

Disciplinary Rules for Students of the Faculty of Science Masaryk University



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(version effective from 26 June 2017)

Pursuant to Section 28 (1) of Act No. 111/1998 Coll., on higher education institutions and amending and supplementing other laws (Higher Education Institutions Act), as amended, I hereby issue these Disciplinary Rules for Students of the Faculty of Science of Masaryk University.

Part One

General Provisions

Article 1

Subject

- (1) These Disciplinary Rules for Students of the Faculty of Science Masaryk University (hereinafter the "Disciplinary Rules") are an internal regulation of the Faculty of Science Masaryk University (hereinafter the "Faculty") within the meaning of Section 33 (2)(e) of Act No. 111/1998 Coll., on higher education institutions and amending and supplementing other laws (Higher Education Institutions Act), as amended (hereinafter the "Act").
- (2) These Disciplinary Rules define disciplinary offences, provide for details on hearing the disciplinary offences of students of the Faculty, on imposing penalties for such offences and on disciplinary proceedings, including meetings of the Disciplinary Committee.
- (3) If these Disciplinary Rules or the Act do not contain any special regulation regarding the decision-making on a disciplinary offence, Act No. 500/2004 Coll., the Code of Administrative Procedure, as amended (hereinafter the "Code of Administrative Procedure"), shall apply thereto pursuant to these Disciplinary Rules.

Article 2

Disciplinary Offence

- (1) A disciplinary offence is a culpable breach of a duty stipulated by:
 - a) law or some other legal regulation;
 - b) internal regulation of Masaryk University; or
 - c) internal regulation of the Faculty of Science of Masaryk University.
- (2) Disciplinary offence includes, without limitation:
 - a) any form of fraud, plagiarism or unfair co-operation in the performance of study duties;
 - b) presenting someone else's work as one's own, especially by using a part of someone else's work without proper reference (students must always explicitly specify all sources they use in their own work) or by literal transcription of a part of someone else's work without clearly indicating the quotation;

- c) submission of the identical or slightly modified work in order to fulfil multiple study duties without the prior consent of at least one teacher of the course within which the work is submitted;
- d) provision of a written work to another student if he/she may be expected to use it in fraudulent manner for the performance of his/her duties;
- e) giving clues during a test of knowledge to another student being examined;
- f) any form of unauthorised manipulation with the drawn test questions or exchange of a test during written examinations, as well as the use of unauthorised material, information and tools in the performance of study duties;
- g) gross or repeated breach of duties, rules and prohibitions following from the internal regulations of the Faculty;
- h) especially serious or repeated violation of rules and instructions for the use of the Masaryk University computer network stipulated by a regulation of Masaryk University or the Faculty;
- i) intentional destruction, damage, unauthorised alienation of a thing or misuse of property of the Faculty, the university or a member of the academic community, an employee of Masaryk University or a person acting in co-operation with Masaryk University;
- j) aggressive or disrupting behaviour, whether physical or verbal, *vis-à-vis* a member of the academic community, an employee of Masaryk University or a person acting in co-operation with Masaryk University;
- k) participation in classes, including final examination, under the influence of alcohol or other addictive substances or consumption of these substances during classes, including final examination.

Article 3

Disciplinary Committee of the Faculty

- (1) The Disciplinary Committee of the Faculty is an autonomous academic body of the Faculty consisting of 6 members.
- (2) The members of the Disciplinary Committee are appointed and removed by the Dean from among members of the academic community of the Faculty, following approval by the Academic Senate. The Dean of the Faculty may not be a member of the Disciplinary Committee.
- (3) One half of the members of the Disciplinary Committee shall be composed of students of the Faculty.
- (4) The term of office of a member of the Disciplinary Committee may not exceed 2 years of the date of their appointment. Their mandate shall always terminate upon termination of the membership of the section of the academic community of the Faculty which was decisive for the member's appointment.
- (5) The Disciplinary Committee elects and removes its chairperson from among its members.

