



**ST. ELIZABETH UNIVERSITY OF HEALTH AND SOCIAL WORK ST. ALZBETH, N. O.
Bratislava**

**THE ESTABLISHMENT AND POWERS OF THE COMMITTEE FOR
THE PROCEDURE FOR THE WITHDRAWAL OF ACADEMIC OR
SCIENTIFIC-TEACHING DEGREES TITLES**

**Directive issued by the Rector of St. Elizabeth's University of Health and
Social Work, N.O. in Bratislava**

BRATISLAVA 2021

ST. ELIZABETH UNIVERSITY OF HEALTH AND SOCIAL WORK
N. O., Bratislava

*Directive of the St. Elizabeth University of Health and Social Work, N. O.
on the establishment and terms of reference of the Commission for the procedure for the
withdrawal of academic degrees or scientific and pedagogical titles*

Annex:

**Full text of § 108f and § 108g of the Higher Education Act-relevant provisions
Invalidation of a state examination or a part thereof, invalidation of a rigorous
examination or a part thereof, withdrawal of a scientific-pedagogical degree or an
artistic-pedagogical degree, petition for the dismissal of a professor and renunciation of
an academic degree**

Article 1

The Rector of the St. Elizabeth's University of Health and Social Work (hereinafter referred to as the "SEU") establishes the *Commission for the Procedure for the Withdrawal of Academic Degrees or Scientific-Pedagogical Degrees*.

Article 2

1. The Directive on the Establishment and Scope of the Commission for the Procedure for the Withdrawal of Academic Degrees or Scientific and Pedagogical Degrees (hereinafter referred to as the "Commission for the Procedure for the Withdrawal of Degrees") is issued pursuant to the provisions of Sections 108f and 108g of *Act No. 131/2002 Coll. on Higher Education, as amended, in accordance with the version of the regulation effective as of 1 April 2022* (hereinafter referred to as the "Act").

on higher education").

2. The Higher Education Act regulates in § 108f and § 108g the substantive basis of the competence

"Commission for Degree Revocation Proceedings" in the matter of invalidation of the state examination or its part, invalidation of the rigorosum examination or its part, revocation of the scientific-pedagogical degree or the artistic-pedagogical degree, proposal for the removal of a professor and renunciation of the academic degree.

3. The Degree Revocation Committee gives an opinion to the Rector of the SEU on the revocation of the relevant degree.

Article 3

1. The members of the Withdrawal Committee are:

- a) four university teachers in the capacity of professor or associate professor who are engaged in teaching and research in the relevant field of study or in the relevant field of study habilitation and inauguration proceedings, of which no more than two from the staff of the SEU, nominated by the staff part of the Academic Senate of the SEU,
- b) two persons with a second degree in law who are not employees of the SEU; and
- c) one student of SEU nominated by the student part of the Academic Senate of SEU.

2. The meeting of the Degree Revocation Committee shall be chaired by *the most senior member of the Degree Revocation Committee*, and meetings of the Degree Revocation Committee shall be open to the public.

3. The vote of the Withdrawal Committee shall be by secret ballot; the resolution of the Withdrawal Committee shall be adopted if a majority of all its members vote in favour of its adoption.

4. In the event that the Degree Revocation Committee does not adopt a resolution, there is a legal presumption that it has not found grounds for a decision under Section 208f of the Higher Education Act.

5. The Degree Revocation Committee submits an opinion on the revocation of the degree to the Rector of the SEU within 90 days from the date of its request.

6. The opinion of the Degree Revocation Committee is a legal condition for the authorization of the Rector of the SEU to issue the relevant decision. The Rector of the University of Applied Sciences cannot take a decision without the opinion of the Degree Revocation Committee.

7. The Rector of SEU shall justify in his/her decision, inter alia, any deviation from the opinion of the Degree Revocation Committee.

Article 4

1. A directive entitled "**Directive of the St. Elizabeth University of Health and Social Work on the Establishment and Terms of Reference of the Commission on the Procedure for the Withdrawal of Academic Degrees or Scientific and Pedagogical Degrees**"

- a) discussed by the Academic Senate of the SEU on 25.11.2021
- b) discussed by the Council of the SEU for the internal quality assurance system of higher education on 25.11.2021
- c) approved by the Scientific Council of the SEU on 28.01.2022

2. This Directive is effective from 28.01.2022

In Bratislava on 28. 01. 2022

Dr. h. c. prof. MUDr. Juraj Benca, PhD., MPH

Rector

Annex to the Directive of the St. Elizabeth University of Health and Social Work on the Establishment and Scope of the Commission for the Procedure for the Withdrawal of Academic or Scientific Degrees - Relevant Provisions

