

Pursuant to Articles 64 and 177 of the Statute of ALMA MATER EUROPAEA - Dance Academy, and after obtaining the prior opinion of the Student Council ALMA MATER EUROPAEA - Dance Academy on 8 March 2019, the Senate of ALMA MATER EUROPAEA - Dance Academy at the 8th correspondence session on 8 March 2019 adopted the following

RULES ON DISCIPLINARY RESPONSIBILITY OF ALMA MATER EUROPAEA - DANCE ACADEMY STUDENTS

Article 1

(Scope of the policy and application of the rules)

(1) These Rules regulate disciplinary violations of students of Alma Mater Europaea - Dance Academy (hereinafter: AMEU - DA), disciplinary measures in addition to their established disciplinary responsibilities, disciplinary bodies and their competencies, disciplinary proceedings and legal protection of students dealt with in disciplinary proceedings.

(2) The Rules apply to all AMEU - DA students and to persons without student status whose aim is to complete study obligations (hereinafter referred to as students), and to candidates for enrolment in AMEU - DA.

(3) Accredited extracurricular activities evaluated with ECTS credits are also considered as study obligations.

(4) The Rules also regulate disciplinary liability for violations by the persons mentioned in the previous paragraphs of this Article, insofar as they perform activities directly related to their studies or as representatives of the AMEU - DA.

(6) Irrespective of whether the terms denoting persons are written in the masculine or feminine grammatical gender, they shall be considered neutral for male and female persons.

(7) If the procedure is not determined by these Rules, the provisions of the law governing general administrative procedure shall apply *mutatis mutandis*.

Article 2

(Purpose of the rules and limits of disciplinary responsibility)

(1) The purpose of determining the disciplinary responsibility of students and disciplinary procedures and measures under the AMEU Statute and these Rules is defined in the public service in higher education with the aim of educating students to act legally and ethically responsibly as part of the AMEU - DA academic community.

(2) A measure for a disciplinary violation may not be imposed on anyone if these Rules do not define such conduct as a disciplinary violation, and if no disciplinary measure was prescribed for such conduct before it was committed. The competent authority may impose only disciplinary measures that are defined in these rules.

(3) Disciplinary liability and procedures under these Rules shall not affect criminal, damage and other forms of liability.

Article 3
(Data protection)

Each participant in the disciplinary procedure is obligated to protect indefinitely the personal data which they have learned or become acquainted with during the disciplinary procedure.

Article 4
(Disciplinary liability)

(1) The disciplinary responsibility of students shall be established in disciplinary proceedings before the disciplinary body for disciplinary violations.

(2) These Rules define disciplinary violations to include conduct which constitutes violations of obligations, abuse of rights or exceeding them contrary to the purposes of the regulations underlying them, or failure to comply with regulations and general acts of the AMEU - DA or severe violations of fundamental AMEU – DA values.

(3) Disciplinary offences are minor or serious depending on the consequences of the student's conduct in relation to compliance with the law, AMEU - DA rules, the code of ethics and material consequences.

Article 5
(Minor disciplinary offences)

Minor disciplinary offences include:

1. acting against the honour and reputation of another student, employee or external associate of AMEU - DA,
2. hindering another student from fulfilling their study obligations or obligations in research or artistic work,
3. interfering with the implementation of pedagogical or research or artistic activities at the AMEU - DA or part of the library,
4. causing property damage to AMEU - DA, another student, employee or external associate of AMEU - DA up to and including EUR 5,000,
5. minor breach of the rules for the use of the AMEU - DA information network.

Article 6
(Severe disciplinary violations)

Severe disciplinary violations include:

1. an act that shows signs of a crime against life, body or sexual integrity or another violent crime against a student, employee and external associate of AMEU - DA, and other acts that constitute harassment or torture of other students, employees or external associates of AMEU - DA,
2. an act that shows signs of an offence that violates the privacy of students, staff or external staff of AMEU - DA,
3. an act by which a student causes property damage to AMEU - DA, another student, employee or external associate of AMEU - DA in excess of 5,000 Euro,
4. violation of the rules of use of the AMEU-DA information network which endangers the integrity of the information network or a part thereof, which endangers the integrity or confidentiality of data of users or network operators, or which allows possession or transmission of prohibited pictorial and other material,
5. forgery of a document or use of a forged or altered document as genuine,
6. fraud in knowledge testing or fraud in performing other study obligations (e.g., non-compliance with the instructions of the educator during the test, cooperation with other persons in an illegal manner during the test, use of illicit devices, plagiarism, impersonation, copying from other participants, etc.) ,
7. hindering other students from fulfilling their study obligations or obligations in research or artistic work, if this prevents regular advancement to a higher year or causes the interruption of studies,
8. disabling the implementation of pedagogical or research or artistic activities at the AMEU - DA or part of the library,
9. unjustified production, trafficking or possession of illicit drugs or illicit substances in sports on AMEU - DA premises and enabling others to use them on AMEU - DA premises or when conducting organised forms of study process outside AMEU - DA premises,
10. breach of the reputation of the AMEU - DA,
11. public incitement to national, racial, religious, sexual or other inequality, incitement to national, racial, religious or other hatred and intolerance, or incitement to violence and war on AMEU-DA premises or in organised forms of study outside the AMEU-DA premises,
12. breach of examination secrecy and assistance in breach or incitement to breach examination secrecy,
13. obstructing the fulfilment of study obligations or obligations in research or artistic work and obstructing the participation of the pedagogical process in students with special status,
14. abuse of special student status,

15. facilitating the use, sale or unjustified pledge of a student card by another person, any misuse of the card or forgery of the card,
16. abuse or obstruction of the exercise of rights originating from the student status,
17. obstructing the work of AMEU-DA bodies,
18. obstructing the work of student representatives in AMEU-DA bodies,
19. fraud in the application-admission procedure.

Article 7

(Main disciplinary measures)

(1) Under the conditions set out in these Rules, one of the following main disciplinary measures shall be imposed for a disciplinary violation:

1. warning,
2. reprimand,
3. ban on taking examinations for a period of one to three examination periods,
4. ban on performing study obligations or attending training for a limited period of time, which may not exceed five months,
5. temporary exclusion from the AMEU-DA and a ban on study obligations during the period of exclusion, which may not exceed five years,
6. permanent exclusion from AMEU - DA and permanent ban on study obligations,
7. permanent ban on enrolment in AMEU - DA and permanent ban on study obligations.

(2) A reprimand shall be issued for a minor violation.

(3) The measures referred to in points 2 to 7 of the first paragraph of this Article shall be imposed for more severe violations and for attempts at more severe violations, and for minor violations only if a warning has already been issued to the student.

(4) In the event of a recurrence of the violation referred to in point 6 of Article 6 of these Rules (within the study program) and for other serious violations, the disciplinary commission shall impose the measures referred to in points 2 to 7 of the first paragraph of this Article.

(5) The ban on taking examinations shall be imposed only for the examination or examinations to which the disciplinary violation is related.

(6) Permanent exclusion from AMEU-DA and a permanent ban on enrolment in AMEU-DA, together with a permanent ban on performing study obligations, may be imposed for disciplinary violations referred to in items 1, 2, 4, 6 and 11 of Article 6 of these rules.

Article 8

(Secondary disciplinary measures)

(1) In addition to the main disciplinary measure referred to in points 3 to 7 of the first paragraph of Article 7, one or more of the following secondary disciplinary measures may be imposed:

1. a written apology to the person affected by the disciplinary offence,
2. providing assistance to any member of the AMEU or AMEU - DA,
3. compensation for property damage.

(2) A secondary disciplinary measure may be imposed if:

- the student agrees with the operative part of this measure and if
- the disciplinary commission considers that such a measure could have an educational effect on the student, and if they consider that it is not necessary to impose a stricter measure.

(3) When imposing a secondary disciplinary measure, the disciplinary commission shall set a deadline for fulfilling the obligations and warn the student that the imposed main disciplinary measure will be replaced by a stricter measure in the event that the obligation arising from the secondary measure is not fulfilled. If the student does not fulfil the imposed obligation within the deadline, the disciplinary commission shall replace the imposed main disciplinary measure with a stricter one within twenty days after the expiration of the deadline for fulfilment of obligations.

(4) If a student declares to the chairman of the disciplinary commission that they do not agree with the imposition of the measure during or after the imposition of a secondary disciplinary measure, but no later than the deadline set for the fulfilment of obligations, despite having previously given consent in accordance with second paragraph of this article, their statement is recorded in the minutes, and the commission acts as if the student has not fulfilled the imposed obligation.

