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# Code of Admissions Procedure

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*Under section 36 (2) of Act No. 111/1998 Sb., to regulate higher education institutions and to change and amend other laws ("the Higher Education Act"), the Ministry of Education, Youth and Sports registered this Code of Admissions Procedure under ref. n. MSMT-38084/2016 on 14 December 2016.*

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*Mgr. Karolína Gondková*  
*Director of Higher Education Department*

## **The Code of Admissions Procedure of Charles University of 14 December 2016**

*under sections 9 (1) (b) and 17 (1) (k) of Act No. 111/1998 Sb., to regulate higher education institutions and to change and amend other laws ("the Higher Education Act"), as amended, and under article 19 (6) of the Constitution of Charles University,*

*the Academic Senate of Charles University adopted this Code of Admissions Procedure as an internal regulation of the University:*

### **Article 1 Introductory Provisions**

The admission to study is regulated by Act No. 111/1998 Sb., to regulate higher education institutions and to change and amend other laws ("the Higher Education Act"), as amended, by the Constitution of Charles University ("the Constitution"), this Code, as well as Rector's or dean's measures.\* Unless otherwise provided for in the Higher Education Act, proceedings are governed by Act No. 500/2004 Sb., the Administrative Procedure Code, as amended ("Administrative Procedure Code").

### **Article 2 Requirements for Admission to Study**

1. The basic admission requirements for study are laid down in the Higher Education Act.
2. Under section 49 (1) of the Higher Education Act, a faculty may set further requirements for admission to study.
3. The faculty may, within the framework of admissions requirements, determine different requirements for the admission of applicants listed in section 49 (3) of the Higher Education Act. Different requirements must be published along with the admissions requirements for a given academic year.
4. Under Article 19 (2) of the Constitution, the faculty may determine, in its requirements for admission, rules for granting bonus points which may be particularly awarded for participation in national or international competitions, practical trainings and internships, educational practice, language exams, and for results achieved at a secondary school, professional college, or a higher education institution, and/or, as the case may be, for academic degrees obtained under section 46 (5) of the Higher Education Act, or for specialist degrees under former legislation.
5. In the case of a study programme carried out under Article 22 (3) (c) of the Constitution, the faculty is to be understood as the faculty to which an applicant filed his application.

### **Article 3 Steps before the Publication of Requirements for Admissions Procedure**

1. The dean of a faculty will, no later than six months prior to the expiry of the deadline under Article 4 (2) hereof, present to the Rector for comments a draft of a document containing the proposed requirements for admission to study for the forthcoming academic year, as well as additional information about study programmes offered at the faculty, including the information that must be published in accordance with section 49 (5) of the Higher Education Act ("admissions requirements").
2. Should the Rector ascertain that the admissions requirements of the faculty do not contain all elements listed in subsection 1 above, or are in contravention therewith, he will notify the dean thereof without undue delay, and will point out the deficiencies observed. The dean will ensure the immediate rectification of said deficiencies.
3. The requirements for admission to study in a respective academic year are approved by the Academic Senate of the respective faculty; in the case of a study programme carried out in compliance with section 22 (3) (c) of the Constitution,

the dean submits the draft after an agreement with the deans of participating faculties, or, as the case may be, with a Director or a higher education institute, has been reached.

4. The faculty will publish the admissions requirements in a publicly accessible part of its website and in the central application of the study information system of the University.

## **Article 4 Application for Study**

1. The mode of filing an application is, in compliance with the Constitution, determined in the admissions requirements.

2. The deadline for filing applications for study is determined by a faculty in the admissions requirements in compliance with the Schedule of Admissions Procedure for a respective academic year, which is set by the Rector in the form of a Rector's measure.

3. If an application for study lacks the prescribed requirements, or has any other defects, the faculty will invite the applicant to rectify the deficiencies and will provide a reasonable period therefor. If the material deficiencies of the application are not rectified within said period, the faculty will pass a resolution on the discontinuance of the admission proceedings.<sup>1</sup> The applicant must be warned about this consequence.

4. Where the application for study is delivered to the faculty after the deadline set out in subsection 2, the faculty will, by a resolution, discontinue the admission proceedings.