Part Two

Disciplinary Proceedings

Article 4

Purpose of Disciplinary Proceedings

In disciplinary proceedings, it is necessary, in particular, to ascertain or determine:

- a) whether the act that is considered a disciplinary offence has occurred;
- b) whether such an act constitutes a disciplinary offence;
- c) whether the disciplinary offence was committed by a student;
- d) whether a penalty for some other disciplinary offence was imposed on the student in the past, or whether the penalty was waived, because the hearing of the disciplinary offence itself had a remedial effect, if this finding is relevant for the assessment of the offence at hand;
- e) whether it is possible to hear the disciplinary offence;
- f) whether the disciplinary offence was committed by negligence or intentionally;
- g) whether and what disciplinary penalty should be imposed for the disciplinary offence.

Article 5

Initiation of Disciplinary Proceedings

- (1) A submission for hearing of the disciplinary offence may be made by anyone. The submission shall be lodged with the Dean. If the submission is justified, the Dean files an application with the Disciplinary Committee for initiation of disciplinary proceedings.
- (2) The Dean's application for initiation of disciplinary proceedings shall include, in particular:
 - a) description of the act which is considered a disciplinary offence, including specification of the violated regulations pursuant to Article 2 and specification of the time and place where the disciplinary offence was allegedly committed, if known;
 - b) identification of the student who allegedly committed the offence;
 - c) reasoning as to why the act constitutes a disciplinary offence;
 - d) specification of evidence on which the application relies.
- (3) Disciplinary proceedings are initiated *ex officio*. The proceedings are initiated on the date of delivery of the notice of initiation of the proceedings to the student pursuant to Section 46 of the Code of Administrative Procedure together with a counterpart of the Dean's application; the notice of initiation of the proceedings may be accompanied by summons for oral hearing pursuant to Section 69 (1) of the Act (Section 59 of the Code of Administrative Procedure).
- (4) Prior to the commencement of the proceedings, the Faculty may, in accordance with Section 137 of the Code of Administrative Procedure, obtain the necessary explanations to verify notices, other submissions and its own findings that could constitute grounds for initiating the proceedings.

Article 6

Circumstances Excluding Hearing of Disciplinary Offence

A disciplinary offence may not be heard if the same case has already been resolved in a disciplinary proceedings or if a period of one year has elapsed from the commitment of the act which is considered a disciplinary offence, or from rendering a final convicting judgement in a criminal case. This period does not include the time when the person is not a student.

Article 7

Hearing of a Disciplinary Offence before the Committee

- (1) The chairperson of the Committee convenes a meeting of the Committee without delay after the commencement of the disciplinary proceedings. The date of the meeting of the Disciplinary Committee must be set so that the oral hearing of a disciplinary offence commences not later than within 30 days of delivery of the application for initiation of the disciplinary proceedings to the Disciplinary Committee. Hearings before the Disciplinary Committee shall always be public, with the exception of its consultations and voting on draft resolutions.
- (2) Disciplinary proceedings shall be held in the presence of the student against whom the disciplinary proceedings are being pursued. Only the student is a party to the proceedings. The student must be duly invited to the oral hearing (in accordance with the procedure under Section 59 of the Code of Administrative Procedure) at least five days in advance. As a rule, the invitation takes place simultaneously with the notice of initiation of the disciplinary proceedings pursuant to Article 5 (3). The disciplinary proceedings may be held in the absence of the student only if he/she fails to appear without having delivered a proper excuse to the chairperson of the Committee not later than at the time of commencement of the oral hearing and based on relevant reasons preventing his/her participation.
- (3) The relevant reasons include, in particular, unfitness to work documented by a medical certificate attesting to the medical condition of the student as of the date of the oral hearing, which expressly indicates that medical incapacity prevents the student from attending the oral hearing. The Committee will assess the justification of the excuse and, if the excuse is accepted, the Committee determines a new date of the hearing. The chairperson of the Disciplinary Committee shall provide for repeated summons of the student.
- (4) Under the conditions stipulated in Section 64 of the Code of Administrative Procedure, the Disciplinary Committee may suspend the hearing by a resolution.

Article 8

Course of Disciplinary Proceedings

- (1) Hearings of the Disciplinary Committee are initiated by the chairperson, or a member of the Disciplinary Committee authorised by the chairperson, by informing the persons present of the contents of the application for initiation of the proceedings and summarising the results of the previous hearings, if any.
- (2) With the exception of consultations and voting of the Committee, the student has the right to be present at the hearing before the Committee; he/she may also adduce and produce evidence, express his/her opinion on all the underlying documents for the hearing, inspect written underlying documents, inspect the record of the meeting of the Committee, except for the record of voting, and make extracts from the documents.

