

RULES AND PROCEDURES FOR THE INVALIDATION OF STATE EXAMINATION OR PART THEREOF, WITHDRAWAL OF THE SCIENTIFIC-PEDAGOGICAL TITLE OR THE ARTISTIC-PEDAGOGICAL TITLE OF ASSOCIATE PROFESSOR, THE PROPOSAL FOR THE REMOVAL OF A PROFESSOR AND THE RENUNCIATION OF AN ACADEMIC TITLE AT THE TECHNICAL UNIVERSITY OF KOŠICE

COMPLETE VERSION

The Academic Senate of the Technical University of Košice pursuant to Article 15 (1)(n) of Act no. 131/2002 Coll. on Higher Education and on Amendments and Supplements to Certain Acts, as amended, has approved the following Rules and Procedures for the Invalidation of State Examination or Part thereof, Withdrawal of the Scientific-pedagogical Title or the Artistic-pedagogical Title of Associate Professor, the Proposal for the Removal of a Professor and the Renunciation of an Academic Title at the Technical University of Košice as an Internal Regulation of the University:

**SECTION I
BASIC PROVISIONS**

**Article 1
Introductory provisions**

- (1) Rules and Procedures for the Invalidation of State Examination or Part thereof, Withdrawal of the Scientific-pedagogical title or the Artistic-pedagogical Title of Associate Professor, the Proposal for the Removal of a Professor and the Renunciation of an Academic Title at the Technical University of Košice (hereinafter referred to as 'Rules and Procedures for Withdrawal of Titles') shall be an internal regulation drawn up pursuant to Articles 108f to 108j of Act no. 131/2002 Coll. on Higher Education and on Amendments and Supplements to Certain Acts, as amended (hereinafter referred to as 'Higher Education Act'), pursuant to Article 63 (4)(i) of the Statute of the Technical University of Košice and in accordance with other generally binding legal regulations and internal regulations of the Technical University of Košice (hereinafter referred to as 'TUKE').
- (2) These Rules and Procedures for Withdrawal of Titles have been introduced to ensure a uniform procedure of TUKE and its faculties providing higher education at TUKE in accredited study programmes and ensure procedures of obtaining the scientific-pedagogical or artistic-pedagogical title 'associate professor' in the habilitation procedure in the field of habilitation and inauguration procedure, and scientific-pedagogical or artistic-pedagogical title 'professor' in the inauguration procedure in the field of habilitation and inauguration procedure.
- (3) These Rules and Procedures for Withdrawal of Titles determine the rules and procedures of TUKE for:
 - a) invalidation of state examination or part thereof,
 - b) withdrawal of scientific-pedagogical or artistic pedagogical title 'associate professor',
 - c) submission of a proposal for the removal of a professor,
 - d) renunciation of an academic title.
- (4) These Rules and Procedures for Withdrawal of Titles do not regulate issues related to the invalidation of rigorous examination or part thereof, as this examination is not conducted at TUKE.

**SECTION II
TITLE WITHDRAWAL PROCEDURE**

**Article 2
Grounds for withdrawal of titles**

- (1) The Rector shall decide on the invalidation of a state examination or a part thereof if:

