

ACT No. 111
on Higher Education Institutions dated 22nd of April 1998
and on Modification and Amendment of Other Acts

(THE HIGHER EDUCATION ACT)

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(THE HIGHER EDUCATION ACT)

The Parliament has resolved upon the following Act of the Czech Republic:

PART I
FUNDAMENTAL PROVISIONS

Article 1
Introductory Provisions

Higher education institutions represent the highest level of the educational system. They are regarded as top centres of education, independent discernment and creative activity. Higher education institutions play the key role in scholastic, cultural, social and economic development of society by performing the following:

- a) Maintaining and augmenting acquired knowledge; cultivating scholarly, research, developmental, artistic or other creative activity according to the type and objectives of the institution;
- b) Facilitating access to higher education in compliance with democratic principles; providing adequate professional qualification and training for research work and other challenging specialised activities;
- c) Rendering other forms of education; facilitating acquisition, enlargement, elaboration and refreshment of knowledge from various areas of learning and culture and thus contributing to lifelong learning;
- d) Playing an active role in public discussion on social and ethical questions, cultivating cultural diversity and mutual understanding, shaping civil society and preparing young generation for their life in such a society;
- e) Contributing to the development on both national and regional levels while co-operating with various stages of state administration and municipalities as well as in the area of industry and culture;
- f) Developing international and namely European co-operation as a fundamental extent of its activities, supporting common projects with similar institutions abroad, mutual recognition of credits and diplomas, exchange of academic staff and students.

Article 2

- (1) Higher education institutions provide accredited study programmes as well as lifelong learning programmes. The type of higher education activities is determined by the type of accredited study programmes being provided. Each study programme is one of the following types: bachelor, master, or doctoral.
- (2) Higher education institutions represent legal entities.

- (3) Higher education institutions are either university type or non-university type.
- (4) University type higher education institutions provide master or doctoral study programmes as well as related scholarly, research, developmental, artistic or other creative activity. They can also provide bachelor study programmes.
- (5) Non-university type higher education institutions provide primarily bachelor study programmes as well as related research, developmental, artistic or other creative activity. Higher education institutions of this type are not divided into faculties.
- (6) The type of the higher education institution is declared in its Statute; it must comply with the standpoint of the Accreditation Commission.
- (7) Higher education institutions are public, private, or state. There are military and police state institutions of higher education.
- (8) Other legal entities involved in similar activities may participate in educational, scholarly, research, developmental, artistic or other creative activity of higher education institutions.
- (9) No entities besides higher education institutions are allowed to award academic degrees, perform procedures for obtaining "venium docendi" (habilitation), procedures for the appointment of professors, use academic insignia, and hold academic ceremonies.
- (10) It is prohibited to establish political parties and political movements and perform their activities at higher education institutions¹⁾.

Article 3 **Academic Community of a Higher Education Institution**

The academic community of a higher education institution is created by its academic staff and students.

Article 4 **Academic Liberties and Academic Rights**

The following academic liberties and rights are guaranteed at higher education institutions:

- a) Freedom of science, research and artistic activities as well as making the results public;
- b) Freedom of instruction, namely its openness to variety of scholastic theories, scientific and research methods and artistic trends;
- c) The right of learning that includes free choice of study specialisation within the framework of study programmes as well as freedom of expressing one's opinion during lecturing;
- d) The right of academic community members to elect their representative academic bodies;
- e) The right to use academic insignia and hold academic ceremonies.

¹⁾ Article No. 5, subsection 3 of the Act No. 424/1991 on Association in Political Parties and Political Movements, in the wording of the Act No. 117/1994.

PART II
PUBLIC HIGHER EDUCATION INSTITUTIONS AND THEIR PARTS

CHAPTER I
PUBLIC HIGHER EDUCATION INSTITUTIONS

Article 5
Establishment of Public Higher Education Institutions

- (1) Public higher education institutions are established and dissolved by means of an act. The designation and domicile of higher education institutions are also provided for in the act.
- (2) Public higher education institutions may perform a merger or an amalgamation only with other public higher education institutions; they may be divided into other public higher education institutions only. Such changes may be implemented only by means of an act.
- (3) In case of dissolution of a public higher education institution as per subsection 1, or its merger, amalgamation or splitting as per subsection 2, the act also provides for legal entities onto which the assets and liabilities are made over. The act also defines which public higher education institutions will enable the students of a dissolved institution to complete their higher education.

Article 6

- (1) Self-government competencies of public higher education institutions include in particular the following:
 - a) Internal organisation;
 - b) Stipulation of the number of applicants admitted to studies, conditions of admission to studies and decision-making during entrance proceedings;
 - c) Design and implementation of study programmes;
 - d) Organisation of studies;
 - e) Decision-making re students' rights and duties;
 - f) Objectives of scholarly, research, developmental, artistic or other creative activity and their organisation;
 - g) Definition of legal terms between an employer and an employee; stipulation of the size of the academic staff and the number of other personnel;
 - h) Performing procedures for obtaining "venium docendi" (habilitation) and procedures for the appointment of professors;
 - i) Co-operation with other higher education institutions and legal entities; international relations;
 - j) Constitution of independent academic bodies at a higher education institution if not stipulated otherwise by this Act;
 - k) Economic management of the higher education institution and assets management in compliance with special regulations;
 - l) Assessment of study-related fees.
- (2) Organisation and activities of public higher education institutions are subject to their internal regulations. The same applies to the status of the academic community members.

- (3) State authorities may interfere with the activities of public higher education institutions only on the basis of the law and within the law and in the manner provided for in the law.

Article 7

Academic Bodies of Public Higher Education Institutions

- (1) Independent academic bodies of public higher education institutions:
- a) The Academic Senate;
 - b) The Rector;
 - c) The Scientific Board or the Artistic Board; the Academic Board at non-university higher education institutions (hereinafter referred to as "the Scientific Board of a public higher education institution");
 - d) The Disciplinary Commission.
- (2) Other bodies of public higher education institutions:
- a) The Board of Trustees of a public higher education institution;
 - b) The Registrar.

The Academic Senate of a Public Higher Education Institution

Article 8

- (1) The Academic Senate of a public higher education institution represents its independent representative academic body. It consists of at least eleven (11) members hereof at least one third and at most one half constitute students. The members of the Academic Senate are elected from the academic community of a public higher education institution on the basis of their voting by ballot. The results of voting are deemed valid provided that at least fifteen (15) percent members of the academic community of a public higher education institution take part in the voting. Should the participation of academic community members be lower than fifteen percent, the voting must be reiterated. In case the required participation of academic community members was too low again, the voting would reiterate regardless of participation of the academic community members. Internal regulations of a public higher education institution outline namely the number of members of the Academic Senate, the manner they are voted for, and the manner of voting for the Chair of the Academic Senate, bodies of the Academic Senate and the manner of their constitution, reasons for terminating a membership in the Academic Senate and possible incompatibility of membership in the Academic Senate with exercise of other duties.
- (2) The membership in the Academic Senate is incompatible with the duties of the Rector, vice-rectors, deans and vice-deans.
- (3) The term of members of the Academic Senate at a public higher education institution may not exceed three (3) years. The term of all members of the Academic Senate at a public higher education institution is terminated should the Academic Senate fail to hold meetings

for six (6) months as per Article No. 9. A new voting is declared by the Rector in thirty (30) days at the latest.

- (4) The meetings of the Academic Senate of a public higher education institution are open to the public. The Rector, or a vice-rector acting in his behalf, has the right to deliver a speech at the meeting any time he makes a request to do so. Upon the Rector's request, the Chair of the Academic senate is bound to call an extraordinary meeting of the Academic Senate of a public higher education institution without delay.

Article 9

- (1) The Academic Senate of a public higher education institution performs the following tasks:
- a) Upon a recommendation of the Rector, makes decisions upon establishing, merging, amalgamating, splitting or dissolving individual parts of the higher education institution;
 - b) Approves internal regulations of the higher education institution and its parts;
 - c) Approves the budget of the higher education institution presented by the Rector and supervises utilisation of financial means of the higher education institution;
 - d) Approves the annual report on activities and the annual report on economic management of the higher education institution presented by the Rector;
 - e) Approves evaluation of the higher education institution presented by the Rector;
 - f) Approves Rector's proposals for nominating or dismissing members of the Scientific Board and the Disciplinary Commission of the public higher education institution;
 - g) Approves conditions of admission to studies in the study programmes that are not provided by individual faculties;
 - h) Resolves upon proposals for nominating or dismissing the Rector;
 - i) Approves long-term intentions in the area of educational, scholarly, research, developmental, artistic or other creative activity of the public higher education institution (hereinafter referred to as "long-term intentions of the public higher education institution") and an annual update of these objectives upon a discussion at the Scientific Board.
- (2) The Academic Senate of a public higher education institution makes its statement namely upon the following subjects:
- a) Design of the study programmes that are not provided by individual faculties;
 - b) Intents of the Rector to appoint or dismiss vice-rectors;
 - c) Legal acts that require consent of the Board of Trustees of the public higher education institution as per Article No. 15, subsection 1, letters a) through d);
 - d) Suggestions and standpoints of the Board of Trustees as per Article No. 15, subsection 3.
- (3) The Academic Senate of a public higher education institution makes its decision on the basis of voting by ballot namely in case of proposals as per subsection 1, letter h). A proposal for nomination of the Rector is accepted should it receive the majority of votes of all Academic Senate members at a public higher education institution. A proposal for dismissal of the Rector is accepted should it receive at least three-fifths (3/5) of votes of all Academic Senate members at a public higher education institution.

Article 10

The Rector

- (1) The Rector is the head of a public higher education institution. If not otherwise stipulated by the Act, the Rector acts and makes decisions upon all matters pertaining to the institution.
- (2) The Rector is appointed and dismissed by the president of the Czech Republic upon a proposal of the Academic Senate of the public higher education institution. The proposal is presented through the mediation of the Minister of Education, Youth and Sports (hereinafter referred to as "the Minister").
- (3) The term of the Rector is three (3) years. Duties of the Rector at a public higher education institution may be fulfilled by the same person for at most two consecutive terms of office.
- (4) Vice-rectors act in behalf of the Rector in the areas designated by the Rector. Vice-rectors are appointed and dismissed by the Rector.
- (5) Rector's wage is determined by the Minister.

The Scientific Board of a Public Higher Education Institution

Article 11

- (1) Members of the Scientific Board of a public higher education institution are appointed and dismissed by the Rector.
- (2) Members of the Scientific Board are distinguished representatives of the fields that are the focus of educational, research, developmental, artistic or other creative activity of the higher education institution. At least one third (1/3) of Scientific Board members are not concurrently the members of the academic community of this institution.
- (3) The Scientific Board of a public higher education institution is presided by the Rector.

Article 12

- (1) The Scientific Board of a public higher education institution performs the following duties:
 - a) Discusses long-term intentions of the public higher education institution;
 - b) Approves the study programmes the approval of which is beyond the scope of authority of Faculty's Scientific Board or the Artistic Board (hereinafter referred to as "the Scientific Board of the Faculty");
 - c) Exercises its duties in procedures for the appointment of professors and procedures for obtaining "venium docendi" (habilitation) in the extent provided for by this Act.
- (2) The Scientific Board of a public higher education institution makes its statements upon questions presented to it by the Rector.

Article 13

The Disciplinary Commission of a Public Higher Education Institution

- (1) Members and the Chair of the Disciplinary Commission of a public higher education institution are appointed by the Rector. Candidates are chosen from the members of the academic community. Students represent one half of the members of the Disciplinary Commission.
- (2) The term of members of the Disciplinary Commission of a public higher education institution shall not exceed two (2) years.
- (3) The Disciplinary Commission of a public higher education institution discusses disciplinary misdemeanours of students of a public higher education institution in case of students that are not enrolled in any of its faculties. The Disciplinary Commission presents the Rector with its proposal for resolution.
- (4) Should all students of a public higher education institution be enrolled in its faculties, the Disciplinary Commission of a public higher education institution is not established.

The Board of Trustees of a Public Higher Education Institution

Article 14

- (1) The Board of Trustees of a public higher education institution consists of at least nine members. The number of members must be divisible by three (3). Members of the Board of Trustees of a public higher education institution are appointed and dismissed by the Minister upon discussion with the Rector with the view of associating representatives of public life, municipality as well as state administration. Members of the Board of Trustees must not be employed at the pertinent public higher education institution.
- (2) Members of the Board of Trustees of a public higher education institution are appointed for the period of six (6) years. Upon their first appointment a vote is taken by drawing lots in order to take down the names of one third of members whose term of office shall expire in two-year time and one third of members whose term of office shall expire in four-year time.
- (3) The board meeting of a public higher education institution is called by its Chair at least twice a year. The Rector, or a vice-rector / registrar acting in his behalf, has a right to take part in the board meeting. The Chair of the Board of Trustees is obliged to call an extraordinary board meeting upon the Rector's request. Election of the Chair, deputy chairs and the line of action of the Board of Trustees of a public higher education institution are defined in its Statute which is subject to the approval of the Minister.

Article 15

- (1) The Board of Trustees of a public higher education institution is to render its prior written consent re the following issues:
 - a) Legal acts pertaining to higher education institution's acquiring real estate or making real estate over to another party;

- b) Legal acts pertaining to higher education institution's acquiring movable assets or making movable assets over to another party should the value of these assets exceed fivefold the amount above which all belongings are regarded as tangible assets as per special regulations²⁾;
 - c) Legal acts pertaining to higher education institution's encumbering itself with a material onus or a right of preemption;
 - d) Legal acts pertaining to higher education institution's intentions to establish another legal entity, or making financial as well as non-financial deposits in these and other legal entities.
- (2) The Board of Trustees of a public higher education institution makes its statements namely upon the following issues:
- a) Long-term intentions of a public higher education institution and other matters to be discussed at the Board presented to it by the Rector or the Minister;
 - b) The budget of a higher education institution;
 - c) The annual report on the activities and the annual report on the economic management of a higher education institution as well as the results of evaluation of higher education institution's activities.
- (3) The Board of Trustees of a public higher education institution presents its suggestions and expresses its standpoints re the activities of a public higher education institution; these suggestions and standpoints are made public.
- (4) The price³⁾ in case of contractual assignments of movable assets subject to payment as per subsection 1, letter b) shall be negotiated in the amount that is considered normal at the given place and time. Movable assets may be assigned free of charge only should it be in the interests of the public or in case the free-of-charge assignment is more economical than other methods of treatment of these assets.
- (5) The Board of Trustees shall not approve a legal act should it not comply with the requirement of proper utilisation of higher education institution's assets or should such utilisation jeopardise fulfilment of institution's objectives.
- (6) The Board of Trustees of a public higher education institution is bound to notify the Ministry of Education, Youth and Sports (hereinafter referred to as "the Ministry") of rendering a prior written consent to the legal acts listed in subsection 1, letters a) through d) no later than seven (7) days upon giving such consent.
- (7) Legal acts listed in subsection 1, letters a) through d) that were not given a consent of the Board of Trustees of a public higher education institution and reported to the Ministry as per subsection 6 are deemed void.
- (8) The Board of Trustees of a public higher education institution takes heed to the purpose with the view of which the higher education institution was established, exercise of public interests in its activities and proper economic management of its assets.