- (3) The student may select his/her representative. The selected representative, who produces a written authorisation from the student to the Committee, or to whom the student grants his/her authorisation before the Committee, has the rights specified in the preceding paragraph.
- (4) The facts of the case are ascertained by evidence taken by the Disciplinary Committee on its own instigation or on application of the Dean or the student. The Committee is obliged to take the necessary evidence and hear the case so that it can be ascertained, beyond any reasonable doubt, whether the student committed the disciplinary offence.
- (5) Each member of the academic community of the university or an employee of the university who is not a member of its academic community is obliged to appear for oral hearing on the basis of a summons of the Disciplinary Committee and testify about facts important for the disciplinary proceedings if his/her testimony is adduced as evidence. However, the testimony may be refused by a person who would thereby cause a risk of prosecution for a criminal or administrative offence to himself/herself or to a close person. Members of the academic community or employees of the university who have been summoned to the hearing of the Disciplinary Committee to testify may not take part in the oral hearing until they are examined by the Disciplinary Committee.

Article 9

Closing of Disciplinary Proceedings

- (1) If the Disciplinary Committee finds the results of the evidence taken sufficient for the assessment of the case at hand, it resolves on a draft decision on the disciplinary offence.
- (2) The Disciplinary Committee shall discontinue the disciplinary proceedings by its resolution if it was found during the proceedings that:
 - a) the act specified in the application for initiation of disciplinary proceedings did not occur or does not constitute a disciplinary offence;
 - b) the disciplinary offence was not committed by the student concerned;
 - c) the person who committed the disciplinary offence ceased to be a student pursuant to Sections 55 or 56 of the Act; or
 - d) it is impossible to hear the disciplinary offence (pursuant to Article 6).
- (3) The draft decision on a disciplinary offence must include, in particular, the operative part and the reasoning.
- (4) Before the decision in the case is rendered, the student must be given the opportunity to provide his/her statement on the documents underlying the decision.

Article 10

Decision-Making on Disciplinary Offence

- (1) Decisions in disciplinary proceedings are rendered by the Dean based on a proposal of the Committee without undue delay after the date on which the Dean received the proposal.
- (2) Under the conditions stipulated in Article 12, the Dean may, by a decision, impose a penalty proposed by the Committee or impose a less strict penalty or waive the penalty.
- (3) A decision on a disciplinary offence shall be made in writing and must include:
 - a) identification of the university, faculty and its dean;
 - b) name and surname of the student, date of birth, or birth identification number of the

- student, personal university ID (UČO), study programme, permanent address or mailing address specified by the student of Masaryk University pursuant to Section 61 of the Act;
- c) operative part of the decision
 - 1. stipulating that the student has committed a disciplinary offence (including description of the act and specification of the violated legal regulations);
 - 2. and imposing penalties or refraining from imposing penalties pursuant to Section 65 (2) of the Act;
 - d) reasoning;
 - e) advice on the student's right to lodge an appeal and the manner of exercising this right, including specification of the place and deadline for lodging the appeal, the date on which the deadline commences, and the administrative authority that decides on the appeal.
- (4) The decision of the Dean on a disciplinary offence enters into legal force on:
- a) the date of expiry to no effect of the deadline for lodging an appeal against the decision on a disciplinary offence;
 - b) the date of delivery of a decision of the Rector amending or confirming the decision on a disciplinary offence issued by the Dean;
 - c) the date of waiver of the right to appeal.