(5) The student shall hand over a written apology to the person who was affected by the disciplinary violation within five working days after the decision becomes final. If the commission deems that the content of the apology is appropriate, the competent person of the AMEU - DA student office shall forward it to the person affected by the disciplinary violation. If the disciplinary commission deems that the content is not appropriate, they shall act in accordance with the third paragraph of this Article.

(6) Within the framework of an ancillary disciplinary measure of providing assistance to any member of the AMEU or AMEU - DA, the disciplinary commission may assign work to the student up to a maximum of sixty hours in a period of six months. The student must keep a diary of completed work which they submit to the disciplinary commission as proof of completed work within three working days after completing the work. The report must also contain the signature of the responsible person supervising the implementation of the measure and appointed by the disciplinary commission.

Article 9

(Choice of disciplinary measure)

(1) The purpose of disciplinary measures is primarily to have an educational effect on the student. The principle of proportionality shall be taken into account when selecting a

measure and determining its duration, in the case of a time-bound measure, by imposing the mildest measure which, in the opinion of the competent disciplinary body, will still meet its purpose.

(2) In doing so, account shall be taken of all circumstances affecting whether the measure should be milder or more severe (mitigating and aggravating circumstances), particularly:

- the student's previously established disciplinary responsibility in the current or other study program, if no more than three years have passed since,
- the circumstances in which the student committed the offence,
- the inclinations from which he committed the offence,
- the level of the study program in which the student is enrolled,
- the student's regret for the violation and its consequences,
- the consequences of the offence on human health and life,
- the material damage,
- the impact of the offence on the reputation of AMEU - DA.

Article 10

(Enforcement of disciplinary measures)

The measures referred to in points 1, 2 and 3 of the first paragraph of Article 7 of these Rules shall be executed by service of the decision of the first instance, other measures shall be executed after the decision has become final.

Article 11

(Disciplinary bodies)

(1) At the first stage of the procedure, the AMEU - DA Disciplinary Commission conducts disciplinary proceedings and imposes disciplinary measures.

(2) On appeals against decisions of the disciplinary commission of the Senate of the AMEU - DA.

Article 12

(Composition, appointment and mandate of the member's disciplinary commission)

(1) The members' disciplinary commission consists of three members, each of whom has their own deputy. One member and their deputy are drawn from the ranks of higher education teachers and associates for a term of four years, which may be repeated no more than once, and two members and their deputies from the ranks of AMEU - DA students for a term of one year. Appointed students must have the status of a student at AMEU - DA throughout their term of office.

(2) The members of the commission and their deputies shall be appointed by the AMEU - DA senate or the dean.

Article 13

(Work methods of disciplinary commissions)

- (1) The AMEU - DA Disciplinary Commission has a chairman and a deputy who chairs and coordinates meetings, disciplinary hearings and other work of the commission.
- (2) The disciplinary commission conducts procedures and decides at meetings and disciplinary hearings.
- (3) Sessions of the commission and disciplinary hearings are not public. If the chairman of the disciplinary commission deems that the reasons provided for rejecting the application or appeal are in accordance with the provisions of these rules, they shall convene a meeting of the commission without inviting the student and any other participants in the procedure.
- (4) Minutes of the session and disciplinary hearing shall be kept. These must contain essential records of important events at the hearing and must be precise and concise.
- (5) All members of the commission must be present for decision-making, but they may be replaced by deputies. Decisions shall be taken by a majority of votes. A member or deputy member of a disciplinary commission may not abstain from voting in individual disciplinary matters.
- (6) The procedure of communication with the student and preparation of the proposal of the commission decision on individual request is conducted in accordance with the guidelines of the competent commission by an official employed at AMEU - DA and by a person who has passed the professional exam in appeal procedures.
- (7) Once a year, the disciplinary commission shall report to the AMEU - DA Senate on their work.

Article 14

(Initiation and running of disciplinary proceedings at the member's disciplinary commission)

- (1) Every employee of AMEU-DA, every student of AMEU-DA or anyone participating in the pedagogical process at AMEU-DA (hereinafter: the applicant) shall propose the introduction of the procedure by submitting a written application to the AMEU-DA Disciplinary Commission. The AMEU-DA Disciplinary Commission may also initiate proceedings on the basis of otherwise established circumstances (e.g., media reports) that are likely to indicate a disciplinary violation.
- (2) The report on the alleged disciplinary violation and the description of the related circumstances to the student must be submitted no later than within five working days from the day the alleged violation became known. The AMEU-DA Disciplinary Commission shall reject a late application.