5. Where an entrance examination constitutes part of the requirements for admission to study, the faculty will send to an applicant, through the University Electronic Information System, an invitation to the exam along with the notification of its rules, no later than thirty days before the exam is being held. If the faculty sends an invitation to an alternative entrance examination date, said time period may be shortened accordingly.

## **Article 5 Verification of the Fulfilment of Admission Requirements and Waiver of Entrance Examination**

1. The period for verifying the requirements for admission is determined by the Rector in the Schedule of Admissions Procedure for the given academic year.

2. A faculty may verify the fulfilment of additional requirements for admission to study through an entrance examination.

3. Where the faculty verifies the fulfilment of admission requirements through an entrance examination, it may decide to waive the entrance exam or a part thereof for applicants who can prove that they fulfil the requirements for admission with a waiver of entrance examination, which constitute a part of the published admissions requirements for the given academic year. An application for an entrance examination waiver is decided on by the dean within the framework of the admissions procedure.

4. If the number of registered applicants is lower than the anticipated number of applicants admitted to study as per the published admissions requirements, the dean may waive the verification by means of an entrance exam of specific abilities, knowledge, and aptitudes, and decide that all applicants fulfilling the other requirements for the admission to study be admitted.

Where a duty under section 80 (5) or section 86 (8) of the Higher Education Act arises for the University, a dean may set different admission requirements for the students concerned. The details are set by a Rector's measure.

## **Article 6 Entrance Examination and the Course Thereof**

1. Entrance examinations may consist of one or more parts and may be taken in one or more rounds. The entrance examination or its part may be written, oral, aptitude, practical, or a combination thereof. All parts of the entrance examination may be taken either in one day or over several days.

2. The dean will determine at least one regular and one alternative date for entrance examinations. The entrance examination on the alternative date must take place no sooner than one week after the date on which the entrance examination on the regular date was held, and no later than three weeks thereafter; however, it must take place by the end of the period set for the verification of the fulfilment of requirements for admission.

3. The dean may grant an opportunity to sit for an examination on an alternative date to an applicant who has so applied in writing no later than five days after the date of the regular examination, provided that the applicant is/was not able to take part in the regular examination for serious and proven reasons, mainly health reasons. Regular study abroad as preparation for study at a higher education institution is an obligatory reason for granting an alternative date. No further alternative date is permissible.

4. The dean may set different dates for the entrance examination for applicants specified in Art. 2 (3), or for applicants who have graduated from secondary schools or higher education institutions abroad.

5. The dean will, by way of a measure, determine rules which must be observed by applicants during the entrance examination. The rules also define the types of conduct by the applicant that would lead to the application of procedure under Art. 7 (2).

6. The dean will establish an Examination Board consisting of at least three members. Only a member of academic staff may be appointed a member of the Examination Board. Where the entrance examination takes the form of an oral exam, at least two members of the Examination Board must be present; in the case of a written entrance examination, the presence of members of the Examination Board is not required. The written exam is always assessed anonymously in relation to the applicants.

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<sup>1</sup> Ss. 37 (3) and 66 (1) (c) of Act No. 500/2004 Sb., the Administrative Procedure Code, as amended.

7. Before the beginning of the entrance examination, or a part thereof, the identity of the applicants is verified and they confirm their presence by their signature. A report on the course of the entrance examination is produced and included in the admissions procedure file; it contains primarily:

- a. the format of the entrance examination, or the enumeration of parts of entrance examination along with a description of their formats,
- b. a record of the written examination containing:
  - the examination subjects and results;
  - the date of the examination; and
  - the signature of a member of the Examination Board, or an invigilator;
- c. a record of the oral examination containing:
  - the questions set for the applicant, assessment of the applicant's answers, and results;
  - the date of the examination; and
  - the signatures of members of the Examination Board;
- d. a record of the aptitude or practical examination containing:
  - the individual tasks assigned to the applicant, results;
  - the date of the examination;
  - the signatures of members of the Examination Board; and
- e. the result of each part of the entrance examination and the result of the entire entrance examination.

## **Article 7 Special Provisions Relating to the Entrance Examination**

1. A person designated by the dean will interrupt the entrance examination or a part thereof if an applicant asks him to do so due to a sudden indisposition as a consequence of which the applicant is not able to continue the examination; said person will also interrupt the examination where such an indisposition makes it obviously impossible for the applicant to ask for an interruption. A report on the interruption of the examination or a part thereof, as well as on the reasons for interruption, will be made and included in the applicant's file. The results of the interrupted examination, or its part, will not be assessed. Art. 6 (3) applies with necessary modifications. A plea of indisposition in the course of the examination may not be raised after the completion of the entrance examination or its part.