- a) a graduate of the relevant study programme has been validly convicted of a deliberate criminal offence and, by committing that offence, has obtained an advantage which has affected the proper completion of the study or the fulfilment of the conditions for admission to that study,
 - b) a graduate has committed academic fraud as a student,
 - c) a graduate has made unauthorised use of the subject-matter of the intellectual property protection of another person and has thereby obtained an advantage which has had an effect on the proper completion of the study or on the fulfilment of the conditions for admission to that study; or
 - d) a graduate, as a result of a decision invalidating a state examination or part thereof in a lower-level study programme or as a result of the renunciation of a lower-level academic title, ceases to fulfil the basic condition for admission to the relevant higher-level study programme.
- (2) The Rector shall withdraw the scientific-pedagogical title or artistic-pedagogical title 'associate professor' if:
- a) a person who has been awarded the scientific-pedagogical title or artistic-pedagogical title 'associate professor' has been validly convicted of a deliberate criminal offence and, by committing this criminal offence, has obtained an advantage which has affected the fulfilment of the conditions for obtaining the scientific-pedagogical title or artistic-pedagogical title 'associate professor' or on the fulfilment of the conditions for commencement of the habilitation procedure,
 - b) a person who has been awarded the scientific-pedagogical title or artistic-pedagogical title of 'associate professor' has, as a participant in the habilitation procedure, committed academic fraud,
 - c) a person who has been awarded the scientific-pedagogical title or artistic-pedagogical title 'associate professor' has made unauthorised use of the subject-matter of intellectual property protection of another person and has thereby obtained an advantage which has had an impact on the fulfilment of the conditions for the award of the scientific-pedagogical title or artistic-pedagogical title 'associate professor' or on the fulfilment of the conditions for the commencement of the habilitation procedure,
 - d) a person who has been awarded the scientific-pedagogical title or artistic-pedagogical title 'associate professor' has, as a result of a decision invalidating the state examination or a part thereof or as a result of the renunciation of academic title, ceased to fulfil the condition for the commencement of the habilitation procedure; or
 - e) criteria for obtaining the title of associate professor in the habilitation procedure have not been fulfilled.
- (3) The Rector shall decide on the submission of a proposal for the removal of a professor if:
- a) a person who has been appointed as a professor has been validly convicted of a deliberate criminal offence and, by committing this criminal offence, has obtained an advantage which has affected the fulfilment of the conditions for obtaining the scientific-pedagogical title or artistic-pedagogical title 'professor' or on the fulfilment of the conditions for the commencement of the inauguration procedure,
 - b) a person who has been appointed as a professor has made unauthorised use of the subject-matter of the intellectual property protection of another person and has thereby obtained an advantage which has had an impact on the fulfilment of the conditions for the award of the scientific-pedagogical title or artistic-pedagogical title 'professor' or on the fulfilment of the conditions for the commencement of the inauguration procedure,
 - c) a person who has been appointed as a professor has, as a result of the withdrawal or renunciation of the scientific-pedagogical title or artistic-pedagogical title 'associate professor', ceased to fulfil the condition for the commencement of the inauguration procedure; or
 - d) criteria for obtaining the title of professor in the inaugural procedure have not been fulfilled.

Article 3 Jurisdiction

- (1) The Rector of TUKE is authorised to decide on the invalidity of a state examination or a part thereof, on the withdrawal of the scientific-pedagogical title or artistic-pedagogical title 'associate professor', and on the submission of a proposal for the removal of a professor, which have been awarded or proposed by TUKE.
- (2) The Rector of TUKE shall be excluded from making a decision if their impartiality can be doubted due to their relationship to a party to the proceedings on the invalidity of a state examination or a part thereof, on the withdrawal of the scientific-pedagogical title or artistic-pedagogical title 'associate professor', or on the proposal for the removal of a professor, or to their representative.
- (3) A party to the procedure for the withdrawal of a title or their representative shall notify the Academic Senate of TUKE of the facts indicating the Rector's exclusion as soon as they become known to them; these facts may also be reported to the Academic Senate of TUKE by another person. The Rector shall immediately notify the Academic Senate of TUKE (hereinafter referred to as 'AS TUKE') of the facts indicating their exclusion.
- (4) The decision whether the Rector of TUKE is excluded from the procedure shall be made by AS TUKE, which shall at the same time designate the Vice-Rector authorised to make the decision and shall communicate its decision in writing to the Rector of TUKE, to the party to the procedure for the withdrawal of a title, and to the Ministry of Education, Science, Research and Sport of the Slovak Republic (hereinafter referred to as 'Ministry of Education'). No appeals may be submitted against the decision to exclude the Rector.

Article 4 Parties to the procedure and time limits for the initiation of the withdrawal procedure

- (1) A party to the procedure for the withdrawal of a title shall be
 - a) a graduate,
 - b) a person who has been awarded the scientific-pedagogical title 'associate professor' or artistic-pedagogical title 'associate professor'; or
 - c) a person who has been appointed as a professor.
- (2) Procedure for the withdrawal of a title may be instituted:
 - a) not later than one year after the date on which the judgment under Article 2(1)(a), Article 2(2)(a), and Article 2(3)(a) of this regulation becomes final; or
 - b) without a time limit, if it is not a fact within the meaning of (a) of this point.

Article 5 Initiation of procedure

- (1) The Rector shall initiate procedure for the withdrawal of titles on the basis of:
 - a) their own initiative,
 - b) a reasoned submission of:
 1. AS TUKE, if the relevant study, habilitation procedure or inauguration procedure has been carried out at TUKE,
 2. AS of the TUKE Faculty or Scientific Council of the TUKE Faculty, or the Scientific and Artistic Council of the TUKE Faculty, if the relevant study, habilitation procedure or inauguration procedure has been carried out at the Faculty of TUKE,
 3. Scientific Council of TUKE, if the relevant study, habilitation procedure, or inauguration procedure has been carried out at TUKE.
 - c) a reasoned submission by the Ministry of Education,
 - d) final decision on
 1. the invalidity of a state examination or a part thereof in the relevant study programme, if its

- proper completion is a condition for admission to the higher-level study programme or for the commencement of habilitation procedure,
2. the withdrawal of the scientific-pedagogical or artistic-pedagogical title 'associate professor', if the decision is taken on the submission of a proposal for the removal of a professor, or
- e) the renunciation of
1. an academic title, if the proper completion of the relevant study programme is a condition for admission to a higher-level study programme or for the commencement of habilitation procedure,
 2. a scientific-pedagogical or artistic-pedagogical title 'associate professor', if the decision is taken on a proposal for the removal of a professor.