- (3) The applicant does not have the position of a party to the proceedings but may be summoned as a witness. The known applicant shall be informed of the outcome of the procedure when issuing the act on the termination of the procedure.
- (4) The report must contain at least an indication of the violation (when, what and how it happened) and the violator, as well as proposals for evidence. The Disciplinary Board is not bound by a report that does not contain all of the above elements.
- (5) Disciplinary proceedings begin with the serving of a letter to the student about the alleged disciplinary violation and with a description of related circumstances which contains an invitation to disciplinary proceedings and must be sent no later than seven days from the application or request.
- (6) The student against whom disciplinary proceedings have been initiated and other participants in the proceedings shall be obliged to participate in them. In disciplinary proceedings, the student has guaranteed rights in accordance with the provisions of the Statute of AMEU - DA.
- (7) In the event that criminal proceedings and disciplinary proceedings are pending against a student at the AMEU - DA for the same alleged violation, the competent AMEU - DA authorities shall not be bound by the findings of criminal proceedings and shall determine disciplinary violations on the basis of these Rules.

Article 15
(Disciplinary proceedings)

- (1) A student who is in disciplinary proceedings and other participants must receive an invitation to a disciplinary hearing at least ten days before the hearing. Notice of the hearing shall be served on the Dean of the AMEU - DA.
- (2) The invitation provides instructions to the student that they are obliged to participate in the disciplinary proceedings and that the disciplinary proceedings will be conducted in their absence under the conditions referred to in the third paragraph of this Article and on the rights under the AMEU-DA Statute. The invitation requests that the student declare in writing the alleged violation within five days if they are unable to attend the hearing.
- (3) If a student who has been duly summoned does not respond and does not provide a valid excuse for their absence, the hearing shall be held without their presence.
- (4) If a student provides a valid excuse for their absence and at the same time submits proof of excused absence, a new invitation shall be sent to them. If they do not attend the disciplinary hearing at this time either, the commission shall proceed in accordance with the third paragraph of this Article.
- (5) In agreement with the student, the chairman of the disciplinary commission may decide to provide the student's participation with the help of available technical means for the transmission of images and voice. If the student does not attend the hearing at this time either, the commission shall proceed in accordance with the third paragraph of this Article.

(6) At the disciplinary hearing, the student and witnesses shall be heard, and written evidence shall be reviewed. Prior to the hearing, the witness must be reminded that they must speak the truth, that they must not conceal any information, and they must be reminded of the consequences of deliberately misleading the commission.

(7) Disciplinary proceedings shall end with the declaration of a decision. If the disciplinary hearing was conducted without the presence of the student, the decision is served to the student in accordance with the provisions of the Statute of the AMEU - DA.

Article 16

(Completion of proceedings before a member's disciplinary commission and right to legal remedies)

(1) If the disciplinary commission establishes that the student is responsible for a disciplinary breach, they shall issue a resolution containing:

- the first and last name of the student,
- a statement of the disciplinary offence and the measure and, where the measure is time-bound, its timing (enforceability and duration),
- information about the option of requesting a reasoned decision.

(2) If disciplinary responsibility is not established, the procedure shall be stopped by a decision containing the name and surname of the student and an indication that the procedure is stopped. In this event, the student cannot request an explanation of the decision, nor file an appeal against this decision.

(3) The student may request an explanation of the decision in writing within three working days. The disciplinary commission must issue and send a reasoned decision within eight days at the latest in accordance with the Statute of the AMEU - DA.

(4) If the student does not request the preparation of a reasoned decision or does not request it within the determined time limit, it shall be deemed that they have waived legal remedies.

Article 17

(Proceedings before the Senate of the AMEU - DA)

(1) The appeal procedure begins when a student or any other person with a legal interest files a complaint within eight working days from the date of service of the reasoned contested decision or ruling of the AMEU-DA Disciplinary Commission.

(2) An appeal may be lodged due to incomplete or incorrectly established facts, violation of substantive law and substantial violations of the rules of procedure.

