

# **INTERNATIONAL BURCH UNIVERSITY**



## **RULES ON DISCIPLINARY AND MATERIAL RESPONSIBILITY FOR THE STUDENTS OF HIGHER EDUCATION INSTIUTION INTERNATIONAL BURCH UNIVERSITY**

**Sarajevo, 2017**

Pursuant to the Article 119 and Article 84 of the Law on Higher Education of the Sarajevo Canton ("*Official Gazette of Sarajevo Canton*" no. 42/13 and 13/15), in conjunction with Article 21 and Article 115 of the Statute of the higher education institution International Burch University, and based on the defined proposal by the Rector of the University; the Senate adopted on its CXXXVII session held on 03.29.2017., and the Board of Directors of International Burch University at its session held on 05.04.2017. approved the following

## **RULEBOOK**

on disciplinary and material responsibility of students at higher education institution  
International Burch University  
-Consolidated text-

### **I - GENERAL PROVISIONS**

#### **1. Subject of the Rulebook**

##### **Article 1**

This Rulebook regulates the disciplinary and material responsibility of students at the International Burch University (hereinafter University), and on faculties that are part of the University, determines the duties of students, minor and serious disciplinary violations, disciplinary measures and compensation, the competent disciplinary bodies, the launch and implementation of the process of determining liability, time limits, records and other relevant issues.

##### **Article 2**

- (1) The responsibility, based on this Rulebook, can be:
  - a) disciplinary one, derived from the violation of the (disciplines) of the students, and
  - b) material one (compensation), when a certain damage is caused.
- (2) The responsibility referred to in paragraph 1 of this Article is based on the guilt of the perpetrator (culpability).

##### **Article 3**

If a certain issue is not resolved by this Rulebook, subsidiary apply:

- a) general rules on criminal liability and property accountability
- b) The rules of the Administrative Procedure.

#### **2. The term student**

##### **Article 4**

- (1) A student of International Burch University (hereinafter University), in terms of this Rulebook, is an individual enrolled in the study at the university or faculty within the University.
- (2) The term student in the paragraph 1 of this Article is extended to the exchange students as well and the student program of continuous improvement that is realized at the faculty, that is – at the University.

- (3) The status of the student is proved in the official document issued by the University and corresponding records kept by the Students Affairs Office of the University.

### **3. A person without the status of a student**

#### **Article 5**

- (1) The person who, based on this Rulebook, does not have a status of a student, and who has violated a rule or rules related to the study determined by the law, acts of the University and of the Faculty, falls under the general rules of criminal liability and property accountability that apply in Bosnia and Herzegovina.
- (2) The Rector files a complaint against the individual referred to in paragraph 1 of the Rulebook to the competent state authority.

### **4. Student's Obligations**

#### **Article 6**

A student attending the University is obliged to abide by the regulations established by the Law on Higher Education, Statute and general acts of the University and the faculties of the University, to protect the reputation and to respect the rights of employees and students at the university and faculty where he studied, to comply with the prescribed discipline and common rules of behavior within the university's academic community and to properly perform his or her obligations.

### **5. The relationship between disciplinary violations, criminal acts and offenses**

#### **Article 7**

- (1) The validly established responsibility for disciplinary violation that has the characteristics of a crime or violation does not exclude the possibility of conducting criminal or misdemeanor proceedings.
- (2) The disciplinary authorities are bound by the final criminal decision regarding the existence of the crime and the guilt of the offender.
- (3) The disciplinary authority may discontinue the disciplinary proceedings pending the outcome of criminal proceedings for an offense under paragraph 1 of this Article.
- (4) The provisions of paragraph 2 and paragraph 3 above are applied accordingly to the decision taken in the offense procedure.

### **6. Pecuniary Damages Compensation**

#### **Article 8**

Student is obliged to compensate the material damage made at the faculty or university.

## **II - DISCIPLINARY VIOLATIONS**

### **7. The notion of disciplinary violation**

#### **Article 9**

Disciplinary violations is the violation of this Rulebook provided as a disciplinary violation and that represents a violation of the obligations of the student.

### **8. Types of disciplinary violations**

#### **Article 10**

Disciplinary violations may be minor or major.

