and associates, supervisors and other employees of NU and its member institutions, whether in person or by electronic means;
- inappropriate conduct towards supervisors and employees of an organisation in which the student is undertaking practical training;
- acts by which a student damages another student's reputation;
- obstructing other students in the teaching or research process;
- wasteful use of materials intended for the educational or scientific research process.

Article 7

(serious breaches)

Serious breaches are:

- failure to fulfil duties defined by the legal acts of the University and its member institutions;
- attempted cheating or cheating in the assessment of knowledge;
- acts displaying the elements of criminal offences prosecuted ex officio;
- serious breaches of public order and peace on the premises of NU or its member institutions and on premises or at locations where the teaching process takes place;
- serious breaches defined as such in the internal acts of organisations where practical training is carried out;
- providing false information with the intention of obtaining an unjustified benefit for oneself or another person;
- serious disruption of order and discipline during lectures, seminars, practical classes or in the library;
- damage to property of NU or its member institutions caused intentionally or through gross negligence;
- forgery of official documents;
- any act or omission that could endanger the life or health of students, teachers or other employees of NU or its member institutions;
- arriving at NU or its member institutions in an intoxicated state or under the influence of drugs, or consuming alcohol or drugs or smoking on the premises of NU or its member institutions or at locations where the teaching process takes place;
- plagiarism in seminar papers, final theses and other written work;
- repeated commission of minor breaches of duties.

V. DISCIPLINARY MEASURES

Article 8

(types of measures)

One of the following disciplinary measures may be imposed on a student for breaches of duties and failures to fulfil obligations:

- warning;
- reprimand;
- prohibition from taking examinations;
- temporary expulsion;
- permanent expulsion.

Article 9

(circumstances surrounding the breach)

When imposing disciplinary measures, disciplinary bodies must take into account:

- the degree of the student's responsibility;
- the circumstances in which the student committed the breach;
- the student's previous conduct;

- the seriousness of the breach and the consequences arising from it;
- other circumstances, with the primary aim of exerting an educational influence on the student.

Article 10

(warning)

The measure of a warning is imposed for minor breaches.

The decision imposing a warning shall be served on the student.

Article 11

(reprimand)

The measure of a reprimand is imposed for serious breaches of duties and failures to fulfil obligations that are less serious in nature, or where such mitigating circumstances are found to exist that the purpose of the disciplinary measure will be achieved by a reprimand alone. A reprimand is also imposed if a minor breach has been proven against the student for a second time and the student has previously been given a warning.

The decision imposing a reprimand shall be served on the student.

Article 12

(prohibition from taking examinations)

The measure of prohibition from taking examinations may be imposed on a student for attempted cheating or cheating in the assessment of knowledge.

The disciplinary committee may impose the following sanctions:

- prohibition from taking examinations at the next examination sitting, whereby the prohibition applies only to the examination or examinations to which the disciplinary breach relates;
- prohibition from taking examinations at the next two (2) examination sittings if a serious breach of examination rules has been established against the student for a second time. The prohibition applies only to the examination or examinations to which the disciplinary breach relates.

Article 13

(temporary expulsion from NU)

Expulsion for one (1) academic year may be imposed:

- for a serious breach that caused substantial material damage or other substantial damage to the reputation of NU or its member institutions;
- for an act that endangered the life or health of students and employees;

- where the educational, scientific research or other process at NU or its member institutions was substantially obstructed;
- for a third (3rd) instance of cheating or attempted cheating in the assessment of knowledge;
- where a more lenient measure has already been imposed on the offender several times in the preceding two years for serious breaches.

A student who has been expelled shall be served with a decision prohibiting them from participating in teaching and research activities at NU for a period of one (1) year.

Article 14

(permanent expulsion from NU)

Permanent expulsion shall be imposed on a student for serious breaches of duties and failures to fulfil obligations if the measure of temporary expulsion from the University has already been imposed on that student.

A student who has been expelled shall be served with a decision permanently prohibiting them from participating in teaching and research activities at the University or its member institutions.

VI. DISCIPLINARY PROCEEDINGS

Article 15

(initiative and request to institute proceedings)

The liability of students for breaches of duties or failures to fulfil obligations shall be established in disciplinary proceedings before a disciplinary body.

Any employee, teaching associate, committee for the defence of a final thesis at a member faculty, or any NU student may submit an initiative to institute disciplinary proceedings to the dean or a person authorised by the dean.

The initiative must be drawn up in writing and, in addition to the first name and surname of the student against whom proceedings are requested, must contain a description of the act or omission constituting a breach of duties or failure to fulfil obligations, information on any available evidence, and a proposal as to what further evidence should be obtained in the preparatory proceedings before the main hearing.

On the basis of the initiative received, the dean of the member institution responsible for the student shall submit to the chair of that institution's disciplinary committee a request to institute proceedings to determine disciplinary liability. The request must indicate the person against whom disciplinary proceedings are to be conducted and the allegations against that person. A copy of the request to conduct proceedings shall also be served on the student against whom the request has been filed.