Act No. 131/2002 Coll. on Higher Education as amended, temporal version of the regulation effective from 01.04.2022

Invalidation of a state examination or part thereof, invalidation of a rigorous examination or part thereof, withdrawal of a scientific-pedagogical degree or an artistic-pedagogical degree, proposal for the dismissal of a professor and renunciation of an academic title

§ 108f

(1)

The Rector shall decide on the invalidity of a state examination or a part thereof if

a)

the graduate of the relevant study programme has been finally convicted of a deliberate criminal offence and, by committing this offence, has obtained an advantage which has had an impact on the proper completion of the study or on the fulfilment of the conditions for admission to this study,

b)

the thesis or part of it has not been demonstrably produced by a graduate student,

c)

the graduate has made unauthorised use of the subject-matter of the intellectual property protection of another person, and by that act has obtained an advantage which has affected the proper completion of the study or the fulfilment of the conditions for admission to that study, or

d)

the graduate, as a result of a decision to invalidate a state examination or part thereof in a lower-degree programme of study or as a result of the renunciation of a lower-degree degree, no longer fulfils the basic condition for admission to the study of the relevant higher-degree programme of study completed.

(2)

The Rector shall decide on the invalidity of the rigorous examination or its part if

a)

the person who has been awarded the academic degree in the rigorous procedure has been finally convicted of a deliberate criminal offence and, by committing that offence, has obtained an advantage which has had an impact on the successful completion of the rigorous examination or on the initiation of the rigorous procedure,

b)

the thesis or part of it has not been demonstrably produced by the person who has been awarded the academic degree in the rigorous procedure,

c)

a person who has been awarded an academic degree in a rigorous procedure has made unauthorised use of the subject-matter of another person's intellectual property protection and, by that act, has obtained an advantage which has had an impact on the successful completion of the rigorous examination or on the initiation of the rigorous procedure, or

d)

a person who has been awarded an academic degree in a rigorous procedure has, as a result of a decision invalidating the state examination or a part thereof or as a result of renunciation of the academic degree, ceased to fulfil the condition for the commencement of the rigorous procedure.

(3)

The Rector shall withdraw the scientific-pedagogical title or the artistic-pedagogical title "Associate Professor" if

a)

a person who has been awarded a scientific-pedagogical degree or an artistic-pedagogical degree "associate professor", has been validly convicted of a deliberate criminal offence and has obtained an advantage by committing this offence which has had an impact on the fulfilment of the conditions for obtaining the scientific-teaching title or the artistic-teaching title "associate professor" or on the fulfilment of the conditions for the commencement of the habilitation procedure,

b)

the habilitation thesis or a part thereof has not been demonstrably prepared by a person who has been awarded the scientific-pedagogical title or the artistic-

pedagogical title "Associate Professor",

c)

a person who has been awarded a scientific-pedagogical degree or an artistic-pedagogical degree

"associate professor", made unauthorised use of the subject of protection of intellectual property of another person, and by this action obtained an advantage which had an impact on the fulfilment of the conditions for obtaining the scientific-teaching title or the artistic-teaching title "associate professor" or on the fulfilment of the conditions for the commencement of the habilitation procedure,

d)

a person who has been awarded a scientific-pedagogical degree or an artistic-pedagogical degree

"associate professor", as a result of a decision to invalidate a state examination or part thereof or in consequence of the academic title, the academic title has stopped fulfilling the conditions for to start the habilitation procedure, or

e)

the criteria for obtaining the title of associate professor in the habilitation procedure have not been met.

(4)

The Rector shall decide on the submission of a proposal for the removal of a professor if

a)

the person who has been appointed professor has been finally convicted of a deliberate criminal offence and, by committing that offence, has obtained an advantage which has had an impact on the conditions for obtaining the scientific or artistic title of "professor" or on the conditions for the initiation of the inauguration procedure,

b)

a person who has been appointed professor has made unauthorised use of the subject-matter of the intellectual property protection of another person, and by this act has obtained an advantage which has had an impact on the fulfilment of the conditions for obtaining a scientific-educational degree or an artistic-educational degree

"professor" or to fulfil the conditions for the initiation of the inauguration procedure,

c)

a person who has been appointed professor, as a result of the withdrawal or relinquishment of the scientific-teaching title or the artistic-teaching title of 'associate professor', no longer fulfils the condition for the commencement of the inauguration procedure, or

d)

the criteria for obtaining the title of professor at the inauguration procedure have not been met.