### **9. Minor disciplinary violations**

#### **Article 11**

Minor disciplinary violations committed at the college or university are:

- a) attendance at lectures, practical sessions, and other forms of mandatory classes with delay or unjustified abandonment before a certain time;
- b) violation of the order during the lectures, exams and other forms of teaching and non-teaching papers (ceremonies, debates, round tables, panels, etc.) that are organized in classrooms and the University, which is not intended as a weight disciplinary violation;
- c) misconduct at the University or inappropriate behavior towards students, teachers, associates and other employees of the University;
- d) making incidents during classes which interfere with the normal work of teachers and associates;
- e) damage to the equipment, the library book fund and other property of the University;
- f) causing minor damage to objects owned by the University or property of other persons, within the campus of the University;
- g) conduct that may be harmful to the reputation of the University, students of the University, teaching staff and other employees of the University;
- h) arrival at the campus of the University wearing clothes inappropriate for an academic institution;
- i) participation in political rallies and other gatherings in the premises of the University whose maintenance is prohibited;
- j) writing or drawing content or putting up posters and banners on campus in places not designed for it and without the approval of the competent authorities of the University;
- k) carrying out other activities which are harmful and damage the reputation of the University, teachers, staff and other employees of the University and students.

### **10. Major disciplinary violations**

#### **Article 12**

Serious disciplinary violations committed at the college or university are:

- a) the prevention or disruption of teaching (during lectures, exercises, partial examinations, laboratory exercises, final examinations, and other forms of instruction), and the work during the teaching;
- b) the intentional infliction of damage to infrastructure, equipment, and inventory;
- c) causing injury or threatening the honor of teachers, associates and other employees, students and other persons present in the premises or faculty;
- d) the arrival of students to classes, exams and faculty or university visibly intoxicated or under the influence of narcotics, with the manifestation of aggressive behavior;
- e) an indication of the use of alcohol or drugs, or administering or assisting in the use of alcohol or drugs or the use of these substances at the Faculty or University;
- f) non-compliance with the ban on smoking;
- g) failure to comply with regulations on safety at work or intentionally endangering the safety by non-compliance with regulations about safety at work;
- h) the use or possession of prohibited means in the midterm exams, final exams or other tests or pre-exam;
- i) cheating on the exam (copying) or doing the exams in a way which is contradictory to the rules of study for the cycles I, II or III;
- j) taking the examination or the pre-exam obligations in someone's name and organizing examination and the written work instead of someone else;
- k) refitting and writing data in a public document issued by a college or university;
- l) provision of documents (index, student ID card) or your passwords for electronic services (passwords for portal SIS, e-mail or some other university services) to other students or other private persons, except in case of the absence of the student and inability to attend the registration of the mark for an exam which the student passed, or certification index for regular attendance;
- m) modification or adding data records kept by the Faculty or University;
- n) theft of property of the Faculty or University or property of employees and students;
- o) provoking a fight or participation in a fight in the premises of the Faculty or University or in the yard, as well as causing violence and misconduct in these places, that is: violently throwing objects; the introduction of features which offend national, racial, religious or other feelings or otherwise causes hatred or intolerance, which can lead to physical conflict; unauthorized entry into the official premises of the Faculty or University; the attempt of taking in or using the pyrotechnic devices and other objects and substances which may jeopardize the safety of students and staff at the faculty or university, or disturbing the course of teaching; an burning objects;
- p) the spread of national, religion, race, and other intolerance;
- q) the political and religious organizing and activity at the Faculty or University;
- r) Unauthorized copying of materials for the preparation of exams (photocopying textbooks, etc.) for distribution and material gain;
- s) the unauthorized use of the computer center, laboratory, and other organizational units;
- t) supporting and covering the activities of all persons who make disciplinary violation in terms of the regulations;
- u) submission of partial or complete plagiarism (particularly works previously assessed at the same or another faculty or university) in the context of homework, term or semester papers, laboratory exercises and reports, projects or other test or examination prerequisites;
- v) removal of the dissemination, through the media and at public gatherings, spurious claims which are harmful to the reputation of the University;
- w) to bring weapons and explosives in the campus of the University;
- x) major violation is considered to be also a serious breach of three or more replicates of minor violations;

y) other activities that are not listed, but are provided to punitive regulations and the regulations of the University and faculties, and that the disciplinary board rates as a serious breach.