From the moment the request to conduct proceedings is served on the chair of the disciplinary committee of the member institution, the student must be informed of all actions taken in connection with the disciplinary proceedings against them.

Article 16

(preparatory proceedings)

After the dean or a person authorised by the dean files a request to institute disciplinary proceedings, the chair of the committee shall determine whether sufficient evidence has been collected concerning the alleged act or whether additional documents must be obtained, proposed witnesses heard and further evidence collected in preparatory proceedings.

If the chair of the committee considers that sufficient evidence indicating that the student actually committed the alleged act has already been submitted together with the request to conduct proceedings, preparatory proceedings are unnecessary. If, however, the chair considers that the evidence is insufficient, doubtful or even contradictory, preparatory proceedings shall be instituted.

Article 17

(record of an interview in preparatory proceedings)

If a student is heard in preparatory proceedings, or if any action is taken before the main hearing in a case pending before the disciplinary committee, a written record thereof must be made.

Article 18

(scheduling the main hearing and summons to the main hearing)

Following the preparatory proceedings, the chair of the disciplinary committee of the member institution shall schedule a disciplinary or main hearing. The chair shall determine the time and place of the hearing and specify which evidence will be taken at the hearing. If preparatory proceedings have been conducted, evidence already taken in those proceedings may also be taken again at the main hearing.

The student must receive the summons to the hearing at least eight days before the hearing. The summons shall inform the student against whom disciplinary proceedings are being conducted that they may bring a legal representative to the main hearing.

The student, witnesses and, where necessary, experts shall be summoned to interviews in the preparatory proceedings or to the main hearing by summons with acknowledgement of receipt, so that service of the summons can be established.

The summons to the student must expressly state that the main hearing will also be held in their absence if they do not attend and do not justify their absence. An excusable reason is an inability to attend substantiated by an appropriate certificate, such as a medical certificate, confirmation of work-related absence (applicable only to persons in regular employment), or confirmation of absence due to a death in the family.

Article 19

(conditions for commencing the disciplinary hearing)

Certain conditions must be met before the disciplinary hearing may commence, and the chair of the disciplinary committee must verify them. These conditions concern:

a) the disciplinary committee, namely:

- its composition;
- any disqualification of individual committee members; and
- the presence of all committee members.

b) summonses, which must have been served in good time and must be precise and comprehensible. The following must be summoned:

- the student suspected of breaching duties;
- the student's representative, if any;
- witnesses and, if necessary, experts.

The case file must contain documentary evidence that the student was duly summoned and received the summons in good time.

c) informing the student of their procedural rights, namely:

- the disciplinary breach alleged against them;
- the right to a representative;
- rights at the hearing (that the student may ask questions, submit proposals and make comments to witnesses and experts, that the student is not obliged to testify against themselves, etc.).

Article 20

(main hearing)

The chair of the disciplinary committee of the member institution shall open the main hearing by establishing the presence of all persons summoned and, in the event of absences, whether they were duly summoned and whether their absence was justified, reading out the request to institute disciplinary proceedings and briefly explaining the course of the preparatory proceedings, if any were conducted.

Once the student against whom disciplinary proceedings are being conducted states that they have understood the request to institute disciplinary proceedings and understand the allegations against them, the chair of the disciplinary committee of the member institution shall begin taking the evidence proposed in the request to institute disciplinary proceedings and/or collected during the preparatory proceedings.

The chair of the disciplinary committee of the member institution shall then invite the student against whom disciplinary proceedings are being conducted to respond to the allegations in the request and present their defence.

After the student's statement, the chair of the disciplinary committee of the member institution shall invite witnesses individually into the room where the main hearing is taking place, and may also confront the statements of individual witnesses.

The chair and members of the disciplinary committee of the member institution may put questions to the student and to other persons participating in the proceedings in order to establish legally relevant facts and circumstances concerning the breach. The student and their legal representative have the right to examine the evidence at the hearing, question witnesses and experts, and make comments and provide explanations concerning their statements. With the permission of the chair of the disciplinary committee of the member institution, other persons summoned to the main hearing may also ask questions.

Article 21

(voting)

Once the taking of evidence has been completed, the committee shall leave the room in which the main hearing was held and deliberate and vote on the student's liability for the alleged act.

The disciplinary committee of the member institution shall decide by a majority of votes.

Article 22

(announcement of the decision)

Following deliberation and voting, the chair of the disciplinary committee of the member institution shall orally announce the decision adopted.

Within eight days of the conclusion of the main hearing, the disciplinary committee of the member institution must issue a written decision and serve it on the student against whom disciplinary proceedings were conducted or on their representative, if any, and on the applicant who submitted the request, who shall also inform the person who initiated the proceedings.

A record shall be kept of the course of the main hearing and of the deliberation and voting.

Article 23

(decision of the disciplinary committee)

By its decision, the disciplinary committee of the member institution may find the student guilty and impose an appropriate disciplinary measure, or acquit the student.