Article 11 **Appeal**

- (1) The student may lodge an appeal against the decision of the Dean of the Faculty on his/her disciplinary offence within 30 days of the date of notification of the decision.
- (2) An appeal may not be lodged by a student who waived his/her right to lodge an appeal after the notification of the decision. If a student withdraws an appeal, it cannot be lodged again.
- (3) The appeal may be lodged against the operative part of the decision, an individual paragraph of the operative part or its auxiliary provisions. An appeal contesting merely the reasoning is not permissible. In the appeal, the student shall specify his/her name, surname, date of birth and permanent address. The appeal must clearly indicate against which decision it is aimed and what is claimed, in what sense it is considered that the decision, or proceedings preceding the decision, are at variance with the legal regulations or internal regulations. If the student claims that he/she was not allowed to perform a certain act during the first-instance proceedings, this act must be performed together with the appeal.
- (4) The deadline for appeal is 30 days from the date of notification of the decision. The deadline is deemed to be met if a postal item containing the appeal is handed over to the postal licence holder on the last day of the deadline. An appeal may only be lodged after the decision has been rendered. If an appeal was lodged before the notification of the decision, it shall hold that it was lodged on the first day of the deadline for appeal. In case of missing, incomplete or incorrect advice, an appeal may be lodged within 15 days of the date of notification of the amending resolution, if issued, but not later than within 90 days of the date of notification of the decision. Failure to notify a decision may not be invoked by a student who has demonstrably acquainted himself/herself with the decision; in that case, an appeal may be lodged within 90 days of the date of becoming acquainted with the decision.
- (5) The student may apply for waiver of the deadline within 15 days of the date when the obstacle preventing him/her from lodging the appeal ceased to exist, but only if he/she lodges the

- appeal together with this application; such a submission may be granted suspensory effect if the student is at risk of a serious harm. The deadline will be waived if the student proves that a serious obstacle preventing him/her from lodging the appeal has occurred without his/her fault. A resolution on the waiver of the deadline is adopted by the Dean; the deadline may not be waived if one year has passed from the date on which the appeal was to be lodged.
- (6) A timely and admissible appeal has suspensory effect; as a result of the suspensory effect of the appeal, the legal force, enforceability and other legal effects of the decision are suspended. Suspensory effect of the appeal cannot be excluded.
- (7) The appeal is lodged with the Dean. Depending on the circumstances, the Dean may supplement the proceedings; this does not apply if the appeal was lodged late or is not admissible. The Dean may annul or modify the decision if the appeal is fully satisfied thereby; an appeal may be lodged against such decision. Article 9 (4) applies analogously.
- (8) If the Dean finds no reasons for the procedure pursuant to the preceding paragraph, he/she shall submit the file together with his/her statement to the appellate administrative authority, i.e. the Rector, within 30 days of the date of delivery of the appeal. In case of an inadmissible or delayed appeal, the Dean shall submit the file to the Rector within 10 days. The Dean's statement shall be limited to stating the reasons decisive for assessing the delay or inadmissibility of the appeal. If, before the submission of the file to the Rector, the Dean ascertains that a fact justifying discontinuation of the proceedings has occurred, the Dean shall annul the contested decision without further considerations and discontinue the proceedings.
- (9) The Rector reviews compliance of the contested decision and the proceedings that preceded the decision with the legal regulations and internal regulations. Defects in the proceedings that cannot be justifiably considered to have affected compliance of the contested decision with the legal regulations or internal regulations need not be taken into account.
- (10) If the Rector concludes that the contested decision is at variance with legal regulations or internal regulations, he/she shall:
- a) annul the contested decision or its part and discontinue the proceedings;
 - b) annul the contested decision or its part and refer the case back to the Dean for a new hearing; in the reasoning of this decision, the Rector shall express a legal opinion by which the Dean is bound in a new hearing of the case; an appeal may be lodged against the new decision; or
 - c) amend the contested decision or its part; the amendment cannot be made if there is a risk of harm being caused by a loss of the possibility of lodging an appeal; the student has the right to provide his/her statement on documents underlying the new decision made by the Rector; if it is necessary in order to remedy the defects of the reasoning, the Rector amends the reasoning part of the decision; the Rector may not amend the contested decision to the detriment of the student unless the contested decision is at variance with legal regulations;
- (11) If the Rector ascertains that a fact justifying discontinuation of the proceedings has occurred, the Rector shall annul the contested decision without further considerations and discontinue the proceedings.
- (12) The Rector rejects a delayed or inadmissible appeal; if the decision has already come into legal force, the Rector subsequently examines whether the prerequisites for review of the decision in review proceedings, renewal of proceedings or rendering a new decision exist. If the Rector finds the prerequisites for initiating review proceedings, renewal of proceedings or rendering a new decision, a delayed or inadmissible appeal shall be deemed to be an instigation for review proceedings or an application for renewal of proceedings or rendering of a new decision. If the Rector concludes that the appeal was lodged in due time and that it is

admissible, he/she refers the case back to the Dean.