²⁾ Article No. 26, subsection 2 of the Czech National Council Act No. 586/1992 on Income Tax, in the wording of later regulations.

³⁾ Article No. 1, subsection 2, letter a) and Articles 2 and 3 of the Act No. 526/1990 on Prices, in the wording of later regulations.

- (9) Activity of the members of the Board of Trustees of a public higher education institution is deemed an act in the interests of the public⁴⁾. These persons are provided by the public higher education institution with reimbursement of travel expenses as per special regulations⁵⁾; the Ministry is in a position to provide the members with a recompense.
- (10) Activity of the members of the Board of Trustees of a public higher education institution is subject to special regulations⁶⁾.

Article 16

The Registrar

- (1) The Registrar is in charge of economic management and internal administration of a public higher education institution. The Registrar performs his/her duties in behalf of the institution in the extent defined in a provision of the Rector.
- (2) The Registrar is appointed and dismissed by the Rector.

Article 17

Internal Regulations of a Public Higher Education Institution

- (1) Internal regulations of a public higher education institution are defined by means of the following:
- a) The Statute of the public higher education institution;
 - b) The Electoral Rules and the Rules of Procedure of the Academic Senate of the public higher education institution;
 - c) Internal wage regulations⁷⁾;
 - d) The Rules of Procedure of the Scientific Board of the public higher education institution;
 - e) The Rules of Tender for filling posts by the academic staff;
 - f) Study and Examination Rules;
 - g) Scholarship Rules;
 - h) Disciplinary Rules for Students;
 - i) Other regulations if provided so in the Statute of the public higher education institution.
- (2) The Statute of a public higher education institution details namely the following:
- a) The name, domicile and type of the higher education institution;
 - b) The legal predecessor;
 - c) Conditions of admission to studies and the method of applying for admission;
 - d) Conditions pertaining to studies of foreign citizens;

⁴⁾ Article No. 124, subsection 1 and 2 of the Work Code.

⁵⁾ Act No. 119/1992 on Reimbursement of Travel Expenses, in the wording of the Act No. 44/1994.

⁶⁾ For example, Article No. 255 and 258 of the Act No. 140/1961, the Criminal Code, in the wording of later regulations, Article No. 415 of the Act No. 40/1964, the Civil Code, in the wording of later regulations, Article No. 268 of the Act No. 513/1991, the Code of Trade, in the wording of later regulations.

⁷⁾ Article No. 18, subsection 2 of the Act No. 1/1992 on Wages, Recompense for Work Preparedness and Average Earnings.

- e) A list of accredited study programmes provided by the higher education institution including their type, form of lecturing and the standard length of study as well as a list of fields within which the higher education institution is competent to perform procedures for obtaining "venium docendi" (habilitation) and procedures for the appointment of professors;
- f) Definition of the contents, conditions and frequency of evaluation of higher education institution's activities;
- g) The organisational structure;
- h) Provisions pertaining to study-related fees;
- i) The rules of using academic insignia and holding academic ceremonies;
- j) The rules pertaining to the economic management of a public higher education institution.

Article 18

The Budget of a Public Higher Education Institution

- (1) A public higher education institution prepares its budget and performs its economic management in compliance with the budget. The budget is drafted for one calendar year. The accounting summary pertaining to economic management of the institution is made upon the end of each calendar year and presented to the Ministry as per the schedule applicable to clearing financial relations with the state budget. The budget of a public higher education institution is designed as a balanced budget.
- (2) The revenues of a public higher education institution include mainly the following:
 - a) Grants from the state budget (hereinafter referred to as "grants");
 - b) Study-related fees;
 - c) Revenues from the property of the institution;
 - d) Other revenues from the state budget, state funds and municipal budgets;
 - e) Revenues from supplementary activities;
 - f) Revenues from donations and bequests.
- (3) Public higher education institutions are entitled to grants for providing accredited study programmes, the programmes of lifelong learning and associated scholarly, research, developmental, artistic or other creative activity as well as the development of higher education institutions. Public higher education institutions may be provided with grants for students' accommodation and boarding. Conditions pertaining to grants, their utilisation and accounting are subject to general regulations on expending resources coming from the state budget⁸⁾.
- (4) The total amount granted is strictly dependent on the long-term intentions of a public higher education institution, the long-term objectives of educational / scholarly, research, developmental, artistic or other creative activity in the area of higher education institutions prepared by the Ministry and updated annually (hereinafter referred to as "long-term strategy of the Ministry"), the type and financial requirements of accredited study programmes and lifelong learning programmes, the number of students and the results achieved in educational / scholarly, research, developmental, artistic or other creative activity and their demands.

⁸⁾ Article No. 5, subsection 2 of the Czech National Council Act No. 576/1990 on Budget Means Management Policy in the Czech Republic and municipalities in the Czech Republic (Budget Policy of the Republic).

- (5) The following funds are established by public higher education institutions:
- a) The reserve fund in order to cover losses in subsequent accounting periods;
 - b) The capital assets regeneration fund;
 - c) The scholarship fund;
 - d) The recompense fund.
- (6) Funds of public higher education institutions are generated from after-tax profit; the scholarship fund is also supplemented by transferring study-related fees as per Article 58, subsection 7; the capital assets regeneration fund is also supplemented by tangible and intangible assets depreciation⁹⁾.
- (7) Budget means are used exclusively for financing activities for which the higher education institution was established as well as financing supplementary activities as per Article 20, subsection 2.

Article 19 **Assets of Public Higher Education Institutions**

- (1) Public higher education institutions own assets needed to implement activities within their primary objectives. Assets of public higher education institutions include goods, apartments, non-residential premises, rights and other property.
- (2) Management of assets of a public higher education institution is within the competency of the Rector or a person so designated in the Statute of the public higher education institution. In cases listed in Article 15, subsection 1, letters a) through d), the decision is made by the Rector upon a prior consent of the Board of Trustees of the public higher education institution.
- (3) Public higher education institutions must not be in possession of any securities with the exception of securities issued by the state and securities the redemption of which is guaranteed by the state.

Article 20 **Economic Management of Public Higher Education Institutions**

- (1) Public higher education institutions are bound to use their assets in order to perform tasks in educational, scholarly, research, developmental, artistic or other creative activity. They can also use their assets to perform supplementary activities in compliance with this Act.
- (2) As for the supplementary activities, public higher education institutions perform activities subject to payment and related to their educational, scholarly, research, developmental, artistic or other creative activity or activities that assist in more effective utilisation of

⁹⁾ Articles No. 26 through 33 of the Czech National Council Act No. 586/1992 in the wording of later regulations.

human resources as well as material assets. Exercise of supplementary activities must not jeopardise the quality, extent and availability of activities for the implementation of which the public higher education institution was established.

- (3) Public higher education institutions are neither entitled to assume guaranty for financial debts of other entities, nor institute the right of pledge to the real estate, nor make financial or non-financial deposits in corporations and co-operatives.
- (4) The state does not provide guaranty for the liabilities of public higher education institutions.
- (5) Public higher education institutions follow double-entry bookkeeping. They are bound to keep costs and revenues related to supplementary activities separate from other costs and revenues. Public higher education institutions observe general regulations on accounting¹⁰⁾ in all other areas.
- (6) The Rector is answerable to the Minister for efficient usage of grants, their settlement with the state budget and proper economical usage of the assets of the public higher education institution.

Article 21 **Other Duties of Public Higher Education Institutions**

- (1) Public higher education institutions are due to perform the following tasks:
 - a) Elaborate an annual report on activities and an annual report on economic management of the higher education institution in the form of a non-periodical publication¹¹⁾. This publication is presented to the Ministry once a year by the term and in the form stipulated by the Minister in regulations published in the Bulletin of the Ministry ("Věstník ministerstva");
 - b) Elaborate long-term intentions of the public higher education institution, discuss them with the Minister and make them public by the term and in the form stipulated by the Minister;
 - c) Provide the Accreditation Commission and the Ministry with information needed as per this Act for their activities. This information will be provided upon a request of the Accreditation Commission or the Ministry free of charge and in due term;
 - d) Provide applicants, students and other persons with information and counselling services related to studies and professional opportunities for graduates of study programmes;
 - e) Make all possible provisions for equilibrating opportunities for studying at a higher education institution;
 - f) Perform regular evaluation of the higher education institution and make the results of this evaluation public.
- (2) The annual report on the activities of a public higher education institution includes, among others, the following:
 - a) A list of activities performed within the particular calendar year;
 - b) Results of evaluation of activities of the higher education institution;
 - c) Modifications of internal regulations and changes in the bodies of the higher education institution that took place in the course of the year;

¹⁰⁾ For example, Act No. 563/1991 on Accounting, in the wording of later regulations.

¹¹⁾ Act No. 37/1995 on Non-periodical Publications.

- d) Other information designated by the Board of Trustees of the public higher education institution.
- (3) The annual report on the economic management of a public higher education institution includes, among others, the following:
 - a) Annual book balancing and evaluation of its fundamental data;
 - b) Statement of the auditor on annual book balancing in case it was verified by an auditor;
 - c) An outline of financial revenues and expenses;
 - d) An outline of the extent of revenues and incomes classified per individual sources;
 - e) The history and final balance of funds;
 - f) The current state and flow of assets and liabilities;
 - g) The total value of costs divided into costs related to supplementary activities and other costs.
- (4) The annual report on activities, the annual report on economic management and the long-term intentions of a public higher education institution and the results of evaluation of public higher education institution' activities must be available to the public.

CHAPTER II PARTITION OF PUBLIC HIGHER EDUCATION INSTITUTIONS

Article 22 Partition of Public Higher Education Institutions

- (1) Public higher education institutions can be partitioned into the following parts:
 - a) Faculties;
 - b) Institutes of higher education institutions;
 - c) Other workplaces focused on educational, scholarly, research, developmental, artistic or other creative activity, or workplaces providing information services;
 - d) Specialised facilities for cultural and sports activities, housing and boarding, particularly for the members of the academic community and facilities supporting operation of higher education institutions.
- (2) Internal regulations of individual parts must comply with internal regulations of public higher education institutions.

Section 1

THE FACULTY

Article 23 The Faculty

- (1) Each faculty provides at least one accredited study programme and performs scholarly, research, developmental, artistic or other creative activity.

- (2) An independent representative academic body is constituted at each faculty. A faculty has the right to use its academic insignia and hold academic ceremonies.
- (3) A decision re the establishment, merger, amalgamation, splitting or dissolution of a faculty is made by the Academic Senate of the public higher education institution upon a proposal of the Rector. Such a decision is subject to an affirmative standpoint of the Accreditation Commission.

Article 24 **Discretion Powers of the Faculty**

- (1) Bodies of the faculty have the right to make decisions and act in behalf of the public higher education institution re the following issues pertaining to the faculty:
 - a) Design and implementation of study programmes;
 - b) Objectives and organisation of scholarly, research, developmental, artistic or other creative activity;
 - c) Relations between an employer and an employee;
 - d) Procedures for obtaining "venium docendi" (habilitation) and procedures for the appointment of professors in the extent stipulated by this Act;
 - e) International relations and activities;
 - f) Constitution of independent academic bodies of the faculty and internal organisation of the faculty, if not stipulated otherwise by this Act;
 - g) Utilisation of allocated financial means;
 - h) Supplementary activities and utilisation of resources generated from these activities.
- (2) Bodies of the faculty make decisions on other issues if they are so entrusted in the Statute of the public higher education institution.

Article 25 **Bodies of the Faculty**

- (1) Independent academic bodies of the faculty:
 - a) The Academic Senate of the faculty;
 - b) The Dean;
 - c) The Scientific Board of the faculty;
 - d) The Disciplinary Commission of the faculty.
- (2) The Secretary represents another body of the faculty.
- (3) The academic community of the faculty consists of the academic staff working at this faculty and students enrolled in this faculty.

The Academic Senate of the Faculty

Article 26

- (1) The Academic Senate of the faculty symbolises its independent representative academic body. It consists of at least nine (9) members hereof at least one third and at most one half constitute students. The members of the Academic Senate of the faculty are elected from the academic community of the faculty on the basis of their voting by ballot. The voting is even and direct. The results of voting are deemed valid provided that at least thirty (30) percent members of the academic community of the faculty take part in the voting. Should the participation of academic community members be lower than thirty percent, the voting must be reiterated. In case the required participation of academic community members was too low again, the voting would reiterate regardless of participation of the academic community members. Internal regulations of the faculty outline namely the number of members of the Academic Senate, the manner they are voted for, and the manner of voting for the Chair of the Academic Senate, bodies of the Academic Senate and the manner of their constitution, reasons for terminating a membership in the Academic Senate and possible incompatibility of membership in the Academic Senate with exercise of other duties.
- (2) The membership in the Academic Senate is incompatible with the duties of the Rector, vice-rectors, deans and vice-deans.
- (3) The term of Academic Senate members of the faculty shall not exceed three (3) years. The term of all Academic Senate members of the faculty is terminated should the Academic Senate fail to hold meetings for six (6) months as per Article 27. A new voting is declared by the Rector in thirty (30) days at the latest.
- (4) Meetings of the Academic Senate of the faculty are open to the public. The Dean, or a vice-dean acting in his behalf, has the right to deliver a speech at the meeting any time he makes a request to do so. Upon the Dean's request, the Chair of the Academic senate is bound to call an extraordinary meeting of the Academic Senate of the faculty without delay.

Article 27

- (1) The Academic Senate of the faculty performs the following tasks:
 - a) Makes decisions upon establishing, merging, amalgamating, splitting or dissolving workplaces at the faculty upon a proposal of the Dean;
 - b) Approves drafts of internal regulations of the faculty;
 - c) Approves allocation of financial means of the faculty presented by the Dean and supervises their utilisation;
 - d) Approves the annual report on activities and the annual report on economic management of the faculty presented by the Dean;
 - e) Approves conditions of admission to studies in the study programmes provided by the faculty;
 - f) Approves proposals of the Dean for nominating or dismissing members of the Scientific Board and the Disciplinary Commission of the faculty;
 - g) Resolves upon proposals for nominating or dismissing the Dean;
 - h) Approves long-term intentions in the area of educational, scholarly, research, developmental, artistic or other creative activity of the faculty in compliance with long-term intentions of the public higher education institution upon discussion at the Scientific Board of the faculty.

(2) The Academic Senate of the faculty makes its statement namely upon the following issues:

- a) Design of study programmes provided by the faculty;
- b) Intents of the Dean to appoint or dismiss vice-deans.

(3) The Academic Senate of the faculty makes its decision on the basis of voting by ballot namely in case of proposals as per subsection 1, letter g). A proposal for Dean's nomination is accepted should it receive the majority of votes of all members of the Academic Senate of the faculty. A proposal for Dean's dismissal is accepted should it receive at least three-fifths (3/5) of votes of all Academic Senate members.

Article 28 The Dean

- (1) The Dean is the head of the faculty. If not otherwise stipulated by the Act, the Dean acts and makes decisions in all matters pertaining to the faculty.
- (2) The Dean is appointed and dismissed by the Rector upon a proposal of the Academic Senate of the faculty.
- (3) The Rector may dismiss the Dean on the basis of his/her own decision. Such an act is subject to an approval of the Academic Senate of the faculty and the Academic Senate of the public higher education institution in the event of Dean's gross negligence of his/her duties or gross impairment of the interests of the higher education institution or the faculty.
- (4) The term of the Dean is three (3) years. Duties of the Dean at the faculty may be fulfilled by the same person for at most two consecutive terms of office.
- (5) Vice-deans act in behalf of the Dean in the areas designated by the Dean. Vice-deans are appointed and dismissed by the Dean.