2. A person designated by the dean will terminate the entrance examination or its part in the case of an applicant whose behaviour in the course of the examination constitutes a violation of the rules under Art. 6 (5). A report on the discontinuation of the entrance examination or its part, as well as on the reasons therefor, will be made and included in the applicant's file. The results of the discontinued examination or its part are not assessed.

3. The dean or a person designated by the dean will adjourn the entrance examination or its part if circumstances preventing the opening of the examination or its part have arisen before it was commenced. A report on the adjournment of the entrance examination or its part, and on the reasons for the adjournment, will be made. The dean will immediately notify the applicants concerned of a new date for the entrance examination or a part thereof.

4. The dean or a person designated by the dean will terminate the entrance examination or its part if, in the course of the examination, circumstances arise which hinder the continuation of the exam. A report on the termination of the entrance examination or its part and the reasons therefor will be made. The results of the terminated examination or its part are not assessed. The dean will immediately notify the applicants concerned of a new date for the entrance examination or its part.

5. The dean or a person designated by the dean will also terminate the entrance examination if, in the course of the entrance examination, circumstances are disclosed which give rise to material defects in the entrance examination, and the situation so arising cannot be resolved in any other appropriate way. A report will be made on the termination of the entrance examination or its part and on reasons therefor. The results of the terminated examination or its part are not assessed. The dean will immediately notify the applicants concerned of a new date for the entrance examination or its part.

6. If, after the completion of the entrance examination or its part, it comes out that in the course of the examination circumstances arose which caused material defects in the entrance examination, the dean will subsequently, but no later than within one week of the date of the entrance examination or its part, declare the entrance examination or its part invalid. He will immediately notify the applicants concerned thereof and will set a new date on which the entrance examination or its part will be held.

A student who has been admitted to study based on his fraudulent acts will be expelled from study<sup>2</sup>

## **Article 8 Supplementary Admissions Procedure**

1. If, after the expiry of the period under Art. 4 (2), there is not a sufficient number of applicants for study in bachelor's programmes of study, master's programmes of study, and post-bachelor study programmes at a respective faculty, the dean of the faculty may decide to announce a supplementary admissions procedure. The announcement of the supplementary admissions procedure is notified to the Rector. Art. 3 (4) applies with necessary modifications.

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<sup>2</sup> S. 67 of the Higher Education Act.

The requirements for the supplementary admissions procedure must be identical to the already published admissions requirements for a given academic year, except the set dates and the anticipated number of admitted applicants. These requirements must be published in such a manner that the period under section 49 (5) of the Higher Education Act is retained. The period under Art. 4 (5) hereof may be reduced to ten days. The period for verifying the fulfilment of admission requirements must end before the beginning of the respective academic year.

## Article 9 Filling up the Number of Applicants Admitted

1. Should some applicants admitted to study on a given study programme fail to enrol in the study programme, the dean may fill up the number of admitted applicants with applicants who, owing to the set limit of admitted applicants or the set points threshold, were not originally admitted to study; they will be admitted in the order corresponding to their results in the regular admissions procedure.
2. A decision thereon is made by the dean in new proceedings under section 101 (b) and section 102 (3) of the Administrative Procedure Code.

## Article 10 Application of the Administrative Procedure Code

1. The Administrative Procedure Code applies to decision-making regarding the admission to study unless the Higher Education Act contains a special regulation thereof