### **11. The commission of violations of obligations/disciplinary codes**

#### **Article 13**

- (1) A student can make a violation of obligations / disciplinary code as:
  - a) the perpetrator or co-perpetrator (more individuals)
  - b) instigators,
  - c) assistants, and
  - d) disguise.
- (2) The property and degree of fault (fault) an offender obligation determined in the disciplinary procedure.

### **12. The place of performance of violations of obligations/disciplinary codes**

#### **Article 14**

Violation of obligations/disciplinary code can be done:

- a) in any room in the building or buildings of the University or in the immediate vicinity of the building of the University;
- b) in the premises or in front of the premises of the building;
- c) in any other place, if undertaken actions damage the reputation of the University, another student or students, teachers, and staff or any of the non-teaching staff of the University (e.g. taking out false information, data);
- d) in any other place, if the actions taken intended to acquire an interest in the illegal way or unlawful material gain (e.g. falsifying public documents issued by the University).

## **III - DISCIPLINARY MEASURES AND COMPENSATION FOR DAMAGES**

### **13. Types of disciplinary measures**

#### **Article 15**

- (1) The following measures could be taken against a perpetrator of minor disciplinary violations:
  - a) oral warning
  - b) public warning (advertising on the notice board of the University).
- (2) The following measures could be taken against a perpetrator of serious disciplinary violations:
  - a) prohibition of taking certain pre-exam obligations in one or more terms;
  - b) prohibition of taking exams in one or more examination periods;
  - c) prohibition of taking all the exams in one or more examination periods;
  - d) reduction or abolition of the scholarship/off school fees assigned by the University for any reason;
  - e) temporary displacement from faculty or university;
  - f) exclusion from studying at faculty or university.

#### **14. Temporary displacement from the faculty or university**

##### **Article 16**

- (1) The temporary displacement from the faculty or university cannot be less than one month nor more than two semesters.
- (2) During the disciplinary measures referred to in paragraph 1 of this Article, student's status at the faculty or university is on the hold.

#### **15. Exclusion from studies at the faculty or University**

##### **Article 17**

The measure of expulsion from the University may be imposed only for a serious violation.

#### **16. The measures prescribed by other acts**

##### **Article 18**

- (1) Other general acts of the University or its organizational units, may prescribe specific measures for certain violations of the student obligations related to the specific type of study (e.g. Preparatory School of English) imposed in the procedures regulated by the given acts.
- (2) All matters which are not regulated by the given laws apply to this Regulation.

#### **17. Mitigating and aggravating circumstances**

##### **Article 18**

Mitigating and aggravating circumstances are considered when imposing disciplinary measures, in particular:

- a) The weight of the injury and its effects;
- b) the degree of responsibility of students;
- c) the conditions under which the violation occurred;
- d) the previous behavior of the student;
- e) the behavior of the student during the proceedings;
- f) the view of the damaged party if it comes to this type of injury and etc.

#### **18. Compensation for the caused damage**

##### **Article 19**

- (1) The responsibility of the foundation causing damage is there, if the action was committed intentionally or through gross negligence.
- (2) The fee caused damage includes space (actual) damage in the amount of actual damage, including reasonable costs.

## **19. The accumulation of sanctions**

### **Article 20**

The decision about imposing disciplinary measures also determines the amount of compensation for damage caused.

## **20. The damage caused to another person**

### **Article 21**

If the student has caused a damage to property or personal good of another person, the University is not responsible for the damage.

## **IV - DISCIPLINARY BODIES**

### **21. Jurisdiction**

#### **Article 22**

- (1) The disciplinary bodies conducting disciplinary action are:
  - a) disciplinary faculty commissions instance body (hereinafter referred to as Trial Commission);
  - b) disciplinary commission of the University as the second instance (hereinafter Appeal Commission).
- (2) A disciplinary violation which is made by the student who is a member of the Student Parliament (if the violation was made while the student was still the member), will be decided ad hoc by the disciplinary committee of three members appointed by the Rector of which one member is a student who delegates the Student Parliament of the University.