The Scientific Board of the Faculty

Article 29

- (1) Members of the Scientific Board of the faculty are appointed and dismissed by the Dean.
- (2) Members of the Scientific Board are distinguished representatives of the fields that are the focus of educational, research, developmental, artistic or other creative activity of the faculty. At least one third (1/3) of Scientific Board members are not concurrently the members of the academic community of the public higher education institution embodying the faculty.
- (3) The Scientific Board of the faculty is presided by the Dean.

Article 30

- (1) The Scientific Board of the faculty performs the following duties:
 - a) Discusses long-term intentions of the faculty in the area of educational, scholarly, research, developmental, artistic or other creative activity elaborated in compliance with long-term intentions of the public higher education institution;
 - b) Approves the study programmes that are to be provided by the faculty;
 - c) Exercises its duties in procedures for obtaining "venium docendi" (habilitation) and procedures for the appointment of professors and in the extent provided for by this Act.
- (2) The Scientific Board of the faculty makes its statements upon questions presented to it by the Dean.

Article 31 **The Disciplinary Commission of the Faculty**

- (1) Members and the Chair of the Disciplinary Commission of the faculty are appointed by the Dean. Candidates are chosen from the members of the academic community of the faculty. Students represent one half of the members of the Disciplinary Commission of the faculty.
- (2) The term of members of the Disciplinary Commission of the faculty shall not exceed two (2) years.
- (3) The Disciplinary Commission of the faculty discusses disciplinary misdemeanours of students enrolled in the faculty and presents the Dean with its proposal for resolution.

Article 32 **The Secretary**

- (1) The Secretary is in charge of economic management and internal administration of the Faculty in the extent specified in the provisions of the Dean.
- (2) The Secretary is appointed and dismissed by the Dean.

Article 33 **Internal Regulations of the Faculty**

- (1) Internal regulations of the faculty outline the issues of the faculty that fall within the scope of its self-governing competencies as well as its relations with respect to the public higher education institution if not provided for in the Act.
- (2) Internal regulations of the faculty are vested in the following:
 - a) The Statute of the faculty;
 - b) Study and Examination Rules of the faculty should it not abide by the Study and Examination Rules of the public higher education institution;
 - c) Scholarship Rules of the faculty should it not abide by the Scholarship Rules of the public higher education institution;

- d) Electoral Rules and the Rules of Procedure of the Academic Senate of the faculty;
 - e) Rules of Procedure of the Scientific Board of the faculty;
 - f) Disciplinary Rules for Students;
 - g) Other regulations if provided so in the Statute of the faculty.
- (3) The contents of the Statute of the faculty are appropriately subject to Article 17, subsection 2.
- (4) Internal regulations of theological faculties are presented for approval to the Academic Senate of the higher education institution upon receiving an approval from the pertinent church or religious community should the duty of assent be vested in internal regulations of this church or religious community.

Section 2

THE INSTITUTE OF A HIGHER EDUCATION INSTITUTION

Article 34

- (1) Institutes of higher education institutions perform scholarly, research, developmental, artistic or other creative activity; they can also take part in providing accredited study programmes or their parts.
- (2) The Academic Senate of a public higher education institution makes decisions upon establishing, merging, amalgamating, splitting or dissolving institutes of higher education institutions upon a proposal of the Rector.
- (3) An institute of a higher education institution is headed by its director, who is appointed and dismissed by the Rector.
- (4) The director of an institute of a higher education institution is authorised to act in behalf of the public higher education institution only concerning the issues so stipulated in internal regulations of the higher education institution.
- (5) The director of an institute of a higher education institution appoints the Scientific Board or the Artistic Board, or the Academic Board of an Institute in case of non-university type institutions. Such an appointment is subject to approval of the Academic Senate of a public higher education institution. Articles 29 and 30 can be applied adequately.

Section 3

AGRICULTURAL OR FORESTRY FARM OF A HIGHER EDUCATION INSTITUTION

Article 35

- (1) Agricultural and forestry farms of a higher education institution are regarded as a workplace of a public higher education institution used for practical training of students enrolled in study programmes in the field of agriculture, veterinary medicine and hygiene, or forestry. Further to these study programmes, research and developmental activities are performed.

- (2) Decisions re establishment, merger, amalgamation, splitting or dissolution of an agricultural or forestry farm of a higher education institution are made by the Academic Senate of a public higher education institution upon Rector's recommendation.
- (3) An agricultural or forestry farm of a higher education institution is headed by its director appointed and dismissed by the Rector.
- (4) The director of an agricultural or forestry farm of a higher education institution is authorised to act on behalf of the public higher education institution only concerning matters specified within internal regulations of this institution.

CHAPTER III SCOPE OF AUTHORITY OF THE MINISTRY

Article 36

- (1) Internal regulations of a public higher education institution are subject to registration by the Ministry. The request for registration is submitted to the Ministry by the Rector.
- (2) The Ministry shall decide upon the request within ninety (90) days upon its submission. Should the request be accorded, the Ministry will designate the registration in a duplicate of the registered internal regulation. The resolution on registration is not issued.
- (3) Should an internal regulation of a public higher education institution contradict an act or another legal regulation, the Ministry shall reject the request for registration by means of its resolution.
- (4) Internal regulations come into effect by means of their registration.
- (5) Provisions in subsections 1 through 4 are also applicable to changes of internal regulations.

Article 37

Should any provisions of a public higher education institution or its part contradict an act or another legal regulation and there is no other method of revision stipulated in the Act, the Ministry shall invite the higher education institution to make a remedy in due term.

Article 38

- (1) Should a public higher education institution or its part:
 - a) Fail to constitute any of its independent academic bodies;
 - b) Fail to adopt any internal regulations the adoption of which is compulsory as per this Act;
 - c) Have no accredited study programmes or the accreditation of all its study programmes was temporarily interrupted;
 - d) Demonstrate significant deficiencies in its economic management, thus jeopardising fulfilment of its tasks; or
 - e) Significantly infringe its duties stipulated in this Act,

- f) The Ministry may restrict the scope of authority of bodies of the public higher education institution or its part, or it may take away such scope of authority from the public higher education institution or its part.
- (2) Decision-making upon the extent of restriction or forfeiture of the scope of authority is based on the relevancy of insufficiencies as well as the type and the extent of detriment incurred or imminent. The restriction will be carried out in the extent necessary for making a remedy.
- (3) Should the provision as per subsection 1 be applicable to bodies of the public higher education institution, the scope of authority of these bodies is devolved to the Ministry or a public higher education institution delegated by the Ministry to perform this scope of authority on the basis of a mutual agreement. Should the provision as per subsection 1 be applicable to bodies of a part of the public higher education institution, the scope of authority of these bodies is devolved to the Rector.
- (4) If not precluded by the nature of the matter, the Ministry is bound to provide the public higher education institution with prior notification of facts mentioned in subsection 1 and invite it to make a remedy in due term.
- (5) Should the reasons for making a decision upon provision as per subsection 1 cease, the Ministry shall cancel the measures taken.

PART III PRIVATE HIGHER EDUCATION INSTITUTIONS

Article 39 State Permission

- (1) Legal entities with domicile in the Czech Republic are authorised to act as private higher education institutions if granted the state permission by the Ministry.
- (2) Authorisation of private higher education institutions is non-negotiable and does not pass to their legal successors.
- (3) Upon a request of organisers or founders of a private higher education institution, the Ministry may grant the state permission prior to registering the legal entity that is to act as a private higher education institution into the companies' register or another register (hereinafter referred to as "the register") if a proof is provided that such a legal entity was constituted or established. This legal entity is bound to provide the Ministry with an abstract of record no later than fifteen (15) days upon the receipt of the pertinent document on registration in the register. The state permission comes into effect upon the legal entity coming into existence.
- (4) The request for granting the state permission contains the following:
- a) The name, domicile and type of the higher education institution;
- b) Legal form of the legal entity and its statutory body;

- c) Long-term intentions of educational / scholarly, research, developmental, artistic or other creative activity of the higher education institution (hereinafter referred to as "the long-term intentions of the private higher education institution");
 - d) Data pertaining to provision of financial, material, personnel and information sources for the activities of the private higher education institution;
 - e) Design of study programmes;
 - f) Design of internal regulations stipulating organisation and activity of the private higher education institution and the status of the academic community members.
- (5) The applicant is bound to substantiate the data contained in the request.
- (6) Should any potential insufficiencies in the request as per subsection (4) be removable, the Ministry shall invite the applicant to eliminate these in due term and it shall interrupt the proceedings. Should the applicant fail to eliminate the insufficiencies within the stipulated term, the Ministry shall make its resolution on the basis of original data.
- (7) The Ministry shall make its resolution on the request no later than 150 days upon the date of its receipt. Prior to making a resolution the Ministry shall ask the Accreditation Commission to present its standpoint over the design of study programmes.
- (8) The Ministry shall not grant the state permission in the following cases:
- a) The Accreditation Commission has issued a negative standpoint in case of all submitted study programmes;
 - b) The higher education institution is not deemed capable of providing sufficient guarantees for educational, scholarly, research, developmental, artistic or other creative activity; or
 - c) The design of internal regulations is in conflict with applicable acts or other legal regulations.
- (9) Should the Ministry grant the state permission, it shall also make its resolution on accreditation of pertinent study programmes and registration of internal regulations.
- (10) The state permission becomes ineffective in case of private higher education institution's failure to commence its educational activities within two years upon permission's coming into effect.

Article 40

Financing of Private Higher Education Institutions

- (1) Legal entities authorised to act as private higher education institutions are bound to make provisions for financial means for their educational, scholarly or research, developmental, artistic or other creative activity.
- (2) The Ministry may provide private higher education institutions classified as public utility organisations¹²⁾ with grants for providing accredited study programmes and lifelong learning programmes as well as related scholarly, research, developmental, artistic or other

¹²⁾ Act No. 248/1995 on Public Utility Institutions and on Modification and Amendment of other acts.

creative activity. Conditions pertaining to grants, their utilisation and accounting are subject to general regulations for expending resources coming from the state budget.

- (3) The total amount granted as per article (2) is dependent on the long-term intentions of a private higher education institution and their annual updating, the long-term strategy of the Ministry, the type and financial requirements of accredited study programmes, the number of students and the results achieved in educational / scholarly, research, developmental, artistic or other creative activity and their demands.

Article 41 Internal Regulations

- (1) Internal regulations of private higher education institutions stipulate the bodies authorised as per Part IV – Part IX of this Act.
- (2) Registration and changes of internal regulations of private higher education institutions are subject to similar stipulations as in article 36.

Article 42 Other Duties of Private Higher Education Institutions

- (1) A private higher education institution is due to perform the following tasks:
 - a) Elaborate an annual report on its activities in the form of a non-periodical publication¹¹⁾. Should it be awarded a grant, it must also elaborate an annual report on economic management of the higher education institution. Both publications shall be presented to the Ministry in the form and term stipulated by the Minister;
 - b) Elaborate long-term intentions of the private higher education institution, discuss them with the Minister and make them public in the form of a non-periodical publication¹¹⁾. This publication and its annual update must be presented in the form and term stipulated by the Minister;
 - c) Provide the Accreditation Commission and the Ministry with information needed as per this Act for their activities. This information will be provided upon a request of the Accreditation Commission or the Ministry free of charge and in due term;
 - d) Perform regular evaluation of the higher education institution and make the results of this evaluation public;
 - e) Maintain a list of accredited study programmes offered by the private higher education institution including their type, form of lecturing, and the standard length of study; maintain a list of fields within which the private higher education institution is authorised to perform procedures for obtaining "venium docendi" (habilitation) or procedures for the appointment of professors;
 - f) Notify the Ministry in case a petition in bankruptcy was filed against the private higher education institution or such a petition was concluded as per general regulations on bankruptcy and compensation¹³⁾;
 - g) Notify the Ministry of the extinction of the legal entity authorised to act as the private higher education institution.

¹¹⁾ Act No. 37/1995 on Non-periodical Publications.

¹³⁾ Act No. 328/1991 on Bankruptcy and Compensation in the wording of later regulations.

- (2) The contents of the annual report on activities of a private higher education institution are subject to similar provisions as per Article 21, subsection 2, if not stipulated otherwise by means of special regulations¹⁴⁾.
- (3) The contents of the annual report on economic management of a private higher education institution are subject to similar provisions as per Article 21, subsection 3, if not stipulated otherwise by means of special regulations.
- (4) The annual report on activities, the annual report on economic management and the long-term intentions of a private higher education institution and the results of evaluation of private higher education institution' activities must be available to the public.

Article 43 **Scope of Authority of the Ministry**

- (1) Should any provisions of a private higher education institution contradict the Act or another legal regulation and there is no other method of revision stipulated in the Act, the Ministry shall invite the higher education institution to make a remedy in due term.
- (2) The Ministry may withdraw already granted state permission from a private higher education institution in the following cases:
 - a) It has no accredited study programmes;
 - b) Accreditation of more than two (2) study programmes was cancelled within one year;
 - c) Accreditation of all study programmes was interrupted;
 - d) Activities of the private higher education institution demonstrate significant deficiencies jeopardising fulfilment of its tasks as per this Act; or
 - e) The private higher education institution infringes its duties stipulated in its internal regulations or in this Act.
- (3) The Ministry shall withdraw the state permission should the request contain incorrect data crucial for granting the state permission or should there be such changes that would render granting of such permission impossible.
- (4) Upon withdrawing the state permission the legal entity is no longer authorised to act as a higher education institution. At the same time, the Ministry resolves upon cancelling the accreditation of study programmes.
- (5) If not precluded by the nature of the matter, the Ministry is bound to provide the private higher education institution with prior notification of facts mentioned in subsection (2) and invite it to make a remedy in due term.
- (6) Should a private higher education institution cease to perform educational activities for reasons other than withdrawing the state permission, it is bound to notify the Ministry without delay.

PART IV

¹⁴⁾ For example, Act No. 248/1995, Act No. 513/1991 in the wording of later regulations.

THE STUDY PROGRAMME

Article 44

- (1) The higher education is earned by means of studies within the framework of an accredited study programme as per the curriculum for a given form of studies.
- (2) Each study programme consists of the following parts:
 - a) The study programme title, its type, form and objectives of studies;
 - b) Classification of the study programme into branches of study, their attributes and feasible combinations as well as definition of graduate profiles in particular branches of study;
 - c) Characterisation of individual subjects of study;
 - d) Principles and conditions pertaining to curriculum design; possibly the length of practical training required;
 - e) The standard length of study expressed in academic years as it pertains to an average study load;
 - f) Conditions that must be met by students within the framework of their study programme and upon its completion as per Article 45 subsection 3, Article 46 subsection 3 and Article 47 subsection 4, including the contents of state examinations;
 - g) The academic degree awarded;
 - h) Links to other types of study programmes at the same or a similar field of study.
- (3) The contents and the chronological succession of courses are specified within the curriculum. The same applies to the form of study and the method of study results verification.
- (4) The form of study determines the following: daily (full-time) studies, distance studies, or a combination of these.