## Article 11 Decisions on Admission to Study

1. The admissions procedure commences with the delivery of an application for study at a higher education institution or its unit which offers a respective study programme,<sup>3</sup> and is concluded with a meritorious decision or a procedural resolution.
2. If an applicant satisfies the requirements for admission to study, the dean will issue a decision on the admission to study within thirty days of the verification of fulfilment of the requirements for admission to study.<sup>4</sup> If the applicant consents thereto in his application, the decision is delivered through the University Electronic Information System.<sup>5</sup>
3. If an applicant does not satisfy the requirements for admission to study, the dean will issue a decision on non-admission to study within thirty days of the verification of fulfilment of the requirements for admission to study.<sup>6</sup>
4. Once a decision has been notified to an applicant, he has the right to inspect the files. The University may provide the applicant with a copy of the files instead of enabling him to inspect them.<sup>7</sup>
5. The dean's decision is made in writing; it contains a statement part, reasoning, and notice of the right to appeal.<sup>8</sup>
6. The statement part contains the statement of admission or non-admission; reference to legal provisions, including the internal University or faculty regulations under which a decision was made; the first name and surname of the applicant, or, as the case may be, his further names and surname at birth; date of birth; permanent address or another address at which to deliver written documents; and the designation of the study programme the proceedings concern.<sup>9</sup>
7. The reasoning provides the reasons for the statement(s) contained in the decision, grounds for the issuance of the decision, and the dean's considerations when evaluating those grounds and interpreting legal regulations and internal University and faculty regulations.<sup>10</sup>
8. The notice states whether it is possible to appeal the decision; and if so, what the time limit is for filing such appeal and when the time period starts to run; that such appeal is filed with the dean; and that it is decided by the Rector.<sup>11</sup>
9. A decision issued in writing is stamped with the official stamp and signed by a person in authority.<sup>12</sup>
10. The dean's decision comes into legal force when the period for filing an appeal expired to no effect, or once the applicant waives his right to appeal, as well as in the cases stated in Art. 12 (19) and (20).

## Article 12 Appeal

1. An applicant can appeal a decision.<sup>13</sup> An applicant who waived his right to appeal after being notified of the decision no longer has the right to file an appeal.<sup>14</sup> If the applicant withdraws an appeal once filed, he cannot file such appeal again.<sup>15</sup>
2. An appeal may be filed to contest the statement part of a decision, or any of its statements or subsidiary provisions; an appeal filed only against the reasoning of a decision is inadmissible.<sup>16</sup> An appeal must include the following elements:

3 S. 50 (1) of the Higher Education Act.

4 S. 50 (4) of the Higher Education Act.

5 S. 69a (1) of the Higher Education Act.

6 S. 50 (4) of the Higher Education Act.

7 S. 50 (5) of the Higher Education Act.

8 S. 67 (2) of the Administrative Procedure Code.

9 S. 68 (2) of the Administrative Procedure Code.

10 S. 68 (3) of the Administrative Procedure Code.

11 S. 68 (5) of the Administrative Procedure Code.

12 S. 69 (1) of the Administrative Procedure Code.

13 S. 50 (6) of the Higher Education Act.

14 S. 81 (2) of the Administrative Procedure Code.

15 S. 81 (3) of the Administrative Procedure Code.

16 S.82 (1) of the Administrative Procedure Code.

the applicant's first name, surname, date of birth, and place of permanent residence. It must be clearly stated in the appeal which decision is being challenged and what is being proposed. The applicant will also state what he deems to constitute a conflict between the decision (or the procedure which preceded it) and legal regulations, internal regulations, and/or the requirements for admission to study. The appeal must be signed by the appellant.

3. Any new facts and proposals of new evidence, which are mentioned in the appeal or during the appeal proceedings, will be taken into account when dealing with the applicant's application only if such facts or evidence could not have been used by the applicant earlier; where the applicant claims that he was not allowed to carry out a particular act during the proceeding in the first instance, such act must be carried out simultaneously with the appeal.<sup>17</sup>

4. The period for filing an appeal is within thirty days of the date of notification of the decision;<sup>18</sup> an appeal has met the deadline if the letter containing the appeal is submitted to the postal service operator on the last day of the deadline.<sup>19</sup> An appeal may not be filed before the decision has been issued; if an appeal is filed before the decision is notified to the appellant, it is deemed to have been filed on the first day of the appeal period.<sup>20</sup>

5. In the case of missing, incomplete, or incorrect notification of the right to appeal, an appeal may be filed within fifteen days of the date of notification of a rectifying resolution, if such resolution has been issued, but no later than within ninety days of the date of the notification of the decision.<sup>21</sup> Non-notification of a decision cannot be invoked by an applicant who has become demonstrably aware of the decision; in this case an appeal may be filed within ninety days of the date on which the applicant became aware of the decision.<sup>22</sup>