(3) Significant violations of the rules of procedure are:

- violation of the provisions of the statute or the rules of the AMEU - DA on the power to decide,

- breaches of the rules on client representation,
- the participation of persons who should be excluded from deciding on or conducting the proceedings,
- breaches of procedural provisions that could lead to a different decision on the student's disciplinary responsibility if reversed.

(4) The AMEU - DA Senate shall consider appeals at sessions at which only members of the Senate are present, and to which the student and any other participants are also invited.

(5) In assessing the validity of the appeal, the Senate of the AMEU - DA shall decide only within the framework of the student 's statements.

(6) In the appeal, the student may state new facts and new evidence, but they must explain why they did not previously state them at the first instance proceedings. New facts and new evidence may be considered as grounds of appeal only if they existed at the time of the decision at first instance and if the student was reasonably unable to submit or state them in the proceedings at first instance.

(7) By written decision, the Senate of the AMEU-DA may:

- dismiss the appeal if it is submitted too late, if it was filed by a person who was not entitled to file it, if it does not have all the components or if it is filed for unauthorised reasons,
- dismiss the appeal as unfounded, thereby confirming the contested decision or
- uphold the appeal and amend the contested decision.

(8) If the Senate of the AMEU - DA rejects the appeal, it may in its decision refer to the reasons from the contested decision or state new or additional reasons on the basis of which it considers that the contested decision was correct and in accordance with regulations.

(9) The decision on the appeal must be issued and served on the student no later than within one month from the date of being filed.

(10) If the AMEU - DA Senate rejects or discards the student's appeal, the student may request an explanation of the decision within three working days, which must also include:

- an introduction indicating the competent authority and the legal basis for the decision,
- a statement of reasons summarising the facts which were relevant to the decision assuring the correctness of the operative part to be examined, and
- instruction on the legal remedy which includes the indication of the permitted legal remedy, the deadline for filing and the name of the body with which the legal remedy is filed.

(11) The provisions of Articles 14 and 15 of these Rules shall apply mutatis mutandis to the remaining part, which is not specifically determined in this Article.

(12) The decision of the AMEU - DA Senate on the appeal is final and cannot be challenged by opposition or other ordinary legal remedies. An action against a reasoned decision of the

Senate of the AMEU - DA is allowed in an administrative dispute which is filed within thirty days from the service of a reasoned decision on the rejection of the appeal.

Article 18
(service)

(1) The Disciplinary Commission shall serve all acts in communication with the student (e.g., invitations, letters, resolutions) against whom proceedings are pending or against other persons in accordance with the provisions of the Statute of the AMEU - DA.

(2) Decisions terminating the procedure of the first and second instance shall be served to the student and to the dean of AMEU - DA as well.

Article 19
(obsolescence)

The initiation and conduct of disciplinary proceedings shall become statute-barred within ten months from the beginning of the proceedings.

Article 20
(AMEU - DA records)

(1) AMEU - DA leaders provide notes on imposed disciplinary measures in the students' personal records.

Article 21
(Public announcement of measures on members)

(1) At least once a year, i.e., until 31 October for the previous academic year, with the aim of general prevention, AMEU - DA publishes a list on its bulletin boards and websites of how many first instance disciplinary proceedings were conducted last year and how many and which individual measures have been imposed for a particular type of disciplinary offence.

(2) AMEU - DA shall also inform the Student Council and the Senate of the AMEU - DA about the data referred to in the previous paragraph of this Article.

Article 22
(Rules for ongoing but not completed procedures in accordance with the previous rules)

Disciplinary violations committed before these Rules were introduced, or procedures instituted but not yet completed before these Rules were introduced, shall be dealt with in accordance with the Rules on Disciplinary Responsibility of Dance Academy Students adopted by the Dance Academy Senate at its meeting of 17 March 2010.

Article 23
(Enforcement and harmonisation)

(1) These Rules shall enter into force on 8 March 2019, after prior publication on the AMEU-DA website.

(3) The Rules on the Disciplinary Responsibility of Students of the Dance Academy, adopted by the Senate of the Dance Academy at its session on 17 March 2010, shall cease to be valid on the day these Rules enter into force.

No.: 003/2019

In Ljubljana, on 8 March 2019

Assoc. Prof. Dr. Svebor Sečak,
President of the Senate of the AMEU - DA