Article 45

Bachelor Study Programme

- (1) The bachelor study programme is aimed at qualifying to enter a profession making use of all new contemporary knowledge and methods; this programme also includes essential theoretical background.
- (2) The standard length of study including practical training is at least three (3) years and at most four (4) years.
- (3) The study programme must be completed in due form with a final state examination that usually includes a defence of a bachelor thesis.
- (4) Graduates of bachelor study programmes are awarded the academic degree of "bakalář" (i.e. "Bachelor", abbreviated as "Bc.", used in front of the name). There is an equivalent academic degree in the field of arts – "bakalář umění" (i.e. "Bachelor of Arts", abbreviated as "BcA.", used in front of the name). Graduates in arts admitted to studies per Article 48, subsection 2 are awarded their academic degrees only upon completing their comprehensive secondary education, comprehensive vocational secondary education, or higher vocational education provided by conservatories.

Article 46

Master Study Programme

- (1) Master study programmes are aimed at acquiring new theoretical findings based on current scientific knowledge, research and development. It is required to master the application of these findings and develop abilities for creative activity. Master programmes in the field of arts are aimed at challenging artistic training and the development of artistic talent.
- (2) The standard length of study is at least four (4) and at most six (6) years. Master study programmes may represent a continuation of Bachelor study programmes; should this be the case, the standard length of study is at least two (2) and at most three (3) years.
- (3) Master study programmes are completed by a final state examination and a defence of a diploma thesis. Studies in the field of medicine, veterinary medicine and hygiene are completed in due form by passing a rigorous state examination.
- (4) Graduates of master study programmes are awarded the following academic degrees:
 - a) "Inženýr" (i.e. "Engineer", abbreviated as "Ing.", used in front of the name) in the field of economics, technical branches of study, agriculture, forestry and military science;
 - b) "Inženýr architekt" (i.e. "Engineer Architect", abbreviated as "Ing. arch.", used in front of the name) in the field of architecture;
 - c) "Doktor medicíny" (i.e. "Doctor of Medicine", abbreviated as "MUDr.", used in front of the name) in the field of medical studies;
 - d) "Doktor veterinární medicíny" (i.e. "Doctor of Veterinary Medicine", abbreviated as "MVDr.", used in front of the name) in the field of veterinary studies;
 - e) "Magistr umění" (i.e. "Master of Arts", abbreviated as "MgA.", used in front of the name) in the field of arts;
 - f) "Magistr" (i.e. "Master", abbreviated as "Mgr.", used in front of the name) in other fields of study.

Graduates of master study programmes in arts admitted to studies per Article 48, subsection 2 are awarded their academic degrees only upon completing their comprehensive secondary education, comprehensive vocational secondary education, or higher vocational education provided by conservatories.

- (5) The holders of the academic degree of "Magistr" are in a position to pass a rigorous state examination in the same branch of study and defend a dissertation. These graduates have the right to use equipment and information technologies needed to prepare for this examination in compliance with the rules specified by the higher education institution. Upon passing the state examination the following academic degrees are awarded:
 - a) "Doktor práv" (i.e. "Doctor of Law", abbreviated as "JUDr.", used in front of the name) in the field of law;
 - b) "Doktor filozofie" (i.e. "Doctor of Philosophy", abbreviated as "PhDr.", used in front of the name) in the field of humanities, pedagogical and social sciences;

- c) "Doktor přírodních věd" (i.e. "Doctor of Natural Sciences", abbreviated as "RNDr.", used in front of the name) in the field of natural sciences;
- d) "Doktor farmacie" (i.e. "Doctor of Pharmacy", abbreviated as "PharmDr.", used in front of the name) in the field of pharmacy;
- e) "Licenciát teologie" (i.e. "Licentiate of Theology", abbreviated as "ThLic.", used in front of the name) or "Doktor teologie" (i.e. "Doctor of Theology") in the field of catholic theology.

Article 47

Doctoral Study Programme

- (1) Doctoral study programmes are aimed at scientific research and independent creative activity in the field of research/development, or independent theoretical and creative activity in the field of arts.
- (2) The standard length of study is three (3) years.
- (3) Studies within the framework of doctoral study programmes are subject to individual curricula under the guidance of a tutor.
- (4) The doctoral study is completed with a state doctoral examination and the defence of a dissertation. These are to prove the ability of independent activity in the field of research/development, or independent theoretical and creative artistic activity. The dissertation must contain original and published results or the results accepted for publication¹⁵⁾.
- (5) Graduates of doctoral study programmes are awarded the academic degree of "Doktor" (i.e. "Doctor", abbreviated as "Ph.D.", used after the name), or "Doktor teologie" (i.e. "Doctor of theology", abbreviated as "Th.D.", used after the name) in the field of theology.
- (6) Studies within the framework of doctoral study programmes are monitored and evaluated by a Specialist Board appointed in compliance with internal regulations of the higher education institution or its part that has the corresponding study programme accredited. The study programmes in the same field of study may be evaluated by a common Specialist Board, if such an agreement is made among several higher education institutions or their parts. The chair of the Specialist Board is chosen from its members on the basis of their voting.

PART V

STUDIES AT A HIGHER EDUCATION INSTITUTION

Admission to Studies

Article 48

¹⁵⁾ Article No.10 of the Act No. 35/1965 on Literary, Scholarly and Art Work (the Copyright Act).

- (1) Admission to studies in bachelor and master study programmes is conditioned by completing comprehensive secondary education or comprehensive vocational secondary education. Students in the field of arts may also be admitted upon completion of higher vocational education provided by conservatories.
- (2) Studies in the field of arts are also accessible to applicants that have not completed their comprehensive secondary education, comprehensive vocational secondary education, or higher vocational education provided by conservatories.
- (3) Admission to a doctoral study programme is conditioned by proper completion of studies in a master study programme; doctoral students in the field of arts must hold an academic degree.

Article 49

- (1) Higher education institutions or faculties are at the liberty to specify other conditions of admission to studies pertaining to particular knowledge required, abilities, talent, or results achieved at secondary schools, higher vocational schools or higher education institutions. It is also possible to specify the maximum number of admitted students that have met the requirements; should there be more applicants that have met these requirements, their admission is based on the order of the best applicants.
- (2) Conditions pertaining to admission of foreign citizens to studies in study programmes must allow fulfilment of obligations resulting from international contracts binding for the Czech Republic.
- (3) Higher education institutions or faculties are at the liberty to specify different conditions of admission pertaining to those applicants that have already passed through a study programme or its part, or the applicants that are currently passing another study programme at a higher education institution in the Czech Republic or abroad.
- (4) Fulfilment of conditions specified in subsections 1 through 3 is subject to verification, generally by means of an entrance examination.
- (5) The deadline for submitting applications for admission, conditions of admission as per subsections 1 and 3 as well as the term and method of verification of meeting these conditions must be made public by a higher education institution or a faculty in advance, but no less than four (4) months ahead of time. Should an entrance examination represent a part of such verification, it is necessary to make public its form, an outline of its contents and criteria of its evaluation. This information must be posted on an official board of a higher education institution or a faculty. The maximum number of students admitted to studies in a pertinent study programme must be made public in the same manner.

Article 50 **Entrance Proceedings**

- (1) Entrance proceedings are commenced upon receipt of a written application for admission to studies at a higher education institution or its part providing the pertinent study programme.
- (2) The decision on admission to studies in a study programme provided by the faculty is made by the Dean of this faculty. The decision on admission to studies in a study programme provided by the higher education institution is made by the Rector.
- (3) Admission to studies at private higher education institutions is decided by the body specified in their internal regulations.
- (4) Decision-making on admission to studies is not subject to general regulations on administration proceedings.
- (5) The resolution must be made in writing no later than thirty (30) days upon verifying conditions of admission to studies. The resolution must contain substantiation as well as information on the possibility of making an application for review. The resolution must take the form of personal delivery. The method of alternate delivery is stipulated in internal regulations. The delivery of resolution to applicants whose abode is not known takes the form of posting at the official board.
- (6) Applicants are entitled to examine all their materials that have an impact on making decision on their admission to studies.
- (7) Applicants may request a review of the resolution. The request must be submitted to the body that have issued the resolution no later than thirty (30) days upon its receipt; default of this deadline may be pardoned in the event of serious reasons. Should such a body be represented by the Dean, he/she may accord the request independently and change the resolution; otherwise, the Dean shall pass the request to the Rector who will then make the decision. The Rector shall alter decisions made in conflict with the Act, internal regulations of the higher education institution or its part, or conditions stipulated in article 49, subsections 1 and 3. Otherwise the Rector will reject the request and confirm the original resolution.
- (8) A higher education institution or a faculty shall make the course of entrance proceedings public no later than fifteen (15) days upon their conclusion. Should written entrance examinations constitute a part of entrance proceedings, the higher education institution or the faculty shall release statistical survey of all parts of entrance examinations.

Article 51 **Enrolment in Studies**

- (1) The applicant is entitled to enrol in studies upon receiving a resolution on admission to studies. Applicants enrol in the term specified by the higher education institution or its part.
- (2) The enrolment takes place at the higher education institution or its part that provides the pertinent study programme.

Article 52

Arrangement of Studies and Academic Year

- (1) Studies are divided namely into semesters, academic years or blocks. Each semester, year or block consists of lecturing periods, examination periods and vacations.
- (2) The length of an academic year is twelve (12) calendar months; the commencement of an academic year is specified by the Rector.

Article 53 State Examinations

- (1) State examinations take place in front of a board of examiners; the course of a state examination and its results are open to the public.
- (2) State examinations shall be conducted only by professors, associate professors (readers) and specialists approved by the pertinent Scientific Board.
- (3) The Ministry is to appoint remaining members of the board of examiners from distinguished specialists in the pertinent field.

Article 54 Interruption of Studies

- (1) Studies in a study programme can be repeatedly interrupted provided that conditions stipulated in the Study and Examination Rules are met. Study and Examination Rules specify the maximum total length for interruption of studies.
- (2) Persons lose their student status during the period of interruption. Upon expiration of the period of interruption, a person is again eligible to enrolment in studies.

Termination of Studies

Article 55

- (1) Proper completion of studies consists in graduating in the applicable study programme. The date of completion corresponds to the date of passing the state examination required at the end of studies or the last part of this examination.
- (2) Completion of studies and acquisition of an academic degree are documented by means of the higher education diploma and the state examination certificate.

Article 56

- (1) Studies are also terminated in the following events:

- a) A student has decided to quit the studies;
 - b) A student has failed to meet the requirements specified in the study programme as per Study and Examination Rules;
 - c) Withdrawal of the study programme accreditation;
 - d) Expiration of the study programme accreditation as per Article 80, subsection 4;
 - e) A student has been excluded from studies as per Article 65, subsection 1, letter c) or as per Article 67.
- (2) The date of termination of studies as per subsection 1, letter a) corresponds to the date of delivery of a written statement of terminating one's studies to the higher education institution or a faculty the student is enrolled in. The date of termination of studies as per subsection 1, letter b) is the date stipulated in Study and Examination Rules. The date of termination of studies as per subsection 1, letter c) is at the latest the date of expiration of the term stipulated in the decree of the Ministry. The date of termination of studies as per subsection 1, letter d) is the date of study programme cancellation by the higher education institution. The date of termination of studies as per subsection 1, letter e) is the date the resolution on exclusion from studies comes into effect.
- (3) The decision on the termination of studies as per subsection 1, letter e) as well as interruption as per Article 54 is made by bodies listed in Article 50, subsections 2 and 3; decision making is subject to Article 50, subsections 4 through 7 by analogy.

Article 57

Documents on Studies

- (1) Documents on studies in a study programme and documents certifying graduation in a study programme are listed below:
- a) Student's identification;
 - b) Student's book;
 - c) Higher education diploma;
 - d) Certificate;
 - e) Evidence of completed exams;
 - f) Document on studies;
 - g) Diploma supplement.
- (2) Student's identification is a document handed to students upon their entry in the register of students.
- (3) Student's book is a document used for registering individual courses, results of inspection of study achievements or study performance.
- (4) The higher education diploma represents an evidence of completing a study programme in the pertinent branch of study.
- (5) The certificate represents an evidence of completed state examination and its parts, or possibly a defence of a thesis.

- (6) Evidence of completed exams and the document on studies are provided to:
- a) Persons that have completed studies in the pertinent study programme as per Article 56, subsection 1;
 - b) Students upon their request;
 - c) Graduates of study programmes upon their request.
- (7) The diploma supplement is handed to students upon their request.
- (8) Higher education diplomas and certificates bear the national emblem of the Czech Republic¹⁶⁾ in addition to designation of the pertinent higher education institution and the academic degree awarded; higher education diplomas are usually presented at an academic ceremony.

Study-Related Fees

Article 58

- (1) Public higher education institutions are at the liberty to set fees related to entrance proceedings. The maximum amount of these fees is 20% of the base.
- (2) The base for setting study-related fees is 5% of the average amount corresponding to one student from total non-capital expenditures provided by the Ministry from the State budget to public higher education institutions in the particular calendar year. The base will be announced by the Ministry at the beginning of a calendar year; the base applies to the academic year starting at this calendar year. Data pertaining to the past calendar year are used for calculation of the base.
- (3) Should student's enrolment in a bachelor or a master study programme exceed the standard length of study by more than one year, the public higher education institution shall set a fee corresponding to at least 1/4 of the base for each commenced month of study.
- (4) Should a graduate of a bachelor or a master study programme be enrolled in another bachelor or master study programme, the public higher education institution shall set an annual study fee not exceeding the base as per subsection 2; this provision is not applicable to graduates of a bachelor study programme that are enrolled in a consequent master study programme, or several regular study programmes not exceeding the standard length of study of one study programme. Should the total length of additional studies exceed the standard length of study, the public higher education institution shall set a study fee as per subsection 3.

¹⁶⁾ Article No. 1, subsection 2 of the Czech National Council Act No. 68/1990 on the Usage of the National Emblem and the National Flag of the Czech Republic, in the wording of later regulations.

- (5) Should a public higher education institution provide study programmes for foreign students in a foreign language, it shall set study fees in bachelor, master or doctoral study programmes. Setting study-related fees in this case is not subject to provisions in subsections 2, 3 and 4.
- (6) A public higher education institution shall announce the amount of study-related fees for the next academic year as per subsections 1 through 5 before the date of submitting applications for study. The amount of this fee, its form of payment and due date shall be stipulated in the Statute of the public higher education institution.
- (7) Study fees with the exception of those in subsection 5 are deemed an income of the scholarship fund of the public higher education institution.
- (8) The Rector is at the liberty to reduce, waive or defer the due date of study-related fees as per subsections 2 through 4 taking account of study results and social standing of a student as per provisions in the Statute of the public higher education institution.
- (9) Study-related fees set as per subsections 1 through 5 are not subject to general regulations on fees¹⁷⁾.

Article 59

Study-related fees at a private higher education institution are set by the private higher education institution by means of its internal regulations.