### **22. Members**

#### **Article 23**

- (1) First level committee has three members elected Faculty Dean from teachers.
- (2) Second Commission has five members selected from among Rector University teachers.

## **V - THE FIRST INSTANCE DISCIPLINARY PROCEDURE**

### **23. Disciplinary check**

#### **Article 24**

- (1) Disciplinary check may be submitted by a teacher, collaborator, a person employed at the University, students and other interested person.
- (2) The disciplinary report must specify: name and surname of the student, time, place and manner of enforcement of disciplinary violations, details of damage if it occurred, the evidence and the applicant's signature.



- (3) The application must be submitted in writing, direct, regular or electronic mail. Application submitted by electronic mail must be confirmed by personal signature of the applicant within seven days.

## **24. Jurisdiction of the Dean**

### **Article 25**

Disciplinary application is submitted to the Dean of the Faculty where he studies the student who is suspected of having committed disciplinary violation.

## **25. Initiation of proceedings**

### **Article 26**

- (1) A method for determining responsibility charges is started by the dean under the decision of the appointing disciplinary board. Commission from the previous paragraph may be appointed as permanent.
- (2) The decision to initiate the procedure for establishing liability shall include the information referred to in Article 24, paragraph 2 of this Rulebook.
- (3) The decision to initiate the procedure in person is presented to the student through college Protocol respectively, with a mandatory instruction that can engage an attorney.
- (4) The disciplinary process in the sense of Article 22, paragraph 2 of the Rules is started by the Rector himself.

## **26. Deadlines**

### **Article 27**

- (1) The procedure for establishing the responsibility of the student for the violation of obligations/discipline and the damage cannot be initiated or conducted:
  - a) after the expiry of six months from the violation of an offender and liabilities (subjective term);
  - b) after one year from the day of Violation of paragraph 1 done (objective term).
- (2) If violated obligations/discipline has a form of a criminal offense (e.g. Falsifying public documents), the absolute limitation period is the period which is determined by criminal law for that offense.

## **27. Legal consequences of initiating disciplinary proceedings**

### **Article 28**

The student against whom the disciplinary proceeding is started (hereinafter the defendant) cannot leave the faculty or university until the final disposition of disciplinary proceedings.

## **28. Scheduling hearings**

### **Article 29**

- (1) The Disciplinary Committee shall schedule a hearing to determine the responsibility for the violation of obligations/discipline and the damage as soon as possible.

- (2) The debate is scheduled in the University premises during working hours.
- (3) The student against whom proceedings have been initiated or his attorney and another person whose presence is necessary are being invited to the hearing.

## **29. Maintenance (current) discussion**

### **Article 30**

- (1) An oral hearing is chaired by the Chairman of the Disciplinary Commission.
- (2) The debate cannot take place if a student against whom the proceedings are conducted, or his authorized representative is not duly informed.
- (3) An oral hearing takes place in the following order:
  - a) determining the presence of invited persons and determining their properties (the person against whom the proceedings are conducted, witness, recorder, etc.)
  - b) reading disciplinary violation of article 11, or article 12 of the Rules, and for which the student was charged,
  - c) submitting a declaration by the student against whom the proceedings are conducted,
  - d) conducting the evidentiary procedure: inspection of public documents, interviewing witnesses, examining the appropriate records of the University, examination of expert witnesses and others.,
  - e) providing the final declaration student who is subject to the process, and optionally, a proxy.
- (4) Discussion takes place by asking question and giving answers (adversarial procedure). If the hearing cannot be completed in one session, scheduled the new hearing, at least for 15 days.

## **30. Delivery of the Decision**

### **Article 31**

- (1) Decision, which decides on disciplinary measures and compensation, Dean brings no later than eight (8) days after the conclusion of the discussion, based on the proposal of the Disciplinary Commission.
- (2) Decision of paragraph 1 above include, in particular:
  - a) the name and surname of the student against whom the measures are imposed and information about his/her identification,
  - b) a description of the action, place, time and manner of execution,
  - c) the type of disciplinary action and the amount of damages, if the student is found guilty,
  - d) the reasons for the decisions,
  - e) legal remedy and the deadline for filing an appeal, and
  - f) signature and stamp of the Dean of the Faculty, with the number and date of the decision.
- (3) If the student is released from liability or the process of determining the liability is canceled, the operative part of the decision states proverb about it with all the other elements referred to in paragraph 3 of this Article.
- (4) The decision referred to in paragraph 1 of this Article shall be delivered personally by a student of the Faculty of the Protocol, if possible, otherwise, apply the provisions of the Administrative Procedure Act.