6. The applicant may apply for a waiver of default on appeal within fifteen days of the date on which the obstacle that prevented him from filing an appeal ceased to exist; the request for a waiver of a default may be granted a suspensive effect if the applicant faces a risk of serious harm. The application will not be dealt with unless an appeal is filed simultaneously with it. A default on an appeal will be waived if the applicant proves that the obstacle was due to serious reasons arising through no fault of his own. A decision on the waiver of default is made by the dean in the form of a resolution. A default may not be waived if one year has lapsed from the day on which the application therefor was to be filed.<sup>23</sup>

7. An admissible appeal that was filed on time has a suspensive effect. Owing to the suspensive effect of an appeal, the decision neither comes into full legal force and effect, nor is enforceable, nor do any other legal consequences arise as a result of the suspensive effect.<sup>24</sup> The suspensive effect of an appeal may not be excluded.<sup>25</sup>

8. An appeal is filed with the dean.<sup>26</sup>

9. The dean amends the proceedings according to the circumstances; this does not apply if the appeal was filed late or if it was inadmissible.<sup>27</sup>

10. The dean may change or cancel the decision if this fully satisfies the appeal. An appeal may be filed against such decision.<sup>28</sup> Art. 11 (5) – (10) apply accordingly.

11. If the dean does not find the conditions to apply the procedure under paragraph 10, he will hand over the file along with his opinion to an appellate administrative authority, i.e., to the Rector, no later than within thirty days of the date on which the appeal was delivered. In case of a late or inadmissible appeal, the dean will hand over the file to the Rector within ten days; in his opinion the dean will limit himself to the statement of reasons decisive for the assessment of the appeal as late or inadmissible.<sup>29</sup>

12. If, prior to the handover of the file to the Rector, the dean finds out that a circumstance justifying the discontinuance of proceedings has occurred, he will, without further ado, cancel the challenged decision and discontinue the proceedings.<sup>30</sup>

13. The Rector reviews the compliance of the appealed decision and the proceedings preceding it with legal regulations, internal regulations, and the requirements for admission to study set by the faculty.<sup>31</sup> Defects in the proceedings which may not reasonably be deemed to have influenced the compliance of the appealed decision with legal regulations and internal regulations are not taken into account.<sup>32</sup>

14. If the Rector concludes that the appealed decision is in conflict with legal regulations, internal regulations, or the requirements for admission to study:

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17 S.82 (4) of the Administrative Procedure Code.

18 The first sentence of s. 68 (4) of the Higher Education Act.

19 S. 40 (1) (d) of the Administrative Procedure Code.

20 The second and third sentences of s. 83 (1) of the Administrative Procedure Code.

21 S. 83 (2) of the Administrative Procedure Code.

22 S. 84 (2) of the Administrative Procedure Code.

23 S. 41(2) – (4) and (6) of the Administrative Procedure Code.

24 S. 85 (1) of the Administrative Procedure Code.

25 The second sentence of s.68 (4) of the Higher Education Act.

26 S.86 (1) of the Administrative Procedure Code.

27 The second and third sentences of s.86 (2) of the Administrative Procedure Code.

28 S. 87 of the Administrative Procedure Code.

29 S. 88 (1) of the Administrative Procedure Code and s. 68 (5) of the Higher Education Act.

30 S. 88 (2) of the Administrative Procedure Code.

31 S. 68 (6) of the Higher Education Act.

32 The third sentence of s. 89 (2) of the Administrative Procedure Code.

a) he cancels the challenged decision or its part and returns the case to the dean for new proceedings; in the reasoning of such decision, the Rector expresses his legal opinion which is binding on the dean in new proceedings on the matter. A new decision may be appealed; or

b) he changes the challenged decision or its part; such a change may not be made if it poses a risk of harm to the applicant due to a loss of an opportunity to file an appeal. If it is necessary to rectify errors in the reasoning, the Rector will change the decision in the reasoning part. The Rector may not change the challenged decision to the detriment of the applicant unless the challenged decision contravenes legal regulations.<sup>33</sup>

15. If the Rector fails to find a reason to apply the procedure under paragraphs 14, 16, or 17, he dismisses the appeal and affirms the appealed decision. If the Rector changes or cancels the challenged decision only in part, he will affirm the remaining part of the decision.<sup>34</sup>