Article 60

Lifelong Learning

- (1) Higher education institutions may provide – either free of charge, or subject to payment – lifelong learning programmes within the framework of their educational activity and beyond the scope of their study programmes. Lifelong learning can be either vocation-oriented or interest-oriented. Detailed conditions pertaining to lifelong learning are stipulated in internal regulations. These must be provided in advance to all participants in lifelong learning programmes.
- (2) Higher education institutions shall issue certificates of graduation to all graduates in lifelong learning programmes.
- (3) Participants in lifelong learning are not regarded as students as per this Act.

PART VI STUDENTS

Article 61

¹⁷⁾ Czech National Council Act No. 337/1992 on Administration of Taxes and Fees, in the wording of later regulations. Czech National Council Act No. 368/1992 on Official Fees, in the wording of later regulations.

- (1) An applicant becomes a student on the date of enrolment in studies; a person whose studies were interrupted becomes a student on the date of repeated enrolment in studies.
- (2) A person loses its student status on the date of terminating one's studies as per Article 55, subsection 1 and Article 56, subsection 1 and 2, or interrupting one's studies as per Article 54.

Article 62

Student's Rights

- (1) A student is entitled to the following:
 - a) Study within the framework of one or several study programmes;
 - b) Choose subjects of study and design his/her curriculum as per the rules of a study programme;
 - c) Choose a teacher for the subject of study lectured by several teachers;
 - d) Take examinations under conditions stipulated in the study programme or the Study and Examination Rules;
 - e) Enrol in the next part of the study programme upon fulfilling requirements stipulated in the study programme or the Study and Examination Rules;
 - f) Propose a topic for one's bachelor thesis, diploma thesis, rigorosum thesis, or dissertation thesis;
 - g) Use equipment and information technologies needed for studies in a study programme in compliance with the rules stipulated by the higher education institution;
 - h) Elect members and be elected as a member of the Academic Senate, should this body be established;
 - i) Be granted a scholarship from financial means of the higher education institution upon fulfilling conditions for granting a scholarship stipulated in the Scholarship Rules.
- (2) Students performing practical training are subject to general regulations on work safety and health protection and working conditions of women¹⁸⁾.

Article 63

Student's Duties

- (1) Student's duties pertaining to his/her studies result from the study programme and the Study and Examination Rules.
- (2) A student is obliged to abide by internal regulations of the higher education institution and its parts.
- (3) Furthermore, a student is obliged to:
 - a) Cover study-related fees and provide data needed to set the amount of these fees;

¹⁸⁾ Articles 132 through 138 and Article 150 of the Work Code.

- b) Report one's delivery address to the higher education institution or its part he/she is enrolled in;
 - c) Come upon being called forth by the Rector, the Dean or a higher education institution's employee authorised by them to discuss questions pertaining to the course of study or the termination of study;
- (1) A student guilty of neglecting his/her duties as per subsection 3 is bound to compensate the higher education institution for costs such incurred.

Disciplinary Misdemeanours

Article 64

A disciplinary misdemeanour represents a caused infringement of one's duties stipulated in legal regulations or internal regulation of a higher education institution or its parts.

Article 65

- (1) The following sanctions can be inflicted for disciplinary misdemeanours:
- a) Admonition;
 - b) Exclusion from studies on probation, including the term and conditions of acquittal;
 - c) Exclusion from studies.
- (2) Should a discussion of disciplinary misdemeanour alone result in a remedy, the infliction of a sanction can be relinquished.
- (3) While inflicting sanctions, regard is paid to the pattern of behaviour with which the misdemeanour was committed, circumstances of the misdemeanour, consequences caused, the extent of guilt, as well as former behaviour of the student who committed the misdemeanour and demonstrated effort to make a remedy of consequences. Exclusion from studies is possible only in case of intentional commitment of a disciplinary misdemeanour.

Article 66

A disciplinary misdemeanour cannot be discussed upon expiration of a one-year term from its commitment or cognisable condemnatory verdict in the matter of the criminal case.

Article 67

Special Provisions on Exclusion from Studies

Students admitted to studies consequent upon their fraudulent act will be excluded from studies.

Decision Making on Students' Rights and Duties

Article 68

- (1) Decision-making on students' rights and duties is not subject to any general regulations on administration proceedings. The decision must be made no later than thirty (30) days upon receipt of an application or a notification of the subject matter.
- (2) Resolution on students' rights and duties must be delivered to students in an evincible manner. The resolution is designated in the documentation on students administered by the higher education institution or its part in which the students are enrolled.
- (3) Resolution on the following issues:
 - a) Consent to extraordinary examination re-sit should such an option be allowed for in the Study and Examination Rules;
 - b) Consent to repeating a part of studies designated in Article 52, subsection 1, should such an option be allowed for in the Study and Examination Rules;
 - c) Consent to the interruption of studies;
 - d) Recognition of examinations and assignment of differential examinations;
 - e) Granting a scholarship;
 - f) Failure to meet requirements as per Article 56, subsection 1, letter b);
 - g) Disciplinary misdemeanours;
 - h) Exclusion from studies as per Article 76

must be issued in writing and it must contain substantiation as well as information on the possibility of making an application for review. The resolution must take the form of personal delivery. The method of alternate delivery in case of subject matters a) through e) may be stipulated in internal regulations of the higher education institution or its part.

- (4) Students may request a review of the resolution. The request must be submitted to the body that have issued the resolution no later than thirty (30) days upon its delivery as per subsection 3; default of this deadline may be pardoned in the event of serious reasons. Should such a body be represented by the Dean, he/she may accord the request independently and change the resolution; otherwise, the Dean shall pass the request to the Rector who will then make the decision. The Rector shall alter decisions made in conflict with the Act or internal regulations of the higher education institution or its part. Should there appear facts substantiating suspension of proceedings, the resolution on disciplinary misdemeanours and exclusion from studies as per Article 67 will be annulled.
- (5) In consequence to the resolution as per subsection 4, the bodies of a public higher education institution or its parts shall take such measures to restore student's rights and eliminate or alleviate consequences of an erroneous decision.

Article 69

- (1) Disciplinary proceedings are initiated by the disciplinary commission of a public higher education institution upon a proposal of the Rector. This applies to discussing disciplinary misdemeanours of students that are not enrolled in any of the faculties. In case of students enrolled in a faculty, the proposal is made by the Dean. The proposal contains a description of an act, and possibly any supportive evidence as well as justification for regarding the act as a disciplinary misdemeanour. The disciplinary proceedings are initiated upon notifying the student with the proposal. Disciplinary misdemeanour is

discussed orally while student being present. Should a student be absent albeit invited, the oral discussion could take place only in case he/she does not make one's excuse. Neither the Rector nor the Dean may inflict a sanction more severe than the one of the Disciplinary Commission.

- (2) The disciplinary proceedings shall be suspended should it become clear that the act does not represent a disciplinary misdemeanour or there is no evidence it was committed by the student or such a person is no longer a student.
- (3) The request for review always has a dilatory effect.
- (4) Subsections 1 through 3 are applicable to proceedings on exclusion from studies as per Article 67 by analogy.

PART VII ACADEMIC STAFF

Article 70

Academic Staff

- (1) The academic staff is represented by employees of a higher education institution performing pedagogical, scholarly, research, developmental, artistic or other creative activity. The academic staff is to take heed of the good name of the higher education institution.
- (2) The academic staff consists of professors, associate professors, senior assistants, assistants, lecturers as well as scientific, research and development workers taking part in pedagogical activities.
- (3) The academic staff at a higher education institution performs duties of teachers.
- (4) Other specialists may take part in lecturing on the basis of work contracts beyond the scope of regular employment.
- (5) The statute of visiting professors is stipulated in internal regulations of the higher education institution.

Article 71

Appointment of Associate Professors

An associate professor in the pertinent field is appointed by the Rector on the basis of procedure for obtaining "venium docendi" (habilitation procedure).

Article 72

Procedure for Obtaining "Venium Docendi" (Habilitation Procedure)

- (1) The habilitation procedure is to prove scientific or artistic qualifications of an applicant, particularly on the basis of habilitation thesis and its defence, other scholarly, special or artistic work as well as applicant's competence based on evaluation of his/her habilitation paper and previous lecturing experience.
- (2) Habilitation procedure is initiated upon a proposal of the applicant. The proposal must be accompanied by applicant's curriculum vitae, papers documenting acquired higher education and pertinent academic degrees awarded, documents proving lecturing experience, a list of scholarly, special or artistic work, a list of completed scholarly, special or artistic research fellowships both at home and abroad, or possibly other documents demonstrating scholarly or artistic qualifications. The proposal also designates the field of pertinent higher doctorate. The applicant is to submit his/her habilitation thesis.
- (3) Habilitation thesis is specified as follows:
 - a) A written thesis comprising new scientific knowledge; or
 - b) A collection of published scholarly papers or technical papers supplemented with a commentary; or
 - c) A published monograph introducing new scientific knowledge; or
 - d) An artistic work or an artistic performance or a collection of these, e.g. an outstanding public artistic activity.
- (4) The proposal is submitted to the Dean of the faculty that is accredited in the pertinent field of habilitation, or the Rector, should the higher education institution be accredited in the pertinent field. Should there be insufficiencies in the proposal and the applicant fails to eliminate these in due term, the Dean or the Rector shall end the habilitation procedure.
- (5) In case the habilitation procedure is not terminated as per subsection 4, the Dean or the Rector shall submit this matter to the Scientific Board of the faculty or the higher education institution together with a draft of composition of a five-member Habilitation Board. The Habilitation Board consists of professors, associate professors and other distinguished representatives of the pertinent or a related field. The Board must be chaired by a professor. At least three members of the Board must come from a higher education institution other than the one performing the habilitation procedure.
- (6) The Scientific Board may waive the requirement of higher education in case of applicants in artistic fields.
- (7) The Habilitation Board in a composition approved by the Scientific Board shall appoint three opponents of the habilitation thesis. At most one opponent may come from the higher education institution performing the habilitation procedure.
- (8) The Habilitation Board shall assess scholarly or artistic qualifications of the applicant in the pertinent field and his/her previous lecturing experience. It shall assess the habilitation thesis based on opponents' reviews. The Habilitation Board shall then vote by ballot in order to make decision on appointing the applicant an associate professor. Should the nomination acquire minority of votes of all members of the Habilitation Board, the Board

shall recommend termination of the habilitation procedure. Upon making a decision on the subject matter, the Habilitation Board resolves upon substantiation of the proposal by means of majority of votes of all its members. The proposal together with its substantiation shall be presented to the Scientific Board by the Chair of the Habilitation Board or a member authorised by the Chair.

- (9) Habilitation paper and the defence of the habilitation thesis take place at a public meeting of the Scientific Board. During a debate the applicant has an opportunity to make a statement upon opponents' reviews, defend his/her habilitation thesis and enlarge upon his/her scholarly, artistic and pedagogical work performed hitherto. Upon the debate, the Scientific Board takes a vote by ballot whether or not the applicant should be appointed an associate professor.
- (10) Should the nomination receive minority of votes of all Scientific Board members, the habilitation procedure shall be terminated by the Scientific Board. Should the Scientific Board make a resolution conformable with the proposal of the Habilitation Board, the substantiation of resolution made by the Scientific Board is the same as the substantiation put forth by the Habilitation Board. Otherwise, upon making a resolution in this matter, the Scientific Board decides upon the substantiation by a majority of votes of all members.
- (11) The Scientific Board shall pass the nomination of an associate professor to the Rector. Should the Rector disagree with the proposal, the Rector shall submit the proposal together with his/her substantiation to the Scientific Board of the higher education institution. The Scientific Board shall discuss this issue and take voting by ballot whether or not the applicant should be appointed an associate professor. Should the nomination receive a minority of votes of all Scientific Board members, the habilitation procedure shall be terminated. Upon making a resolution in this matter, the Scientific Board decides upon the substantiation by a majority of votes of all members. Otherwise, an associate professor is appointed by the Rector.
- (12) In case of terminating the habilitation procedure, the habilitation thesis together with attached documents and substantiation shall be returned to the applicant.
- (13) The habilitation procedure is not subject to general regulations on administration proceedings.
- (14) The applicant is entitled to raise objections to steps taken during the habilitation procedure. Should the Dean fail to accord the objections, he/she shall pass them to the Rector. The resolution of the Rector is deemed a final one.
- (15) If so stipulated in internal regulations of the higher education institution, the habilitation procedure can take place in front of the Scientific Board of an institute of the higher education institution. Duties of the Dean are then performed by the director of the institute.

Article 73

Appointment of a Professor

A professor in a specific field is appointed by the president of the Czech Republic upon a proposal of the Scientific Board of a higher education institution presented by the mediation of the Minister.

Article 74

Procedure for the Appointment of a Professor

- (1) Procedure for the appointment of a professor is to demonstrate pedagogical, scholarly or artistic qualifications of an applicant, who represents an outstanding and distinguished personality within his/her field. Initiation of this procedure is conditioned by person's previous appointing an associate professor pursuant a habilitation procedure should a presentation of habilitation thesis constitute its part. The Rector upon a proposal of the Scientific Board of the higher education institution can waive foregoing appointment of an associate professor in exceptional cases. This applies to nominating persons who are already acting as professors at renowned higher education institutions abroad.
- (2) Procedure for the appointment of a professor is initiated upon applicant's proposal supported by at least two written references made by professors in the same or a similar field, or upon a proposal of the Dean or the Rector presented to the Scientific Board of the faculty that is accredited for the pertinent field of appointment, or to the Scientific Board of the higher education institution should the accreditation for this filed be awarded to the higher education institution. The procedure can be initiated by the Scientific Board of the faculty or the higher education institution at its own incentive. The proposal is to contain appurtenances detailed in Article 72, subsection 2, clause 2; the proposal also specifies the field within which the procedure for the appointment of a professor is initiated.
- (3) In order to review the proposal, the Dean or the Rector charges the pertinent Scientific Board with approving a five-member Evaluation Board consisting of professors, associate professors and other distinguished representatives of the pertinent or a similar field. The Board must be chaired by a professor. At least three members of the Board must come from a higher education institution other than the one performing the procedure of appointment.
- (4) The requirement of higher education may be waived by the Scientific Board in case of applicants in artistic fields.
- (5) The Evaluation Board shall assess qualifications of the applicant and vote by ballot in order to make decision upon appointing the applicant a professor. Should the nomination acquire a minority of votes of all members of the Evaluation Board, the Board shall recommend termination of the procedure of appointment. Upon making a decision upon the subject matter, the Evaluation Board resolves upon substantiation of the nomination by means of a majority of votes of all its members. The proposal together with its substantiation shall be presented by the Chair of the Evaluation Board or a member authorised by the Chair to the Scientific Board that have approved the Board. This Scientific Board shall invite the applicant to make a lecture at a public meeting of the Board, putting forth conception of scholarly or artistic work and lecturing in the pertinent field.

- (6) The Evaluation Board shall then vote by ballot in order to make decision upon appointing the applicant a professor. The nomination in case of the Scientific Board of a higher education institution is upon its approval presented to the Minister. The nomination in case of the Scientific Board of a faculty is upon its approval passed to the Scientific Board of the higher education institution that takes voting by ballot on submitting the nomination to the Minister. Stipulations as per Article 72, subsection 10, apply in both cases by analogy.
- (7) The procedure for the appointment of a professor is not subject to general regulations on administration proceedings.
- (8) The applicant is entitled to raise objections to steps taken during the procedure of appointment at a faculty or a higher education institution. Objections are evaluated by the Rector. The resolution of the Rector is deemed a final one.
- (9) If so stipulated in internal regulations of the higher education institution, the procedure for the appointment of a professor can take place at the Scientific Board of an Institute of a higher education institution that performs the same functions as the Scientific Board of a faculty. Duties of the Dean are then performed by the director of the Institute.