Article 6 **Board, Appeals Board**

- (1) A Board, the members of which shall be appointed and removed by the Rector, shall render an opinion to the Rector on the withdrawal of a title.
- (2) The members of the Board shall be as follows:
 - a) four university teachers holding the post of professor or the post of associate professor, who are pedagogically and scientifically active in the relevant field of study or in the relevant field of habilitation and inauguration procedure, of whom no more than two shall be from among the employees of TUKE, nominated by the employee section of AS TUKE,
 - b) two persons with a second-level degree in law, who are not TUKE employees, and
 - c) one TUKE student nominated by the student section of AS TUKE.
- (3) Details of the Board's activities are regulated by the Rules of Procedure.
- (4) The meeting of the Board shall be public except for voting. A resolution of the Board shall be adopted if an absolute 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 Article 108f of the Higher Education Act (i.e. for the withdrawal of a title).
- (5) The Rector of TUKE shall make a decision on the withdrawal of a title within 150 days from the date of commencement of the proceedings. The Board shall give the Rector of TUKE an opinion on the withdrawal of a title within 90 days from the date of its request; the Rector of TUKE may not make a decision without such an opinion. If the Rector of TUKE deviates from the Board's opinion, they shall justify this fact in their decision.
- (6) If the Rector of TUKE finds that there are no grounds for a decision pursuant to Article 108f of the Higher Education Act, they shall close the proceedings on the withdrawal of a title.
- (7) A party to the proceedings or a proposer pursuant to Article 5(1)(b) or (c) of this Regulation shall have the right to appeal against a decision under Article 108f of the Higher Education Act (decision on withdrawal of a title) or paragraph (6) of this Article (discontinuation of proceedings). The appeal against the decision shall be considered by the Appeals Board.
- (8) The Appeals Board which decides on an appeal filed by an eligible person referred to in paragraph (7) of this Article shall consist of:
 - a) two members appointed and removed by the Slovak Rectors' Conference, one of whom shall also be appointed Chair of the Appeals Board,
 - b) two members appointed and removed by the Council for Higher Education,
 - c) two members appointed and removed by the Student Council for Higher Education, and
 - d) One member appointed and removed by the Minister of Education.
- (9) Membership in the Appeals Board is not compatible with membership in the Board under paragraphs (1) and (2) of this Article.
- (10) The Chair of the Appeals Board shall sign the decisions of the Appeals Board, represent the

- Appeals Board externally, and be responsible for its activities. The activities of the Appeals Board shall be ensured organisationally and materially by TUKE, whose decision is reviewed by the Rector.
- (11) The Appeals Board shall decide on the appeal within 60 days of receipt of the grounds for appeal.
- (12) If a member of the Appeals Board disagrees with the decision of the Appeals Board or with its justification, he or she may prepare a diverging opinion, which shall be included in the decision.

Article 7

Common provisions for the proceedings for withdrawal of titles

- (1) From the date on which a decision on the withdrawal of a title pursuant to Article 108(f)(1) of the Higher Education Act becomes final (Article 2(1) of this Regulation), the person concerned shall be considered not to have obtained a higher education of the relevant level by completing the relevant study programme; on that date, they shall simultaneously lose the relevant academic title and their documents of graduation shall become invalid. If the person concerned has been admitted to a higher-level study programme in progress and the relevant education is a prerequisite for admission, the decision on admission to that study shall also become invalid as from the date on which the decision on withdrawal of the title becomes final.
- (2) On the date on which the decision pursuant to Article 108 (f) (3) of the Higher Education Act (Section 2 (2) of this Regulation) becomes final, the decree on the award of the relevant scientific-pedagogical title or artistic-pedagogical title shall become invalid.
- (3) The court shall, at the request of TUKE or the Ministry of Education, without delay send the final judgment to TUKE or the Ministry of Education if TUKE or the Ministry of Education reasonably assumes that by committing the offence the person concerned has obtained or may have obtained an advantage pursuant to Article 2(1)(a), Article 2(2)(a) and Article 2(3)(a) of this Regulation.
- (4) A person against whom a final decision has been made under paragraph (1), (2) or (3) shall not be refunded tuition fees, fees associated with studies or fees to cover the costs associated with the habilitation proceedings. If, following a final decision pursuant to Article 2(3) of this Regulation (proposal for the removal of a professor), a professor is removed, the fee for the costs associated with the inauguration procedure shall not be refunded.
- (5) TUKE shall keep a register of final decisions on:
- invalidity of a state examination or a part thereof,
 - withdrawal of a scientific-pedagogical or artistic-pedagogical title 'associate professor',
 - submission of a proposal for the removal of a professor,
- from which data may be made available on the basis of a reasoned request from a public authority, if it concerns a candidate for a public office.
- (6) The records shall contain:
- the name and surname of the person concerned,
 - the relevant academic title, scientific-pedagogical title or artistic-pedagogical title,
 - the field of study or field of habilitation and inauguration procedure, and
 - the date on which the decisions referred to in point 5 of this Article become final.

