

Management Board of 'Mediteran' University, pursuant to the Article 24, Paragraph 1, Item 15, in relation to the Article 111, Paragraph 6 of the Statute of 'Mediteran' University, upon the proposal of the Senate of the University, at the VII session held on July 9, 2008, has hereby passed the following

RULEBOOK ON THE DISCIPLINARY PROCEEDING AND DISCIPLINARY LIABILITY OF THE STUDENTS OF 'MEDITERAN' UNIVERSITY

I BASIC PROVISIONS

Article 1

This Rulebook regulates disciplinary proceedings and disciplinary liability of the students of 'Mediteran' University (hereinafter referred to as: the University), disciplinary actions that may be imposed for the violation (breach) of duty as well as the appeal proceeding.

Article 2

A student is liable for duty violation as stipulated by the Law on University Education, University Statute, Rulebook on the Proceeding and Way of Examining and Grading, this Rulebook and Study Contract.

Article 3

Violation of duty by a student shall be considered to be any behaviour at the University or its Organizational Unit (Faculty) which includes the following:

1. Inappropriate or indecent behaviour discrediting University or its Faculty;
2. Forgery, destruction or damaging of public or students' documents and IDs;
3. False data submission in order to commit deception;
4. Disruption of teaching process or examination in any way;
5. Illegal use of technical means or devices in order to cheat during the examination process or supporting other students during that process or other form of testing;
6. Cheating during examinations or other forms of testing;

7. Disruption of work and order in the library, reading room, computer room and other premises at the University;
8. Severe violation of morale or rules of conduct, initiating or participating in fights, insulting teaching staff, other students or other persons in their official capacity at the University;
9. Disrespect of the rights of staff and other students;
10. Demonstrating religious, racial or national intolerance or hatred;
11. Intentional property destruction or damaging it;
12. Bringing alcohol or narcotics to the University and its consumption at its premises.

II DISCIPLINARY PROCEEDING

Article 4

Establishing student's violation of duty shall be done in the course of the provisioned disciplinary proceeding.

Disciplinary proceeding shall be initiated by the Dean based on the complaint against a student which may be submitted by any member of staff, student or a third person who is present in his/her official capacity at the University.

The complaint shall consist of the following: basic data on the student in question, description, time and place of the violation of duty and the supporting evidence;

Disciplinary proceeding is urgent and obligatory.

Initiation of the disciplinary proceeding shall be deemed statute-barred within the period of three months as of the date of the realization about the violation and its perpetrator, i.e. within six months as of the date when the violation was committed.

The disciplinary proceeding shall be statute-barred upon the expiry of three months as of the day of its initiation, i.e. nine months as of the day when the violation in question was committed.

Article 5

Complaint submitted in order to initiate disciplinary proceeding shall be dismissed in the following cases:

- if the complainant cannot be a party to the proceeding;
- If the initiation of the proceeding is statute-barred;
- if another disciplinary proceeding about the same matter is already initiated, or there is already a valid decision on that matter;

A complaint may be dismissed at any time during the proceeding.

III FIRST INSTANCE DISCIPLINARY BODIES

Article 6

First Instance Disciplinary Bodies shall be the following:

- Disciplinary Committee;
- University Senate.

Article 7

Disciplinary proceeding shall be undertaken by the Disciplinary Committee established by the Dean of the Faculty in question.

Disciplinary Committee shall consist of three members, out of whom one shall be the representative of the Students' Representative Body (Students' Parliament).

Presiding of the Disciplinary Committee shall be a member of teaching staff in his/her academic capacity.

Article 8

Hearing before the Disciplinary Committee shall be open to public.

The following persons shall be invited to attend the hearing: a complainant, the student against whom the proceeding is initiated and witnesses.

The hearing may be undertaken even in the case of absence of the student who had been duly summoned;

The student may present his/her defence at the hearing in a way he/she deems most appropriate and has the right to present evidence, ask witnesses the questions, as well as to ask other participants in the proceeding the questions.

Minutes of the proceeding shall be made.

Article 9

University Senate shall be the first instance body when deciding upon the proposal to expel the student from the University i.e. from its Organizational Unit (Faculty).

V DISCIPLINARY LIABILITY AND DISCIPLINARY ACTIONS

Article 10

A student shall be deemed disciplinary liable for the committed violation of duty as established in the disciplinary procedure.

For violation of duty the student may be sentenced with one of the following disciplinary actions:

-Public warning;

-Public reprimand;

-Abrogation of the right to sit for the examinations or other forms of testing at the courses where the violation occurred for the period of one academic term in which the course in question is attended;

-Expelling from the University or its Organizational Unit (Faculty) for the duration of two academic years.

Article 11

When passing disciplinary action the weight of the violation and its consequences shall be taken into consideration, as well as previous behaviour of the student in question and other circumstances that may influence the action in question.

Duty violations for which a student may be expelled shall be the following:

1. Inappropriate or indecent behaviour discrediting the University or its Faculty;
2. Forgery, destruction or damaging of public or student's documents and IDs
3. Cheating during examinations or other forms of testing ;
4. Severe violation of morale or rules of conduct, initiating or participating in fights, insulting teaching staff, other students or other persons in their official capacity at the University;
5. Demonstrating religious, racial or national intolerance or hatred;

For a repeated violation of duty, an expulsion as a disciplinary action may be applied to any duty violations provisioned in the Article 3 of this Rulebook.

Article 12

Decision on expulsion shall be reached by the University Senate, upon the proposal of the Disciplinary Committee.

V DECISIONS OF THE DISCIPLINARY COMMITTEE

Article 13

Upon the undertaken disciplinary procedure, the Disciplinary Committee shall find the student disciplinary liable and shall pass the action or propose to the University Senate to pass it, or shall find the student not liable and thus discontinue the disciplinary proceeding.