Article 75

Releasing Information on Habilitation Procedures And Procedures for the Appointment of Professors

- (1) A higher education institution or its part shall post information on initiation of habilitation procedures and procedures for the appointment of professors at an official board without delay. This information shall include the schedule of public meetings of Scientific Boards. Information on termination of these procedures must be made public immediately as well.
- (2) A higher education institution shall provide the Ministry with the following information:
 - a) At initiation of a habilitation procedure or a procedure for the appointment of a professor: first name, surname, citizen's card-index number, family statute and permanent address; in case of foreigners, also the date of birth, sex, place of abode in the Czech Republic, nationality and data on employment of the applicant.
 - b) During a habilitation procedure or a procedure for the appointment of a professor: changes in the data listed under a), or reasons for and the date of interrupting the procedure.
 - c) At termination of a habilitation procedure or a procedure for the appointment of a professor: the date and the result of the procedure.
- (3) The Ministry shall make information on initiating a habilitation procedure or procedure for the appointment of a professor public in an appropriate manner. The same applies to making the results of these procedures public.

Article 76 Sabbatical

- (1) Six-month sabbatical is provided to academic staff of higher education institutions once in seven (7) years. Sabbatical is not provided if prevented so by serious circumstances pertaining to pursuing educational tasks of the higher education institution.
- (2) Academic staff on sabbatical is entitled to wage.

Article 77

Tender at a Public Higher Education Institution

- (1) Posts of academic employees at public higher education institutions are filled on the basis of tenders. Organisation of a tender is not deemed necessary in case of repeated employment of an academic employee at the post already occupied by this employee.
- (2) Organisation of a tender must be made public at the official board of a higher education institution or its part as well as in public mass media covering the whole republic at least thirty (30) days prior to the deadline for submitting an application.
- (3) Details on tender organisation are stipulated in internal regulations of a public higher education institution.

PART VIII ACCREDITATION

Accreditation of a Study Programme

Article 78

- (1) Study programmes are subject to accreditation awarded by the Ministry.
- (2) In case of non-accredited study programmes, it is impossible to admit any applicants, hold lectures, examinations or award academic degrees.
- (3) Within the framework of accreditation of master study programmes, a decision is also made upon the right to award academic degrees as per Article 46, subsection 5.

Article 79

- (1) A written application of a higher education institution for study programme accreditation includes the following:
 - a) Designation of the higher education institution or its part in charge of providing the study programme;
 - b) Components of the study programme as per Article 44, subsection 2;
 - c) Evidence of staff, financial, material, technical and information provisions pertaining to the study programme for at least the standard length of study;

- d) Objectives of the study programme, its motivations and expected number of admitted applicants;
 - e) In case of study programmes in the field of health services, it is necessary to acquire the standpoint of the Ministry of Health concerning possible employment of graduates in this field¹⁹⁾.
- (2) The Ministry is to convey the application immediately to the Accreditation Commission that shall make its judgement no later than 120 days from the date of receipt.
- (3) Should it be possible to eliminate any insufficiencies that may occur in the Application, the Accreditation Commission shall call upon the higher education institution to eliminate these in due term and at the same time it shall interrupt its reviewing procedure. Should the higher education institution fail to eliminate the insufficiencies in due term, the Accreditation Commission shall issue its standpoint based on original documentation.
- (4) No later than thirty (30) days upon receiving the standpoint of the Accreditation Commission, the Ministry shall make its decision upon awarding the accreditation. While doing so, it must pay regard to the general conception of educational, scholarly, research, developmental, artistic or other creative activity of the higher education institution as well as assessment of its activities.
- (5) The Ministry shall not award the accreditation in the following cases:
- a) The study programme does not comply with requirements listed in Part 4 of this Act;
 - b) Sufficient staff, equipment and information provisions are not granted for the study programme;
 - c) Implementation of the study programme is not backed up by sufficient financial, material or technical resources;
 - d) The higher education institution is not deemed capable of providing sufficient guarantees for lecturing;
 - e) The Application contains incorrect data deemed crucial for awarding the accreditation;
 - f) The Accreditation Commission has issued a negative standpoint.
- (6) On the ground of reasons listed in subsection 5 letters a) and b), the Accreditation Commission shall not issue an affirmative standpoint to the Application for study programme accreditation.
- (7) Upon agreement with the Accreditation Commission, the Ministry shall issue a decree detailing the contents of the written application for study programme accreditation.

Article 80

- (1) An accreditation of a study programme is awarded for at most double of the standard length of study. The period of accreditation shall not exceed ten years in case of doctoral study programmes starting the date the resolution comes into effect.

¹⁹⁾ Article 53 of the Act No. 20/1966 on People's Health Welfare, in the wording of Czech National Council (ČNR) Act No. 548/1991.

- (2) Validity of an accreditation can be extended repeatedly. Proceedings on the extension of accreditation's validity are subject to stipulations in Article 79.
- (3) While providing an accredited study programme, the higher education institution may request an accreditation of its extension.
- (4) An accreditation of a study programme expires upon higher education institution's declaring cancellation of the study programme. An accredited study programme can be cancelled only if a higher education institution provides students with an option to continue their studies in the same or a similar study programme at the same or another higher education institution.

Article 81

- (1) An accreditation of a study programme may be requested by legal entities with domicile in the Czech Republic undertaking educational, scholarly, research, developmental, artistic or other creative activity. Such a request is made together with a higher education institution.
- (2) The legal entity shall present a request for accreditation as well as a contract on mutual co-operation while providing a study programme made with a higher education institution. This higher education institution admits applicants for studies in study programmes and awards appurtenant academic degrees to the graduates of these study programmes. The location of study programme implementation is also designated on the higher education diploma.
- (3) A legal entity as per subsection 1 may request an accreditation of a study programme independently. Should the Accreditation Commission express its affirmative standpoint, the Ministry shall invite the higher education institution to make a contract as per subsection 2 and grant the accreditation upon making this contract. Should the higher education institution refuse to make such a contract, it shall declare its resolution together with substantiation to the Ministry and Accreditation Commission within thirty (30) days.
- (4) The request for accreditation of a study programme as per subsections 1 through 3 is subject to stipulations in Article 79 appropriately.
- (5) In case of joint implementation of a doctoral study programme, the contract also stipulates representation of the legal entity and the higher education institution in the Specialist Board.

Article 82

Accreditation of Habilitation Procedures And Procedures for the Appointment of Professors

- (1) Authority of a higher education institution or its part to perform habilitation procedures or procedures for the appointment of professors in the pertinent field is subject to accreditation awarded by the Ministry.

- (2) A written request of a higher education institution for accreditation comprises of the following:
- a) Designation of the higher education institution or its part that is to perform the procedure;
 - b) Field of habilitation or appointment;
 - c) Information on educational, scholarly, research, developmental, artistic or other creative activity of the higher education institution or its part in the pertinent field;
 - d) Information on professors and other academic staff lecturing and pursuing this field or a similar field at the higher education institution or its part;
 - e) A list of members of the Scientific Board at the higher education institution or its part.
- (3) The accreditation of habilitation procedures and procedures for the appointment of professors is subject to stipulations in Article 79, subsections 2 and 3 by analogy.
- (4) The Accreditation Commission shall assess whether or not the facts documented as per subsection 2, letters c) through e) constitute sufficient pre-requisites for an objective assessment of pedagogical, scholarly or artistic qualifications of an applicant for the appointment of a professor or an associate professor. The Accreditation Commission shall then express its standpoint over the request.
- (5) The Ministry shall make its resolution upon awarding accreditation within thirty (30) days upon receiving the standpoint of the Accreditation Commission. The Ministry takes account of long-term intentions of a public higher education institution or long-term intentions of a private higher education institution as well as assessment of activities performed by the higher education institution.
- (6) The Ministry shall not award the accreditation in the following cases:
- a) The higher education institution does not provide sufficient guarantees for performing habilitation procedures or procedures for the appointment of professors;
 - b) No accreditation has been awarded for a doctoral study programme within the framework of which the field of habilitation / appointment or its substantial portion is lectured at the higher education institution or its part;
 - c) The request contains incorrect data deemed crucial for awarding the accreditation;
 - d) The Accreditation Commission has issued a negative standpoint.
- (7) An exception from stipulations in subsection 6, letter b) can be made by the Ministry in case of newly established branches.
- (8) The accreditation for habilitation procedures or procedures for the appointment of professors may be awarded for a fixed period.

The Accreditation Commission

Article 83

- (1) The Accreditation Commission consists of 21 members. The Chair, vice-chair and members of the Accreditation Commission are appointed by the Government upon a nomination of the Minister. Prior to making a nomination, the Minister shall request references from the representation of higher education institutions, the Governmental

Board of the Czech Republic for Research and Development and the Academy of Sciences of the Czech Republic and discuss the nomination with these institutions.

- (2) Members of the Accreditation Commission are appointed for a six-year term; they can be appointed for the maximum of two terms of office. Upon the first appointment of the members of the Accreditation Commission, the Government is to specify the names of one third of members whose term of office shall expire in two-year time and one third of members whose term of office shall expire in four-year time.
- (3) Members of the Accreditation Commission represent irreproachable persons enjoying general authority as experts.
- (4) The membership in the Accreditation Commission is incompatible with the duties of the Rector, vice-rectors and deans.
- (5) A member of the Accreditation Commission may be dismissed only in case of losing one's integrity, long-term non-participation in the work of the Accreditation Commission, or upon his/her own request.
- (6) Members of the Accreditation Commission perform their duties independently.
- (7) In order to perform specialist preparatory work for its proceedings, the Accreditation Commission may establish work groups the composition of which must correspond to the type of the study programme, its form and objectives of studies.
- (8) The mode of action of the Accreditation Commission as well as its work groups is stipulated in the Statute of the Accreditation Commission approved by the Government. Upon approving the Statute by the Government, the Ministry shall make it public in an appropriate manner.
- (9) Material and financial means for the activities of the Accreditation Commission are provided by the Ministry.
- (10) Submissions to the Accreditation Commission are made via the Ministry.
- (11) Activity of the Accreditation Commission members and their work groups is deemed an act in the interests of the public⁴⁾. These persons are provided with reimbursement of travel expenses as per special regulations⁵⁾ and may be provided with a recompense.

Article 84

- (1) The Accreditation Commission takes heed to the quality of higher education and performs comprehensive evaluation of educational, scholarly, research, developmental, artistic or other creative activity of higher education institutions. In order to achieve these objectives, it must perform the following:

⁴⁾ Article No. 124, subsections 1 and 2 of the Work Code.

⁵⁾ Act No.119/1992 on Reimbursement of Travel Expenses, in the wording of the Act No. 44/1994.

- a) Evaluate activities pursued by higher education institutions and the quality of accredited activities; publish the results of such evaluations;
- b) Assess other issues pertaining to the system of higher education presented to it by the Minister and express its standpoint over these issues.

(2) The Accreditation Commission issues its standpoint over the following:

- a) Requests for accreditation of study programmes;
- b) Requests for authorisation to perform habilitation procedures and procedures for the appointment of professors;
- c) Establishment, merger, amalgamation, splitting or dissolution of a faculty of a public higher education institution;
- d) Granting the State Permission for a legal entity desiring to operate as a private higher education institution;
- e) Determining the type of a higher education institution.

Article 85

- (1) Should the Accreditation Commission discover any deficiencies occurring while implementing accredited activities, it shall invite the higher education institution or the co-operating legal entity to make a remedy in due term.
- (2) In the event of serious deficiencies occurring while implementing a study programme, the Accreditation Commission shall make the following proposal to the Ministry depending on the nature of the matter:
 - a) Restriction of accreditation consisting in a ban on admitting new applicants to the studies in the pertinent study programme; or
 - b) Temporary termination of accreditation consisting in a ban on performing state examinations and awarding academic degrees; or
 - c) Withdrawal of accreditation.
- (3) In case of serious deficiencies in habilitation procedures or procedures for the appointment of professors, the Accreditation Commission shall invite the Ministry to withdraw or temporarily terminate the accreditation, depending on the nature of the matter.
- (4) The Accreditation Commission shall invite the Ministry to withdraw the accreditation in case of circumstances occurring at the higher education institution, its part, or at the co-operating legal entity, substantiating rejection of the request for accreditation.
- (5) Should the reasons for taking measures as per subsection 2, letter a) or b) or subsection 3 cease, the Accreditation Commission shall invite the Ministry to cancel the measures taken.
- (6) The Ministry shall make its resolution as per subsections 2 through 5 within 120 days upon receiving a proposal from the Accreditation Commission.

Article 86

- (1) In the event of temporary termination or withdrawal of accreditation of a study programme, the higher education institution is bound to provide students with the possibility to continue their studies in the same or a similar study programme at the same or another higher education institution.
- (2) The Ministry shall stipulate adequate term for fulfilling duties as per subsection 1.

PART IX

STATE ADMINISTRATION

Article 87

Scope of Authority of the Ministry

The Ministry performs the following tasks:

- a) Registration of internal regulations of higher education institutions;
- b) Elaboration of the annual report on the state of the system of higher education and long-term strategy of the Ministry and making it public;
- c) Discussion and evaluation of long-term intentions of public higher education institutions and long-term intentions of private higher education institutions as well as their annual update;
- d) Distribution of financial means from the state budget (chapter on the educational system) to higher education institutions and monitoring of their utilisation;
- e) Inspection of the economic management of public higher education institutions; these activities are subject to special regulations²⁰⁾;
- f) Granting State Permission as per Article 39;
- g) Making resolution upon awarding accreditation to study programmes and awarding accreditation to habilitation procedures and procedures for the appointment of professors in the pertinent field;
- h) Appointment of other members of the Board of Examiners as per Article 53;
- i) Collection and making use of information contained in the Register of Students in compliance with special regulations;
- j) Management of higher education institutions within the framework of state administration in compliance with this Act;
- k) Fulfilment of tasks set by superior administration body of higher education institutions within the framework of administration proceedings;
- l) Adoption of measures as per Article 37, 38, 43 and 85;
- m) Recognition of higher education and qualifications acquired abroad as per Articles 89 and 90;
- n) Granting scholarships from the state budget as per Article 91;
- o) Provision of material and financial means for the activities of the Accreditation Commission;

²⁰⁾ Czech National Council Act No. 552/1991 on State Inspection, in the wording of the Act No. 166/1993.

- p) Giving consent or making standpoint over issues listed in Article 95;
- q) Provision of methodical help to higher education institutions re preparation of statutes and other regulations of higher education institutions and faculties, keeping records on students, statistical reporting, librarianship, information systems and relationships with foreign countries.

Article 88

Register of Students

- (1) Every higher education institution keeps a register of students. The register of students is used to keep records on students and serves for budgetary and statistical purposes.
- (2) The register of students is used to keep the first name, surname, citizen's card-index number, family statute and permanent address; in case of foreigners it is also the date of birth, sex, place of abode in the Czech Republic and nationality.
- (3) The register of students is to contain namely the following data on individual students:
 - a) The date of enrolment in studies;
 - b) Previous education;
 - c) Study programme, branch of study, form of studies;
 - d) Enrolment in the next academic year or a block of study;
 - e) Completed state examinations and academic degrees awarded;
 - f) Interruption of studies;
 - g) Termination of studies.