- (13) If the Rector finds no reason for the procedure pursuant to paragraphs 10, 11 or 12, he/she dismisses the appeal and confirms the contested decision; if the Rector amends or annuls the contested decision only partially, he/she shall confirm its remaining part.
- (14) Decisions in appellate proceedings are rendered by the Rector within the period of 30 days; the period shall commence on the date of handover of the file to the Rector. Article 9 (4) shall apply analogously to the Rector's decisions.
- (15) No further appeal may be lodged against the Rector's decision; the Rector's decision comes into legal force if notified to the student. Together with the Rector's decision, the Dean's decision confirmed pursuant to paragraph 13 enters into legal force.
- (16) If a student withdraws his/her appeal, the appellate proceedings shall be discontinued on the date of withdrawal of the appeal; the contested decision enters into legal force on the date following the date of discontinuation of the proceedings; a resolution shall be issued on the fact that the proceedings have been discontinued; the resolution shall only be recorded in the file and the student shall be notified of it; the appeal may be withdrawn not later than by the date of the Rector's decision.
- (17) Based on the decision pursuant to paragraph 10, the Rector or the Dean shall adopt measures to restore the student's rights and to remedy or at least mitigate the consequences of a defective decision.

Article 12

Imposing of Penalties

- (1) The following penalties may be imposed for committing a disciplinary offence:
 - a) warning;
 - b) conditional expulsion from studies with a probation period; or
 - c) expulsion from studies if it is clear that the disciplinary offence was committed intentionally.
- (2) When imposing penalties, account shall be taken of the nature of the disciplinary offence, the nature of the conduct by which the disciplinary offence was committed, the circumstances under which it occurred, the manner in which it was committed and its consequences, the motives of the student that led to the disciplinary offence, the degree of culpability, as well as the conduct of the student to date, including his/her study results, and whether he/she regretted the disciplinary offence or attempted to remedy the harmful consequences.
- (3) If a penalty of conditional expulsion from studies is imposed, the decision always explicitly includes the condition that the student must not commit another disciplinary offence or an even more serious act within the set deadline under the penalty of expulsion from studies.
- (4) A penalty can be waived if it may be deemed that the hearing of a disciplinary offence itself has a remedial effect.
- (5) When imposing penalties for several disciplinary offences, only one penalty shall be imposed.
- (6) A stricter penalty than the one proposed by the Disciplinary Committee cannot be imposed.
- (7) The penalty is enforceable as of the date of legal force of the decision on the disciplinary offence.
- (8) The disciplinary penalty imposed on the student shall be recorded in the study records and in the information system (IS MU) in the academic records.

Article 13

Enforcement of Penalties

- (1) A warning is imposed in that it is recorded in the student's study records.
- (2) A conditional expulsion from studies is imposed in that it is recorded in the student's study records and, during a set period, an authorised employee of the Office for Studies supervises compliance with the conditions for proof, which he/she reports to the Dean. On the basis of the information provided by the Office for Studies, the Dean assesses whether or not the student has fulfilled the conditions for proof. If a student fails to fulfil the conditions for proof, the Dean issues a decision to this effect governed, *mutatis mutandis*, by the provisions of Article 10. A penalty of conditional expulsion from studies in conjunction with a decision that a student has failed to fulfil the conditions for proof result in the expulsion from studies.
- (3) An expulsion from studies is imposed in that the student's studies are terminated as of the date on which the decision on a disciplinary offence comes into legal force.

Part Three

Rules of Procedure of the Disciplinary Committee

Article 14

Internal Organisation of the Disciplinary Committee

- (1) At its first hearing, the Disciplinary Committee elects a chairperson from among its members. A majority of all members of the Disciplinary Committee must be present for the election to be valid. A candidate who obtained the votes of a majority of all members of the Disciplinary Committee is elected in the first round. If none of the candidates obtains the required number of votes, the election is repeated and the candidate with the highest number of votes is elected in the second round.
- (2) The chairperson of the Disciplinary Committee:
 - a) organises activities of the Disciplinary Committee and acts on its behalf *vis-à-vis* third parties;
 - b) convenes, chairs and closes hearings of the Disciplinary Committee, proposes the agenda of individual offences to be heard;
 - c) is responsible for ensuring that a record is drawn up of each hearing and voting of the Disciplinary Committee.
- (3) The Disciplinary Committee elects a vice-chairperson from among its members who, if necessary, represents the chairperson of the Disciplinary Committee, especially in his/her absence.
- (4) The Disciplinary Committee closely co-operates with the Office for Studies of the Faculty, which provides required information about students and all necessary co-operation. An authorised employee of the Office for Studies of the Faculty, usually an assistant for studies, attends the hearings of the Committee, and:
 - a) participates in organisation and ensuring of the Committee's activities;
 - b) draws up a record of the hearing of the Disciplinary Committee in accordance with Section 18 of the Code of Administrative Procedure;
 - c) administratively processes other documents of the Committee;