## **31. Appeal**

### **Article 32**

- (1) The student may, personally or through their attorney, file a complaint against the decision under the Article 31 of this Rulebook, to the Disciplinary Commission of the University, as a second instance.
- (2) The appeal shall be lodged, not later than eight (8) days from the date of receipt of the first instance decision. The Disciplinary Committee of the University may be the first instance decision: confirm or modify or cancel, in whole or in part.
- (3) The decision of the Disciplinary Board of the University is final.

## **VI - APPEAL PROCEDURE**

### **32. The authorized Appellants**

#### **Article 33**

Against the decision of the Dean of the Faculty appeal can do this:

- a) or a proxy of the accused;
- b) the disciplinary report.

### **33. Filing**

#### **Article 34.**

- (1) An appeal shall be filed within eight days of receipt of the first instance decision.
- (2) The appeal shall be submitted to the dean who will forward it to the Appeal Commission together with other papers of the case within seven days of receipt of the appeal.

### **34. The reasons for appeal**

#### **Article 35**

Grounds for appeal are:

- a) Substantial violation of disciplinary procedure;
- b) incorrectly and incompletely established facts;
- c) incorrect application of the provisions of this Rulebook.

### **35. Deciding on the appeal**

#### **Article 36**

- (1) The Appeals Commission shall decide on the appeal at a session to which the accused or his attorney have been invited.
- (2) unauthorized absence of the accused or the proxy does not constitute a reason for postponing the session.
- (3) Appeal Commission may either confirm, reverse or return the first decision to the Commission for reconsideration.

## **36. Publication of decisions**

### **Article 37**

- (1) A final decision of the disciplinary authority shall be published on the notice board of the University and the Faculty within thirty days from the date of finality in the case of a serious breach of obligations and seven days in the case of minor violations, and they shall be entered in the index and registry books.
- (2) The Disciplinary Committee may order that the decision to impose measures for serious disciplinary violations be published otherwise (read the decision in the classroom teaching, publication in student newspapers, papers of students, etc.).
- (3) There is a special evidence about the disciplinary measures in college or university.

## **37. Implementation of disciplinary decisions**

### **Article 38**

About the execution of final decisions of the disciplinary bodies are old dean, or the rector, if the decision relates to a student who is enrolled in a study program at the University.

## **38. Application of the Law on Administrative Procedure**

### **Article 39**

On the procedure of establishing the responsibility of students, the provisions of the Law on Administrative Procedure is being applied, unless in this Regulation have not provided procedural rules.

## **39. Records**

### **Article 40**

- (1) The disciplinary measures and compensation shall be kept within separate records, determined by the Rector.
- (2) The records referred to in paragraph 1 of this Article shall be lead by the Student Service University.

## **VII - PROVISIONAL AND FINAL CONDITIONS**

### **Article 41**

Action brought against the student prior to the effective date of this Rulebook shall be completed in accordance with the provisions of this Regulation, if it is advantageous for the student.

### **Article 42**

This Rulebook is adopted by the Senate of the University on the proposal of the Rector.

### **Article 43**

- (1) On the date of the application of this Regulation, the Regulation on Disciplinary and Material responsibility of students from 05.03.2009. years.
- (2) This Rulebook shall enter force eight days after its publication on the notice board of the University.
- (3) Amendments to the Rulebook shall be made in the manner and under the procedure foreseen for its adoption.

Sarajevo, 04.05.2017.

No: 01-90/17

**Senate Chairman**  
**Prof. dr. Damir Marjanović**

**Chairman of the Board of Trustees**  
**Mustafa Đerahović**

**Delivered:**

3x Faculties

1x Student Parliament

1x Archive