When imposing measures, the disciplinary committee of the member institution shall take into account the degree of the student's responsibility, the circumstances in which the student committed the breach, the student's previous conduct, the seriousness of the breach and its consequences, the damage caused, and other aggravating and mitigating circumstances.

VII. APPEAL AGAINST A DECISION ON A MEASURE

Article 24

(appeal against a decision on a measure)

An objection against a decision of the disciplinary committee of a member institution may be lodged with the dean of that institution. An objection may be lodged by:

- the student;
- their defence counsel; or
- the person who filed the request to institute proceedings,

within 15 days of service of the written decision.

Article 25

(grounds for appeal)

An appeal against a decision of the disciplinary committee of a member institution may be lodged on the following grounds:

- a material violation of the rules of procedure;
- erroneous or incomplete determination of the facts;
- incorrect application of substantive law.

VIII. DISCIPLINARY PROCEEDINGS AT SECOND INSTANCE

Article 26

(disciplinary proceedings at second instance)

The dean of the member institution shall either uphold the decision of the disciplinary committee of the member institution, amend it in whole or in part, declare it null and void, or annul it in whole or in part and remit the case to the disciplinary committee of the University member institution for a new decision.

The dean of the member institution shall also review the first-instance decision where no appeal against the decision of the disciplinary committee of the member institution has been lodged, if the measure of temporary or permanent expulsion was imposed on the student at first instance.

If only the student or their legal representative appeals, the first-instance decision may not be amended to the student's detriment by imposing a more severe measure in the second-instance decision.

The dean of the member institution must decide no later than 15 days after receipt of the appeal. The decision of the dean of the member institution is final. Within 30 days of receipt of the written decision, the student may initiate an administrative dispute against the dean's final decision before the competent court.

The provisions of these Rules governing proceedings before the first-instance disciplinary committee shall apply mutatis mutandis to proceedings before the second-instance disciplinary committee.

IX. REOPENING OF PROCEEDINGS

Article 27

(reopening of proceedings)

Disciplinary proceedings may be reopened. Proceedings may be reopened on the following grounds:

- the student was unlawfully deprived of the opportunity to participate in the proceedings;
- the disciplinary decision was based on false testimony by a witness or expert;
- the disciplinary decision was based on a forged document or a document certifying false content;
- the decision was reached as a result of a criminal offence committed by a member of the disciplinary body;
- a final decision had already been made concerning the same breach;
- the disciplinary decision was based on a final decision of a court or another body and that decision was subsequently annulled by a final decision;
- new facts become known or new evidence is discovered or becomes available which would have resulted in a different decision in the disciplinary proceedings;
- a member who should have been disqualified participated in the issuance of the disciplinary body's decision, whereby the rules on disqualification set out in the General Administrative Procedure Act shall apply mutatis mutandis.

Article 28

(time limits for reopening proceedings)

An application to reopen proceedings may be filed by the student, their defence counsel, the dean or a person authorised by the dean who requested the institution of disciplinary proceedings. The application to reopen proceedings must set out the grounds on which reopening is requested, as well as the evidence to be taken in order to establish the existence of a ground for reopening.

An application to reopen proceedings may be filed within 30 days of the date on which the entitled person became aware of the ground on which the disciplinary proceedings may be reopened.

After expiry of the limitation period, disciplinary proceedings may not be reopened to the detriment of the student.

Proceedings in favour of the student may also be reopened after expiry of the limitation period, but no later than one year from the date on which the disciplinary decision became final and binding.

X. LIMITATION PERIODS

Article 29

(limitation periods for disciplinary proceedings)

The institution and conduct of proceedings shall become time-barred three months after the date of the breach in the case of minor breaches of duties and failures by a student to fulfil obligations, and six months after the date of the breach in the case of serious breaches of duties and failures by a student to fulfil obligations.

Where a breach has the characteristics of a criminal offence, the institution of disciplinary proceedings shall become time-barred six months after the date on which the breach and the offender became known.

A disciplinary measure imposed may not be enforced if 60 days have elapsed since the date on which the decision imposing the measure became final and binding.

XI. TERMINATION OF PROCEEDINGS

Article 30

(termination of proceedings)

Disciplinary proceedings shall be terminated:

- if the limitation period for the institution and conduct of proceedings has expired;
- if the body that requested the institution of proceedings withdraws the request;
- if the disciplinary body establishes:

  a) that a measure has already been imposed on the student for the same breach of duties and failure to fulfil obligations;

  b) that the student has been finally acquitted of the same breach of duties;

  c) that the student cannot be held liable for the breach of duties and failure to fulfil obligations.

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 31

(entry into force of the Rules)

These Rules shall enter into force on the day following their adoption by the Management Board of NU. The adopted Rules shall be published on the website of the University and its member institutions.

Nova Gorica, 25 October 2021



Prof. Dr. Peter Jambrek

Chair of the Management Board of NU