- d) arranges for a written counterpart of the Dean's decision on the disciplinary offence and its proper dispatch;
- e) provides the Disciplinary Committee with information on the state of studies of the student whose disciplinary offence is being heard;
- f) informs the Disciplinary Committee whether the student has already been penalised for committing a disciplinary offence in the past; and
- g) submits to the Dean a report on whether the student complies with the conditions for proof stipulated by the Dean's decision on a disciplinary offence imposing a penalty of conditional expulsion.

Article 15

Decision-Making of the Disciplinary Committee

- (1) The Disciplinary Committee adopts its decisions in the form of resolutions in matters falling within its competence.
- (2) The Committee has a quorum in the presence of the chairperson and at least four other members. In case of equality of votes, the chairperson of the Disciplinary Committee shall have the casting vote.
- (3) The consent of a majority of the members of the Disciplinary Committee present is required for the adoption of a resolution of the Disciplinary Committee. The consent of a majority of all members of the Disciplinary Committee is required for the adoption of a resolution that could result in imposition or enforcement of a penalty of expulsion from studies.

Part Four

Joint, Transitory and Final Provisions

Article 16

Delivery of Documents

- (1) Delivery of documents in disciplinary proceedings is governed by Section 69a (2) of the Act and Section 19 *et seq.* of the Code of Administrative Procedure.
- (2) Documents issued during acts in disciplinary proceedings, unless delivered directly during the performance of such acts, shall be delivered through the Dean's Office of the Faculty to the address specified by the student in the information system of Masaryk University.
- (3) A document shall be delivered into the addressee's own hands
 - a) in the case of:
 - 1. summons of a student for disciplinary proceedings;
 - 2. summons of a member of the academic community of the university or an employee of the university pursuant to Art. 8 (5) hereof;
 - 3. decision on a disciplinary offence;
 - 4. decision on an appeal against a decision on a disciplinary offence;
 - 5. decision on the fact that a student penalised by conditional expulsion from studies failed

to fulfil the conditions for proof within the set deadline;

- b) if so stipulated by the body that issued the document.
- (4) The date when the addressee accepted the document shall be deemed to be the date of delivery. The addressee's refusal to accept the document has the effects of acceptance of the document.
- (5) If the delivery of a document in disciplinary proceedings fails due to the student's failure to fulfil the obligation specified in Section 63 (3)(b) of the Act, or if the document fails to be delivered to the mailing address provided by the student, the document shall be delivered by means of a public notice; a higher education institution is not obliged to appoint a curator on student's behalf.

Article 17
Transitional Provisions

- (1) Proceedings commenced before the date of legal force of these Rules shall be completed pursuant to these Rules.
- (2) A committee established before the effective date of these Rules shall be considered to be a committee established in accordance with these Rules.

Article 18
Final Provisions

- (1) The Disciplinary Rules for Students (of the Faculty of Science of Masaryk University) of 11 May 2009 are hereby repealed.
- (2) Pursuant to Section 27 (1)(b) of Act No. 111/1998 Coll., as amended, these Rules were approved by the Academic Senate of the Faculty of Science of Masaryk University on 15 May 2017.
- (3) Pursuant to Section 9 (1)(b) of Act No. 111/1998 Coll., as amended, these Rules were approved by the Academic Senate of Masaryk University on 5 June 2017.
- (4) These Rules enter into force and effect on the date of approval by the Academic Senate of Masaryk University.
- (5) These Rules enter into effect on the date of their publication in the public section of the Faculty's website.

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Doc. RNDr. Jaromír Leichmann, Dr.
Dean of the Faculty

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