SECTION III

RENUNCIATION OF TITLE

Article 8

Procedure for renunciation of title

- (1) A natural person may irrevocably renounce an academic title, a scientific-pedagogical title or artistic-pedagogical title by delivering a written notice with an officially certified signature to the Rector of TUKE if TUKE has awarded an academic title, a scientific-pedagogical title or an artistic-pedagogical title of 'associate professor' to the person concerned, or if TUKE has submitted a proposal for the appointment of the person concerned as a professor.

- (2) On the date of receipt of the written notice, the person concerned shall lose the relevant title. A written notice without an officially certified signature shall not be taken into account.
- (3) If a natural person has renounced an academic title awarded upon completion of a study programme, the study of that study programme shall be deemed not to have been completed properly and the documents certifying completion of that study shall become invalid on the date of receipt of the written notice of the renunciation of the relevant title.
- (4) If a natural person renounces the scientific-pedagogical title or artistic-pedagogical title 'associate professor', the decree of the award of the relevant title shall become invalid on the date of receipt of the written notice of the renunciation of the relevant title.
- (5) If a natural person renounces the scientific-pedagogical title or artistic-pedagogical title 'professor' that person shall be deemed not to have been appointed as a professor on the date of receipt of the written notice of renunciation of the relevant title.
- (6) The effects of previous acts carried out by a person who has renounced the relevant title shall remain unaffected after the delivery of the written notice of renunciation of the relevant title. This shall also apply if the person concerned has carried them out in exercising public authority or in exercising a profession under special regulations.

SECTION IV FINAL PROVISIONS

Article 9 Specific provisions

- (1) A person who is the subject of a decision pursuant to Article 108f(1) or (3) of the Act shall return or arrange for the return of the relevant invalid documents to TUKE within 30 days after the entry into force of the relevant decision in the administrative proceedings or, if the party to the withdrawal proceedings has brought an administrative action, immediately after the entry into force of the decision on the administrative action by which the administrative action was dismissed. A person who has been removed as a professor on the proposal of the Rector of TUKE is obliged to return or arrange for the return of the relevant invalid documents to TUKE within 30 days after their removal.
- (2) In the case of a renunciation of an academic title, scientific-pedagogical title or artistic-pedagogical title pursuant to Section III of this Regulation, the person concerned shall be obliged to return the relevant documents of completion of study, of the award of an academic title in the rigorous procedure or of the award of the scientific-pedagogical title or the artistic-pedagogical title 'associate professor' as well as the notice of renunciation of the relevant title, or of the appointment as professor to TUKE, or to prove that they have no such documents for objective reasons; otherwise the notice shall be considered invalid.
- (3) TUKE shall indicate invalidity on the returned documents.
- (4) Persons who fail to comply with the obligation to return the relevant documents pursuant to paragraph (1) of this Article shall be guilty of an offence for which a fine of up to €5,000.00 may be imposed by the Ministry of Education.

Article 10 Final provisions

- (1) These Rules and the Procedures for the Invalidation of a State Examination or a Part thereof, Withdrawal of the Scientific-pedagogical Title or the Artistic-pedagogical Title of Associate Professor, the Proposal for the Removal of a Professor and the Renunciation of an Academic Title at the Technical University of Košice (the Rules and the Procedures for Withdrawal of Titles), their amendments and supplements shall enter into force after approval by the Academic Senate of the Technical University of Košice.
- (2) These Rules and Procedures for Withdrawal of Titles were approved by the Academic Senate of TUKE on 28 March 2022 by resolution no. 04/2022.

- (3) These Rules and Procedures for the Withdrawal of Titles shall enter into force on 01 April 2022.
(4) Appendix No. 1 and the full text of the Rules and Procedures for Withdrawal of Titles were approved by the Academic Senate of TUKE on 10 October 2022, resolution no. 60/2022, and shall take effect on 11 October 2022.

Dr. h. c. prof. h. c. prof. Ing. Stanislav Kmeť, DrSc.
Rector of TUKE

prof. Ing. Roman Cimbala, PhD.
Chairman of AS TUKE