16. If the Rector ascertains that a circumstance justifying the discontinuance of proceedings has arisen, he will cancel the appealed decision, and discontinue the proceedings without further ado.<sup>35</sup>

17. The Rector will dismiss an appeal if it was filed late or if it is inadmissible. In the case of decisions that have already come into legal force, he will examine if there are reasons to review the decision in review proceedings, to open new proceedings, or to issue a new decision. If he finds grounds to initiate review proceedings, open new proceedings, or issue a new decision, a late or inadmissible appeal is deemed to be the impulse to initiate review proceedings, or as an application for new proceedings, or as an application for the issuance of a new decision.<sup>36</sup> If the Rector concludes that the appeal was filed on time and is admissible, he will return the case to the dean.<sup>37</sup>

18. The Rector issues a decision in the appeal proceedings within thirty days; the period starts to run on the date on which the file is handed over to the Rector.<sup>38</sup> The provisions of Art. 11 (5) – (10) apply with the necessary modifications to the Rector's decision.

19. No appeal may be filed against the Rector's decision. The Rector's decision comes into legal force when it is notified to the applicant.<sup>39</sup> The dean's decision affirmed under paragraph 15 comes into legal force simultaneously with the Rector's decision.

20. If the applicant withdraws the filed appeal, the appeal proceedings are discontinued on the day on which the appeal is withdrawn. The appealed decision comes into legal force on the day following the discontinuance of proceedings; a resolution is issued regarding the fact that the proceedings were discontinued. This resolution is recorded in the files and the applicant is notified thereof. An appeal may only be withdrawn before the issuance of a Rector's decision.<sup>40</sup>

## **Article 13 Decision on Waiver of Entrance Examination**

1. Articles 11 and 12 apply to decisions regarding waivers of entrance examinations with the necessary modifications.

2. The appeal period is fifteen days.

## **Article 14 Handling Applications with Relation to Issues Connected with the Organisation of Entrance Examinations**

1. Other applications made by an applicant during the admissions procedure, particularly those regarding the setting of an alternative date, modifications to the method of assigning subjects or the course of the entrance examination, are handled in accordance with this article.

2. A body competent to deal with applications regarding the issues under paragraph 1 and to review the handling thereof is determined in the constitution of a respective faculty. Where a body competent to deal with applicants' applications is a dean, the body to deal with reviews is the Rector.

An applicant may apply for a review of the handling of his application within fifteen days of the date on which he has been notified thereof. Where the handling of the application is found to be incorrect, the reviewing body will compel the body which dealt with the application to rectify it; the applicant will be notified of this. Where the handling is found to be correct, the applicant will be notified thereof.

## **Article 15 Transitional and Final Provisions**

1. Admissions procedures commenced under the previous Admissions Procedure Code will be finished in compliance with this Code of Admissions Procedure of Charles University.

2. Until the University offers study programmes subdivided into branches of study, a study programme should, for the purposes of admissions procedure, also cover branches of study.

<sup>33</sup> S. 90 (1) and (3) of the Administrative Procedure Code.

<sup>34</sup> S. 90 (5) of the Administrative Procedure Code.

<sup>35</sup> S. 90 (4) of the Administrative Procedure Code.

<sup>36</sup> S. 92 (1) of the Administrative Procedure Code.

<sup>37</sup> S. 92 (2) of the Administrative Procedure Code.

<sup>38</sup> S. 90 (6) of the Administrative Procedure Code.

<sup>39</sup> S. 91 (1) of the Administrative Procedure Code.

<sup>40</sup> S. 91 (3) of the Administrative Procedure Code.

3. This Code was approved by the Academic Senate of the University on 25 December 2016.
4. This Code comes into force on the date of the registration by the Ministry of Education, Youth, and Sports.<sup>41</sup>
5. This Code becomes effective on the first day of the calendar month following the date of coming into force.

PhDr. Tomáš Nigrin, Ph.D.

Prof. MUDr. Tomáš Zima, DrSc.

Chair of the Academic Senate

Rector

\* Translator's note: Words importing the masculine include the feminine, and unless the context otherwise requires, words in the singular include the plural and words in the plural include the singular.

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<sup>41</sup> S. 36 of the Higher Education Act. The registration was completed on 14 December 2016.