The structure of information records contained in the database and the technical conditions shall be stipulated by the Ministry upon a discussion with the higher education institution.

- (4) Records in the register of students can be made only by so authorised employees of the higher education institution; records as per subsection 3, letters a) and c) through g) must be made immediately upon the conclusive event taking place. Register of students and documents on conclusive events are regarded as archive records; archiving as well as making abstracts and copies of records are subject to special regulations²¹⁾.
- (5) The higher education institution shall provide pertinent record contained in the register of students to those who demonstrate legal interest.

Recognition of Higher Education and Qualifications Acquired Abroad

²¹⁾ Czech National Council Act No. 97/1974 on Keeping Archives, in the wording of the Czech National Council Act No. 343/1992.

Directives of the Ministry of the Interior 7/1975 Ú.v. ČSR, on Utilisation of Archive Records, reg. figure 24/1975, in the wording of the Czech National Council Act No. 343/1992.

Article 89

- (1) Upon the request of a graduate of a foreign higher education institution, a certificate on recognition of higher education or its part in the Czech Republic shall be issued by:
 - a) The Ministry in case the Czech Republic is bound by an international treaty with a country in which the higher education institution is established and recognised and the Ministry is authorised to recognition by means of this treaty;
 - b) The public higher education institution providing a study programme similar in its contents – applies to all other cases.
- (2) If in doubt, the appurtenance of the public higher education institution shall be determined by the Ministry, or the Ministry shall resolve upon recognition of higher education by itself.
- (3) A public higher education institution shall issue the certificate based on its knowledge of the pertinent foreign higher education institution or based on the extent of knowledge and skills evinced by higher education qualification.
- (4) Stipulations in subsections 1 through 3 apply similarly to individual exams taking place at higher education institutions abroad, should it not be the case of a joint study programme with a higher education institution as per this Act.

Article 90

- (1) Decisions pertaining to the recognition of higher education acquired abroad and qualifications acquired at a public higher education institution are made by the Rector.
- (2) The recognition is based on a diploma or its authenticated copy, a certificate or a similar document issued by the foreign higher education institution, or possibly an appendix to the diploma or its authenticated copy and supplementary information confirming that the study programme was implemented by an institution authorised to provide education comparable to higher education as per this Act and information on the contents of higher education studies abroad. If requested, the officially certified translation of these documents must be presented.
- (3) If not otherwise provided for in an international treaty, the authenticity of signatures and stamps on the original documentation must be verified by the Ministry of Foreign Affairs of the state which is the seat of the higher education institution that has issued the document, or a pertinent foreign body and pertinent embassy of the Czech Republic.
- (4) Should the public higher education institution or the Ministry as per Article 89, subsection 2, identify substantial differences in study programmes being compared, the request for recognition shall be rejected.

Article 91

Scholarships

- (1) Students of higher education institutions are eligible for scholarships.
- (2) Scholarships covered by grants can be granted in the following cases:
 - a) For outstanding study results;
 - b) For outstanding scholarly, research, developmental, artistic or other creative results contributing to the enhancement of knowledge;
 - c) In case of student's strenuous social situation;
 - d) In other cases worth special consideration.
- (3) Scholarships covered by grants can also be granted for these purposes:
 - a) Support of Czech citizens studying abroad;
 - b) Support of foreign students in the Czech Republic;
 - c) Support of students of doctoral study programmes.
- (4) Scholarships are granted to students by the higher education institution or the faculty according to the Scholarship Rules.
- (5) Scholarships are granted by the Ministry according to conditions stipulated in subsections 2 and 3 and as per programmes set forth by the Ministry, taking into account obligations under international treaties binding for the Czech Republic.

PART X

REPRESENTATION OF HIGHER EDUCATION INSTITUTIONS

Article 92

- (1) Representation of higher education institutions consists of:
 - a) A body composed of the members of academic communities of higher education institutions delegated by their representative academic bodies;
 - b) A body composed of representatives of higher education institutions.
- (2) Detailed procedure describing institution of these bodies and the rules of procedure is defined in their statutes.
- (3) The Minister and the representation of higher education institutions discuss proposals and measures that have a significant impact on higher education institutions.
- (4) The representation of higher education institutions submits its recommended composition of the Accreditation Commission to the Minister.

PART XI

TEACHING HOSPITALS

Article 93

- (1) Clinical as well as practical instruction in the field of medicine, pharmacy and other branches of health services takes place particularly in teaching hospitals²²⁾. These hospitals perform scholarly, research and developmental activities as well.
- (2) Details of the arrangement are provided in special regulations.

PART XII

MILITARY AND POLICE HIGHER EDUCATION INSTITUTIONS

Article 94

- (1) The purpose of military higher education institutions is to educate specialists particularly for the armed forces. These institutions are also open to students that are not soldiers in active service.
- (2) The purpose of police higher education institutions is to educate specialists particularly for the Police of the Czech Republic. These institutions are also open to students that are not members of the Police of the Czech Republic.

Article 95

- (1) Military higher education institutions constitute a part of the budgetary organisation²³⁾ of the Ministry of Defence financed from the state budget from the chapter of the Ministry of Defence. Police higher education institutions represent budgetary organisations²³⁾ financed from the chapter of the Ministry of the Interior. These are subject to provisions defined in Part II, with the exception of Articles 14, 15, 17, subsection 1, letter c), Articles 18 through 20; Military higher education institutions are neither subject to Article 2, subsection 2.
- (2) Acceptance of soldiers in active service to studies at military higher education institutions is subject to requirements of the Ministry of Defence. The course of service and material provisions of students is subject to special regulations²⁴⁾.

²²⁾ For example, the Ministry of Health of the Czech Republic Decree No. 394/1991 on the Statute, Organisation and Activities of Teaching Hospitals and Other Hospitals, Selected Specialised Therapeutic Institutes and Regional Sanitation Clinics within the Scope of Command of the Ministry of Health of the Czech Republic.

²³⁾ Czech National Council Act No. 576/1990 in the wording of later regulations.
The Ministry of Finance of the Czech Republic Decree No. 205/1991 on the Management of Budget Means from the State Budget of the Czech Republic and on Financial Management of Budgetary and Subsidised Organisations, in the wording of the Governmental Ruling No. 48/1995.

²⁴⁾ National Defence Act No. 92/1949 in the wording of later regulations.
Act No. 76/1959 on Specific Service Relationships of Soldiers, in the wording of later regulations.
The Ministry of Defence of the Czech Republic Decree No. 113/1996 implementing some provisions of the Act No. 76/1959 on Specific Service Relationships of Soldiers, in the wording of later regulations.
Czech National Council Act No. 186/1992 on Service Relationships pertaining to the members of the Police of the Czech Republic, in the wording of later regulations.
The Ministry of Defence of the Czech Republic Decree No. 7/1996 on Monetary and In Kind Indemnity of Soldiers in Active Service and Students of Military Schools That Are Not In Active Service, in the wording of the Ministry of Defence of the Czech Republic Decree No. 310/1996.

- (3) Acceptance of police members in active service to studies at police higher education institutions is subject to requirements of the Ministry of the Interior.
- (4) Military and police higher education institutions that have been awarded an accreditation of at least one doctoral study programme may request accreditation of a master or other doctoral study programme implemented in co-operation with a public higher education institution. Joint implementation of these study programmes must be defined in a contract between participating higher education institutions thus defining their mutual obligations. Formation of such a contract is subject to an approval of the Ministry of Education, Youth and Sports and the Ministry of Defence or the Ministry of the Interior.
- (5) Military and police higher education institutions publish the results of their scholarly, research and developmental activities in compliance with general regulations on the protection of top and professional secret²⁵⁾.
- (6) Military higher education institutions keep a register of students – soldiers in active service and a register of other students; the same applies to police higher education institutions with respect to students in service relationship and other students.
- (7) The following activities are performed by the Minister of Defence with respect to military higher education institutions and the Minister of the Interior with respect to police higher education institutions:
 - a) Submits proposal for nomination and dismissal of the Rector to the president of the republic;
 - b) Resolves upon establishment, merger, amalgamation, splitting or dissolution of a faculty upon a proposal of the Rector and upon obtaining a standpoint of the Accreditation Commission;
 - c) Determines the wage of the Rector;
 - d) Performs activities stipulated in Article 21, subsection 1, letters a) and b);
 - e) Submits proposals of the Scientific Board of a higher education institution for the appointment of a professor to the president of the republic;
 - f) Delegates persons to perform activities within the scope of individual bodies of a newly established higher education institution as per Article 103, subsection 1.
- (8) The Ministry of Defence with respect to military higher education institutions and the Ministry of the Interior with respect to police higher education institutions perform the following activities:
 - a) Registers their internal regulations as per Article 36 upon a statement being made by the Ministry;
 - b) Allocates financial means coming from the state budget;

²⁵⁾ Act No. 102/1971 on the Protection of Top Secret, in the wording of later regulations. Czech and Slovak Socialistic Republic governmental ruling No. 148/1971 on Protection of Business and Professional Secret, in the wording of Czech and Slovak Federative Republic governmental ruling No. 420/1990. Czech and Slovak Federative Republic governmental ruling No. 419/1990 on Fundamental Facts Constituting the Subject of a Top Secret.

- c) Inspects legitimacy and economic efficiency of the management of financial as well as material resources granted from the state budget and management of property within the ownership of the Czech Republic;
 - d) Determines the amount of study-related fees;
 - e) Is at the liberty to waive reimbursement for the usage of specialised facilities;
 - f) Can make a resolution upon granting and paying scholarships to students and citizens of the Czech Republic studying abroad;
 - g) Can grant scholarships as per programmes declared by the Ministry beyond the scope of reasons listed in Article 91, subsections 2 and 3, should the student covenant to continue upon graduating from the higher education institution in active service as a regular soldier or in service relationship as a policeman for a given period of time.
 - h) Appoints other members of the Board of Examiners as per Article 53, subsection 3;
 - i) Can collect and make use of information from the register of students in compliance with special regulations;
 - j) Performs duties of a superior administrative body of a higher education institutions within administration proceedings;
 - k) Adopts measures as per Article 37, 38 and 85;
 - l) Performs activities defined in Article 21, subsection a) through c), Article 75 and Article 86.
 - m) Provides methodical help to higher education institutions re preparation of statutes and other regulations of higher education institutions and faculties, keeping records on students, statistical reporting, librarianship, information systems and relationships with foreign countries.
- (9) The Ministry of Defence in the area of military science and the Ministry of the Interior in the area of security services perform tasks of the Ministry and a public higher education institution as per Article 89 and Article 90 re recognition of higher education and qualifications acquired abroad.
- (10) Article 77 applies to soldiers in active service employed as academic personnel at military higher education institutions as well as members of the Police of the Czech Republic in service relationship employed as academic personnel at police higher education institutions.
- (11) Students of military higher education institutions employed as soldiers in active service and students of police higher education institutions in service relationship as members of the Police of the Czech Republic are subject to provisions of this Act, if not stipulated otherwise by means of special regulations²⁴⁾.
- (12) Study of soldiers in active service at military higher education institutions can be terminated in case the soldiers no longer fulfil conditions stipulated by means of special regulations for the service of regular soldiers.
- (13) Prior to issuing a resolution upon accreditation as per Articles 78 through 82 and 85 pertaining to military higher education institutions the Ministry shall request a standpoint of the Ministry of Defence. Should the resolution pertain to police higher education institutions, it shall request a standpoint of the Ministry of the Interior.

PART XIII

MODIFICATION AND AMENDMENT OF THE CZECH NATIONAL COUNCIL ACT NO. 586/1992 ON INCOME TAX, IN THE WORDING OF LATER REGULATIONS

Article 96

The Czech National Council Act No. 586/1992 on Income Tax, in the wording of the Czech National Council Act No. 35/1993, Act No. 96/1993, Act No. 157/1993, Act No. 196/1993, Act No. 323/1993, Act No. 42/1994, Act No. 85/1994, Act No. 114/1994, Act No. 259/1994, Act No. 32/1995, Act No. 87/1995, Act No. 118/1995, Act No. 149/1995, Act No. 248/1995, Act No. 316/1996, Act No. 18/1997, Act No. 151/1997, Act No. 209/1997, Act No. 210/1997 and Act No. 227/1997 is modified and amended as follows:

1. In Article 4, subsection 1, letter k), the words "and from the means of a public higher education institution" are inserted after the word "budget".
2. In Article 18, a new subsection 5 in the following wording is inserted after subsection 4:

"(5) In case of tax-payers representing a public higher education institution, all incomes are subject to taxation with the exception of the following:

 - a) Incomes from investment transfers;
 - b) Interest on current account deposits."
3. Subsections 5 through 11 used until now in Article 18 are identified as subsections 6 through 12.
4. In Article 18, subsection 7, the words "public higher education institutions" are inserted after the words "public utility organisations".

Part XIV

MODIFICATIONS OF THE CZECH NATIONAL COUNCIL ACT NO. 186/1992 ON SERVICE RELATIONSHIP OF THE MEMBERS OF POLICE IN THE CZECH REPUBLIC, IN THE WORDING OF LATER REGULATIONS

Article 97

The Czech National Council Act No. 186/1992 on Service Relationship of the members of Police in the Czech Republic, in the wording of the Czech National Council Act No. 590/1992, the Czech National Council Act No. 26/1993, Act No. 326/1993, Act No. 40/1994, Act No. 33/1995 and Act No. 160/1995 is modified as follows:

Article 16, subsection 3, in the following wording:

”(3) The position of an investigator can be performed by a policeman upon reaching 24 years of age and acquiring higher education by graduating in a bachelor or a master study programme in the field of law.”

PART XV COMMON, TEMPORARY AND CONCLUDING PROVISIONS

Article 98

- (1) Branches of study, within which higher education institutions as per hitherto regulations provide a comprehensive part of undergraduate studies, undergraduate or postgraduate studies listed in the statute of these institutions, become study programmes as per this Act. Accreditation is awarded for the period of four (4) years under the following conditions:
 - a) A comprehensive part of undergraduate education as per Article 21 of the Act No. 172/1990 on Higher Education Institutions is deemed a bachelor study programme as per this Act;
 - b) Undergraduate education as per Article 18 of the Act No. 172/1990 is deemed a master study programme as per this Act;
 - c) Postgraduate study as per Article 22 of the Act No. 172/1990 is deemed a doctoral study programme as per this Act.
- (3) The right to award academic degrees as per Article 46, subsection 5, applies to higher education institutions and faculties only in the branches within which they are entitled to provide postgraduate study on the basis of a resolution of the Ministry as per Article 41 of the Act No. 172/1990.
- (4) Hitherto authorisation of higher education institutions and faculties to perform habilitation procedure and procedure for the appointment of a professor expire as of July 1, 1999. Should the Rector file a request to the Ministry within this term as per Article 82, subsection 2, hitherto authorisation to perform habilitation procedure and procedure for the appointment of a professor in pertinent fields remain in force until a resolution is made by the Ministry.