Article 14

In the Decision by which the student is found liable, the following shall be included:

- which violation of duty the student is found liable for and all the circumstances pertaining to it;
- action which is being delivered.

Article 15

The student shall be absolved from the liability if there is no supporting evidence that the violation of duty in question was committed.

Article 16

Disciplinary procedure shall be discontinued in the following cases:

- if the proceeding is statute-barred;
- if the student deregisters from the University or its Organizational Unit (Faculty);
- if the violation the student is charged with does not represent violation of duty;
- if there are circumstances which exclude disciplinary liability.

Article 17

Disciplinary Committee shall pass its decision by the majority vote of the total number of its members.

Article 18

Decision on the disciplinary action shall be passed in writing, with particulars given and guidelines on the legal means and remedies to be used.

VI TEMPORARY SUSPENSION

Article 19

The student shall be temporarily suspended from the University or its Organizational Unit (Faculty) in the following cases:

1. If there is reasonable doubt that the student in question has violated duty for which the disciplinary action of expulsion is provisioned;
2. If the student is in detention, starting from the first day of detention until the end of it;
3. If a criminal procedure is initiated against the student in question because of the criminal offence committed at the University or its Organizational Unit (Faculty) in relation to the student's duties at the University;

Temporary suspension of the student from the University, related to the previous Paragraph, Items 1 and 3 may last until the final decision on the disciplinary liability for the violation of duty is reached or until the deadlines for the proceeding for the establishment of the violation of duty to be initiated and conducted are deemed statute-barred.

Article 20

The student shall be temporarily suspended from the University or its Organizational Unit (Faculty) by a written Resolution from a Dean, where the Resolution in question has to be accompanied by the adequate Particulars.

The Teaching-Academic Board (Faculty Senate) of the University's Organizational Unit (Faculty) shall decide on the appeals to the Resolution from the Paragraph 1 of this Article.

VII SECOND INSTANCE DISCIPLINARY BODIES AND APPEAL PROCEDURE

Article 21

Second instance disciplinary bodies shall be the following:

- Teaching-Academic Board of the University's Organizational Unit (Faculty);
- Management Board of the University.

Article 22

The student may submit an appeal to the Decision of the Disciplinary Committee on the disciplinary action proscribed to the Teaching-Academic Board of the University's Organizational Unit within 8 days as of the day of making the Decision.

The student and the Disciplinary Committee may submit an appeal to the Management Board of the University upon the decision of the University Senate on expulsion within 8 days as of the date of making the Decision.

The appeal temporarily suspends the execution of the Decision.

Article 23

The second instance body shall dismiss the appeal if it is unlawful, not timely submitted or if it is submitted by an unauthorised body.

Article 24

In the second instance proceeding, the disciplinary body shall pass a decision by which:

- an appeal is dismissed and the first instance decision is confirmed;
- the first instance decision is abolished and the matter is remitted to the first instance body for reconsideration;
- an appeal is approved and the first instance decision is changed.

Article 25

The appeal shall be dismissed if the second instance body states that the first instance decision was correct.

The first instance decision shall be dismissed due to the incompletely or wrongly stated facts, violation of rights in the disciplinary procedure or wrong application of substantive law.

The first instance decision shall be overturned when the second instance body decides that another action should be imposed or the same action but for an extended period of time.

Article 26

The decision made in the second instance proceeding shall be final.

Article 27

The final decision on the disciplinary action shall be announced at the Announcements board of the University's Organizational Unit and shall be written down into the student's Index and his/her academic file.

VIII PROPER APPLICATION OF REGULATIONS

Article 28

To anything that is not provisioned by this Rulebook, the provisions of the Criminal Proceeding Code shall be applied.

IX TRANSITIONAL AND FINAL PROVISIONS

Article 29

Changes and amendments to this Rulebook shall be done in a way and in accordance with the procedure provisioned for its adoption.

Article 30

This Rulebook shall come into force on the eight day as of the day of its publication in the Bulletin of 'Mediteran' University.

In Podgorica on July 9, 2008

Register No. R-921-08

**ADMINISTRATIVE BOARD
PRESIDENT**

Duško Knežević, MSc (signed)

PARTICULARS

Legal grounds for passing the Rulebook on the Disciplinary Procedure and Disciplinary Liability (hereinafter referred to as: the Rulebook) are set within the Article 111, Paragraph 6 of the Statute of the University. To be more precise, this Rulebook was adopted by the Management Board upon the proposal from the University Senate presented at the XIII session of the Senate, held on May 26, 2008. Establishing the students' disciplinary liability contributes to the more transparent work at 'Mediteran' University and enables more efficient undertaking of proceedings in the cases of the violation of duties by the students, which are now in general regulated by the Law on University Education and the Statute of the University.

Article 3 of the Rulebook precisely stipulates which student actions shall be deemed violation of duty. In addition, the Rulebook enlists in details the disciplinary proceeding and division of authorities among the authorized bodies, based on the severity of the violation in question. In line with that, the first instance disciplinary bodies are the Disciplinary Committee for 'petty' duty violations and University Senate for 'severe' duty violations for which the action of expulsion for the period of two years is provisioned. Duration of the

disciplinary procedure is provisioned in line with the legal framework regulating other disciplinary proceedings before other authorities and on other grounds.

As the Law provisions for the possibility of the second instance proceeding upon an appeal, such proceeding is regulated in a way that an appeal to the first instance decision of the Disciplinary Committee is submitted to the Teaching-Academic Board of the University's Organizational Unit, while upon the decision of the University Senate an appeal may be submitted to the Management Board.

Article 28 of this Rulebook provisions that the Criminal Procedure Law shall be applied to all the matters that are not regulated by this Rulebook.