(5)

From the date on which the decision under paragraph 1 becomes final, the person concerned shall be deemed not to have obtained a higher education qualification of the relevant degree by completing the relevant study programme; from that date he or she shall also lose the relevant academic degree and his or her evidence of having completed the studies shall become invalid. If the person concerned has been admitted to a higher degree programme of study in progress and the relevant degree is a condition for admission, the decision on admission to that study shall also become null and void as from the date on which the decision under paragraph 1 becomes final.

(6)

On the date on which the decision under paragraph 2 becomes final, the person concerned shall lose the academic degree in question and the evidence of its award shall become null and void.

(7)

On the date of the entry into force of the decision under paragraph 3, the decree conferring the relevant academic degree or artistic degree shall become null and void.

(8)

The court shall, on application by the college or the Department of Education, forthwith forward to the college or the Department of Education a final conviction if the college or the Department of Education has reasonable grounds to believe that the commission of the offence has conferred or may have conferred a benefit on the person concerned under paragraph 1(a), paragraph 2(a), paragraph 3(a) or paragraph 4(a).

(9)

A person against whom a final decision has been taken pursuant to paragraph 1, 2 or 3 shall not be entitled to a refund of tuition fees, fees associated with studies, fees for acts associated with the rigorous examination and the defence of the rigorous thesis or fees for the reimbursement of costs associated with the habilitation procedure. If, following a final

decision pursuant to paragraph 4, the professor is dismissed, the fee for the costs of the inauguration procedure shall not be refunded.

(10)

The College shall keep a register of final decisions pursuant to paragraphs 1 to 4, from which data may be made available on the basis of a reasoned request by a public authority if the candidate is a candidate for a public office. The register shall keep

a)

the name and surname of the person concerned,

(b)

a relevant academic degree, scientific degree or artistic degree,

c)

field of study; and

d)

the date on which the decision pursuant to paragraphs 1 to 4 becomes final.

§ 108g

(1)

The rector of the higher education institution which has conferred the academic degree, scientific-pedagogical degree or the artistic-pedagogical degree "Associate Professor" on the person concerned or the rector of the higher education institution which has submitted the proposal for the appointment of the person concerned as a professor shall be competent to make a decision pursuant to *§ 108f*. If the higher education institution concerned has been dissolved, merged or amalgamated with another higher education institution, the rector of the successor higher education institution shall be competent to make the decision; if the higher education institution has been dissolved without a successor or if the private higher education institution has been deprived of State approval, the rector of the higher education institution designated by the Ministry of Education shall be competent to make the decision.

(2)

The Rector, whose impartiality may be doubted due to his/her relation to a party to the proceedings for invalidity of a state examination or its part, invalidity of a rigorous

examination or its part, withdrawal of a scientific-pedagogical degree or an artistic-pedagogical degree or a proposal for the dismissal of a professor (hereinafter referred to as "proceedings for withdrawal of a degree") or to his/her deputy, shall be excluded from the decision-making process.

(3)

A party to the degree revocation proceedings or his or her representative shall notify the Academic Senate of the College of the facts indicating that the Rector has been expelled as soon as he or she becomes aware of them; these facts may also be notified to the Academic Senate of the College by another person. The Rector shall immediately notify the Academic Senate of the College of the facts indicating his or her expulsion.

(4)

The Academic Senate of the relevant university decides whether the Rector is expelled, which at the same time appoints the Vice-Rector responsible for making the decision and notifies the Rector, the party to the withdrawal proceedings and the Ministry of Education in writing of its decision. No appeal may be lodged against the decision to expel the Rector.

(5)

A party to the revocation proceedings shall be

a)

graduate,

b)

a person who has been awarded an academic degree in a rigorous procedure,

c)

a person who has been awarded a scientific-pedagogical degree or an artistic-pedagogical degree "Associate Professor", or

d)

a person who has been appointed professor.