Article 99

- (1) The academic/scientific degree of ”doktor” (”Doctor”) and the degree of ”bakalář” (”Bachelor”) awarded as per Act No. 172/1990 are regarded as the academic degree of ”doktor” (”Doctor”) and ”bakalář” (”Bachelor”) as per this Act.
- (2) The academic degree of ”inženýr” (”Engineer”) awarded to graduates of technical higher education institutions in the field of architecture as per Article No. 21 of the Act No. 172/1990 is being replaced by the academic degree of ”inženýr architekt” (i.e. ”Engineer Architect”, abbreviated as ”Ing. arch.”, used in front of the name). The higher education institution shall issue a certificate documenting this change upon a request.
- (3) The academic degree of ”bakalář” (”Bachelor”) awarded to graduates of a comprehensive part of undergraduate studies at a higher education art institution as per Article No. 21 of the Act No. 172/1990 is being replaced by the academic degree of

- ”bakalář umění” (i.e. ”Bachelor of Arts”, abbreviated as ”BcA.”, used in front of the name). The higher education institution shall issue a certificate documenting this change upon a request.
- (4) The academic degree of ”magistr” (”Master”) awarded to graduates of higher education art institutions as per Article No. 21 of the Act No. 172/1990 is being replaced by the academic degree of ”magistr umění” (i.e. ”Master of Arts”, abbreviated as ”MgA.”, used in front of the name). The higher education institution shall issue a certificate documenting this change upon a request.
- (5) The graduates of higher education institutions that have been awarded the academic degree of ”magistr” (”Master”) as per Article No. 21, subsection 2, and Article No. 45, subsection 2, of the Act No. 172/1990 with the exception of graduates listed in subsection 9 are in a position to pass a rigorous state examination in the same field of study and earn an academic degree as per Article No. 46, subsection 5.
- (6) The graduates of university-type higher education institutions that have been awarded the academic degree of ”magistr” (”Master”) in the field of economics as per Article No. 21, subsection 2 of the Act No. 172/1990 may request replacement of this degree with the academic degree of ”inženýr” (i.e. ”Engineer”, abbreviated as ”Ing.”). The higher education institution shall issue a certificate documenting this change upon a request.
- (7) Academic degrees as per Article No. 21, subsection 2 of the Act No. 172/1990 may also be used by graduates of military higher education institutions that had completed their studies prior to this Act coming into effect. This applies in case these graduates had not been awarded an academic degree, a professional designation or another degree of a higher education institution graduate as per hitherto regulations. The higher education institution shall issue a certificate documenting an award of this degree upon a request.
- (8) Provisions of subsection 7 do not apply to graduates of Military Political Academy.
- (9) The graduates of postgraduate studies that have been awarded the academic degree of ”magistr” (”Master”) and the academic scientific degree of ”doktor” (”Doctor”) as per Article No. 21, subsection 2, Article No. 45, subsection 2, and Article No. 22 of the Act No. 172/1990 are awarded academic degrees as per Article No. 46, subsection 5 of this Act. The higher education institution shall issue a certificate documenting an award of these degrees upon a request.
- (10) The graduates of postgraduate studies that have been awarded the academic scientific degree of ”doktor” (”Doctor”) as per Article No. 22 of the Act No. 172/1990 may apply to the higher education institution to have the abbreviation ”Dr.” replaced with an abbreviation ”Ph.D.”, or ”Th.D.” in the field of theology. The higher education institution shall issue a certificate documenting the change of academic-scientific degree abbreviation upon a request.
- (11) The academic degree of ”doktor” (abbreviated as ”Ph.D.”, used after the name) is awarded to graduates in medical and veterinary studies that have completed their studies as per Article No. 22 of the Act No. 172/1990. The higher education institution shall issue a certificate documenting an award of this degree upon a request.

Article 100

- (1) The study of scientific postgraduates leading to the award of the scientific degree "kandidát věd" (i.e. "Candidate of Science", abbreviated as "CSc.") will no longer be open upon the new Higher Education Act coming into effect. Participants in these scientific education programmes that had started as per hitherto regulations may complete their education as per these regulations provided they finish the defence of their dissertations by 31st of December 2001.
- (2) Postgraduate students taking part in scientific education programmes may request their admission to doctoral study programmes. Their acceptance is subject to evaluation of their hitherto scientific education and completed candidate exams.

Article 101

- (1) As of 1st of January 1999, public higher education institutions are represented by higher education institutions listed in Appendix No. 1; military and police higher education institutions are represented by military and police higher education institutions listed in Appendix No. 2.
- (2) Higher education institutions named in subsection 1 shall submit their internal regulations modified as per this Act for registration by first of July 1999.
- (3) The effectiveness of appointment or election of academic officials and their term of office with respect to this Act remain intact.
- (4) Students enrolled in higher education institutions listed in Appendix No. 1 and Appendix No. 2 as of first of January 1999 are regarded as students as per this Act. Higher education institutions are due to enter these students into the Register of students by 1st of March 1999.
- (5) As of 1st of January 1999, the Ministry's right to manage is extended to the state property which was subject as of this date to the right to manage by higher education institutions listed in Appendix 1. Upon a discussion with a public higher education institution, the Ministry may resolve upon transferring this property to the possession of the pertinent public higher education institution; upon a request of a public higher education institution it shall be so decided always in the event of property needed for providing educational, scholarly, research, developmental, artistic or other creative activity while implementing accredited study programmes. The resolution must specify the designation and domicile of the public higher education institution, itemisation of the property being transferred as well as liabilities relating to this property and the date of transferring the property and related liabilities onto the public higher education institution. This resolution is not subject to general regulations on administration proceedings.
- (6) Property that was transferred to the right to manage by the Ministry on 1st of January 1999 as per subsection 5 as well as inherent property of the public higher education institution is not subject to general regulations on bankruptcy and compensation.¹³⁾

- (7) Rights and liabilities of the faculties that constitute a part of higher education institutions listed in Appendix 1 and Appendix 2 as of first of January 1999 are transferred onto the pertinent higher education institution.

Article 102

Academic degrees, professional designation and other degrees awarded to graduates of higher education institutions as per former regulations with the exceptions listed in Article 99 remain intact. Scientific degrees "kandidát věd" (i.e. "Candidate of Science", abbreviated as "CSc.") and "doktor věd" (i.e. "Doctor of Science", abbreviated as "DrSc.") awarded as per former regulations remain intact.

Article 103

- (1) Newly established public higher education institutions and military or police higher education institutions are bound to constitute their bodies no later than two (2) years upon their foundation. Duties of the bodies specified in Article 7 are performed in the necessary extent by persons delegated by the Minister until the time these bodies are constituted.
- (2) Newly established faculties are bound to constitute their bodies no later than one (1) year upon their foundation. Duties of the bodies specified in Article 25 are performed in the necessary extent by a person delegated by the Rector until the time these bodies are constituted.
- (3) In case of newly established institutes of higher education institutions, the duties of the bodies specified in Article 34 are performed in the necessary extent by a person delegated by the Rector until the time these bodies are constituted.

Article 104

Duties of the members, Chair and vice Chair of the Accreditation Commission as per Article 83 are performed by the members of the Accreditation Commission established as per Article 17 of the Act No. 172/1990 and the Czech Republic governmental ruling No. 350/1990 on the Accreditation Commission until the time these persons are appointed.

Article 105

If not stipulated otherwise within this Act, proceedings pertaining to matters provided for in this Act are subject to general regulations on administration proceedings.²⁶⁾

Article 106

Provisions of this Act shall be used if not otherwise stipulated in an international contract binding for the Czech Republic.

Article 107

²⁶⁾ Act No. 71/1967 on Administration Proceedings (the Code of Administration Procedure)

Public higher education institutions shall put property relations in compliance with this Act by 31st of December 1999.

Article 108

Quashing Provisions

- (1) Clauses 5, 8 and 9 in the Article I of the Act No. 216/1993 modifying and supplementing Act No. 172/1990 on Higher Education Institutions are made void.
- (2) The following items are made void:
 1. Articles 33 through 41, 43 and 45 of the Act No. 39/1977 on the Education of New Research Workers and further Qualification Improvement of Research Workers.
 2. Act No. 172/1990 on Higher Education Institutions in the wording of the Act No. 216/1993.
 3. Act No. 232/1992 on Police Higher Education Institutions and Establishment of the Police Academy.
 4. Article VI of the Czech National Council Act No. 26/1993 modifying and supplementing particular acts in the area of internal order and security as well as pertinent provisions.
 5. Czech Republic Governmental Ruling No. 350/1990 on the Accreditation Commission.
 6. The Decree of the Ministry of Education and Culture No. 96/1961 issuing the Statute of the Institutes of National Economy Planning at undergraduate schools of economics in Prague and Bratislava, in the wording of the Decree of the Ministry of Education and Culture No. 31/1963.
 7. The Decree of the Czech Academy of Sciences No. 55/1977 on further qualification improvement and evaluation of creative capabilities of research workers.
 8. The Decree of the Czech Commission for Scientific Degrees No. 144/1979 on the Defence of Ph.D. theses (for awarding the "Candidate of Science" degree) and doctoral dissertations by Czechoslovak citizens in COMECON member countries.
 9. The Decree of the Ministry of Education of the Czech Socialistic Republic No. 114/1980 on granting scholarships and allowances to students enrolled in higher education institutions upon passing secondary boarding-schools for the working people.
 10. The Decree of the Ministry of Education, Youth and Sports of the Czech Socialistic Republic No. 60/1985 on supplementary studies of higher education

students and graduates of higher education institutions and secondary schools aimed at acquiring pedagogical qualifications.

11. Article No. 9 of the Czech Socialistic Republic Ministry of Education Decree No. 61/1985 on further education of pedagogical employees.
12. The Decree of the Ministry of Education, Youth and Sports of the Czech Republic No. 365/1990 on granting scholarships at higher education institutions within the scope of activity of the Ministry of Education, Youth and Sports of the Czech Republic (the Scholarship Rules).
13. The Decree of the Ministry of Education, Youth and Sports of the Czech Republic No. 447/1990 on habilitation of associate professors and conditions and procedures for the appointment of professors.
14. The Decree of the Ministry of Education, Youth and Sports of the Czech Republic No.476/1990 on recognition of diplomas and other documents on studies issued by foreign higher education institutions (the Decree on Validation).
15. The Decree of the Ministry of Education, Youth and Sports of the Czech Republic No. 41/1991 on material and financial provisions for students of higher education institutions sent to study abroad.
16. The Decree of the Ministry of Education, Youth and Sports of the Czech Republic No. 67/1991 on granting scholarships to students in postgraduate programmes, in the wording of the Decree of the Ministry of Education, Youth and Sports No. 110/1995.
17. The Directive of the Ministry of Education of the Czech Socialistic Republic on providing economic security to students of higher education institutions during their practical training, dated 30th of May 1969 ref. no. 19 261/69-III/5, registered in figure 30/1969, in the wording of the Directive of the Ministry of Education of the Czech Socialistic Republic dated 10th of March 1970, ref. no. 12 300/70-III/5, registered in figure 10/1970.
18. The Directive of the Ministry of Education of the Czech Socialistic Republic on accommodating students in the halls of residence, dated 20th of July 1982, ref. no. 20 797/82-34, registered in the figure 17/1982.
19. The Directive of the Ministry of Education of the Czech Socialistic Republic on establishing, dissolving, and operating students' canteens and cafeterias at higher education institutions, dated 20th of July 1982 ref. no. 20 798/82-34, registered in the figure 17/1982, in the wording of the directives of the Ministry of Education of the Czech Socialistic Republic dated 16th of July 1985 ref. no. 15 330/85-34 registered in the figure 19/1985.

(3) The following items are made void:

1. Act No. 53/1964 on granting scientific degrees and on the State Commission for Scientific Degrees.

2. Act No. 39/1977 on the education of new research workers and further qualification improvement of research workers.
3. The Decree of the Czech Academy of Sciences No. 53/1977 on the education of new research workers and on research fellowships, in the wording of the Decree of the Czech Academy of Sciences No. 5/1986.
4. The Decree of the Czech Academy of Sciences No. 54/1977 modifying particular details on employment and legal relationships of the participants in scientific education and research fellowships and on granting scholarships, in the wording of Decrees of the Czech Academy of Sciences No. 40/1979, No. 125/1988 and No. 393/1992.
5. The Decree of the Czech Commission for Scientific Degrees No. 64/1977 on the procedure of awarding scientific degrees, in the wording of the Decree of the Czech Commission for Scientific Degrees No. 187/1990.

Article 109

Effectiveness

This Act comes into effect on 1st of July 1998, with the exception of Articles 1 through 82, Articles 84 through 99, Articles 101 through 107 and Article 108, subsection 2, that come into effect on 1st of January 1999, and Article 108, subsection 3, that comes into effect on 31st of December 2001.

Appendix No. 1 to the Act No. 111/1998

Higher education institutions in the Czech Republic

Charles University in Prague
Univerzita Karlova v Praze

Palacký University in Olomouc
Univerzita Palackého v Olomouci

Czech Technical University in Prague
České vysoké učení technické v Praze

VŠB – Technical University of Ostrava
Vysoká škola báňská – Technická univerzita Ostrava

Academy of Fine Arts in Prague
Akademie výtvarných umění v Praze

Technical University in Brno
Vysoké učení technické v Brně

University of Veterinary and Pharmaceutical Sciences Brno
Veterinární a farmaceutická univerzita Brno

Masaryk University in Brno
Masarykova univerzita v Brně

Mendel University of Agriculture and Forestry in Brno
Mendelova zemědělská a lesnická univerzita v Brně

Academy of Performing Arts in Prague
Akademie múzických umění v Praze

Academy of Arts, Architecture and Design in Prague
Vysoká škola umělecko-průmyslová v Praze

Janáček Academy of Music and Dramatic Arts in Brno
Janáčkova akademie múzických umění v Brně

University of Pardubice
Univerzita Pardubice

Institute of Chemical Technology in Prague
Vysoká škola chemicko-technologická v Praze

Czech University of Agriculture in Prague
Česká zemědělská univerzita v Praze

Technical University in Liberec

Technická univerzita v Liberci

University of Economics in Prague
Vysoká škola ekonomická v Praze

University of Education in Hradec Králové
Vysoká škola pedagogická v Hradci Králové

University of South Bohemia in České Budějovice
Jihočeská univerzita v Českých Budějovicích

Ostrava University in Ostrava
Ostravská univerzita v Ostravě

Silesian University in Opava
Slezská Univerzita v Opavě

Jan Evangelista Purkyně University in Ústí nad Labem
Univerzita Jana Evangelisty Purkyně v Ústí nad Labem

University of West Bohemia in Pilsen
Západočeská Univerzita v Plzni

Appendix No. 2 to the Act No. 111/1998

Military Higher Education Institutions in the Czech Republic:

Military University of Ground Forces in Vyškov
Vysoká vojenská škola pozemního vojska ve Vyškově

Military Academy in Brno
Vojenská akademie v Brně

Jan Evangelista Purkyně Military Medicine Academy in Hradec Králové
Vojenská lékařská akademie Jana Evangelisty Purkyně v Hradci Králové

Police Higher Education Institutions in the Czech Republic:

Police Academy of the Czech Republic in Prague
Policejní akademie České republiky v Praze