(6)

The Rector shall initiate proceedings for the revocation of the degree on the basis of

a)

on its own

initiative,

b)

reasoned proposal

1.

the academic senate of the university where the relevant study, rigorous procedure, habilitation procedure or inauguration procedure took place,

2.

the Academic Senate of the faculty where the relevant study, rigorous procedure, habilitation procedure or inauguration procedure took place,

3.

the scientific board, the artistic board or the scientific and artistic board of the higher education institution at which the relevant study, rigorous procedure, habilitation procedure or inauguration procedure took place,

4.

the scientific board, the artistic board or the scientific and artistic board of the faculty at which the relevant study, rigorous procedure, habilitation procedure or inauguration procedure took place, or

5.

the dean of the faculty where the relevant study, rigorous procedure, habilitation procedure or inauguration procedure took place,

a)

a reasoned proposal from the Ministry of Education,

b)

final decision on

1.

the invalidity of a state examination or part thereof in the relevant study programme, if its proper completion is a condition for admission to the study programme of a higher degree, for the commencement of the rigorosum procedure or for the commencement of the habilitation procedure,

2.

the withdrawal of the scientific-pedagogical or artistic-pedagogical title "Associate

Professor", if the decision is to be taken on the submission of a proposal for the removal of a professor, or

e)

waiver

1.

an academic degree if the proper completion of the relevant study programme is a condition for admission to a higher degree study programme, for the commencement of rigorosum proceedings or for the commencement of habilitation proceedings,

2.

the scientific-pedagogical title or the artistic-pedagogical title of "Associate Professor", if the decision is to be taken on the submission of a proposal for the dismissal of a professor.

(7)

Proceedings for revocation of the title may

be initiated at the latest (a)

one year from the date on which the judgment under *section 108f(1)(a), (2)(a), (3)(a) or (4)(a)* becomes final; or

b)

five years from the date of the regular completion of studies, the rigorous examination, the award of the scientific-pedagogical title or the artistic-pedagogical title of "associate professor" or the appointment as professor, if this is not a fact pursuant to point (a).

(8)

The Rector shall receive an opinion on the withdrawal of the degree from a committee whose members are appointed and dismissed by the Rector. The members of the commission are

a)

four university teachers in the function of professor or associate professor who are pedagogically and scientifically active in the relevant field of study or in the relevant field of habilitation proceedings and the inauguration proceedings, up to two of whom shall be members of the staff of the university concerned, nominated by the staff section of the Academic Senate of the university concerned,

b)

two persons with a second-class university degree in law who are not employees of the university concerned, and

c)

one student of the respective university nominated by the student part of the academic senate of the respective university.

(9)

The details of the activities of the committee shall be regulated by the internal regulations of the university. The meetings of the Commission shall be open to the public except for voting. A resolution of the Commission shall be adopted if a majority of all its members vote in favour of its adoption. If the Board fails to adopt a resolution, it shall be deemed not to have found grounds for a decision pursuant to *Section 108f*.

(10)

The Rector shall decide within 150 days from the date of the initiation of the procedure on the withdrawal of the degree. The Commission shall give the Rector its opinion on the revocation of the degree within 90 days of the date of its request; the Rector may not take a decision without such an opinion. If the Rector deviates from the opinion of the Commission, he shall give reasons for this in his decision.

(11)

If the Rector finds that there are no grounds for a decision pursuant to *§ 108f*, he or she shall discontinue the proceedings for the withdrawal of the degree. (12)

A party to proceedings or a claimant pursuant to paragraph 6(b) or (c) shall have the right to appeal against a decision pursuant to *section 108f* or paragraph 11. An appeal against a decision under *section 108f* or paragraph 11 shall be decided by an appeal board whose

a)

two members are appointed and dismissed by the Slovak Rectors' Conference, one of whom is also appointed as the chairman of the Appeals Committee,

b)

two members shall be appointed and dismissed by the Council of Universities,

c)

two members shall be appointed and removed by the University Student Council; and

d)

one member shall be appointed and dismissed by the Minister of Education.

(13)

Membership of the Board of Appeal shall not be incompatible with membership of the Board under paragraph 8.

(14)

The Chairperson of the Board of Appeal shall sign the decisions of the Board of Appeal, represent it externally and be responsible for its activities. The activities of the Appeals Board shall be organisationally and materially ensured by the higher education institution whose decision is being reviewed by the Rector.

(15)

The Appeals Board shall decide on the appeal within 60 days of receipt of the appeal.

(16)

If a member of the Board of Appeal disagrees with the decision of the Board of Appeal or its reasoning, he or she may prepare a dissenting opinion to be annexed to the decision.

(17)

The effects of previous acts carried out by the person to whom a decision pursuant to *Section 108f(1), (2) or (3)* relates shall continue to be preserved even after the decision has become final; this shall also apply if the person concerned carried them out in the exercise of public authority or in the exercise of a profession pursuant to a special regulation. ^{50e})
The effects of previous acts carried out by a person who has been dismissed as a professor shall continue to have effect after his dismissal.