
Property Management Rules

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 these Property Management Rules of Charles University under Ref. No. MSMT-38084/2016 on 14 December 2016.

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Mgr. Karolína Gondková
Director of Higher Education Department

Property Management Rules of Charles University of 14 December 2016

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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 53 (2) of the Constitution of Charles University, as amended, the Academic Senate of Charles University has adopted the following Property Management Rules of Charles University as an internal regulation of the University:

Article 1 Introductory Provisions

1. This regulation stipulates the rules for property management of Charles University (the "University").
2. Property management means the acquisition, use, alienation, and deprivation of property.

Article 2 Acquisition of Property

1. The University owns property required for the activities stated in Article 2 of the Constitution of Charles University (the "Constitution").
2. Other property may be acquired by the University only providing that the property serves the development of the activities mentioned in paragraph 1, and providing that the costs of managing such property do not endanger the performance of tasks in educational, scientific, research, development, innovative, artistic, or other creative activities ("creative activities").

Article 3 Essential Property Management Duties

1. University property must be identified, listed, appraised, and recorded in a prescribed manner.
2. The property must be duly maintained, repaired as required, duly used to perform the tasks mentioned in Article 2, and protected, including the use of legal means of protection against persons who interfered in the exercise of property rights, caused damage to the property of the University, or gained unjust enrichment to the detriment of the University.
3. The duty to use legal means of protection does not apply to the collection of claims up to the amount of CZK 10,000, or if there are reasonable concerns that the cost of the use of legal means will exceed the amount of claim being collected, and if the results of use of such means is considerably uncertain. If the claim amounts to more than CZK 100,000 the decision that the claim will not be collected is made by the Rector, if the amount of the claim is more than CZK 300,000 the Rector must first request the opinion of the Academic Senate of the University. The matters of claims resulting from unpaid fees for study in a faculty are always decided by the dean.
4. The property is used in accordance with the directly applicable regulations of the European Union on state aid.²

Article 4 Budgetary Coverage of Expenses

1. University expenses related to the acquisition and management of property must be covered by the budget, with the exception of cases mentioned in paragraph 2.
2. The exception in the case of dealing with the consequences of natural disasters and other extraordinary events may be granted by the Rector or by the Chief Financial Officer, if he was authorised to do so by the Rector.

¹ 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.

² The legal regulation of the European Union on state aid, in particular Article 107 et seq. of the Treaty on the Functioning of the European Union.

Article 5 Inalienable Property

1. The inalienable property of the University consists of the following:
 - a. Karolinum (Article 60 of the Constitution);
 - b. academic insignia of the University and the faculties (Article 55 of the Constitution);
 - c. rights in the trademark of the University coat of arms (Article 56 (3) of the Constitution);
 - d. archival records of the University, and land, buildings, and other things, rights, and values which are, according to the resolution of the Academic Senate of the University, historically related to the University.
2. Inalienable property may not be transferred to another person.

Article 6 Redundant and Unusable Property

1. Redundant property is property the University does not need to perform the tasks stated in Article 2 (1). However, redundant property is not such property that may be used by entrusting the property to another faculty or unit of the University. Redundant property may be offered for sale to another person, or donated for public benefit.
2. Unusable property are things that are worn, damaged, or obsolete to such an extent that they can no longer serve their original or required purpose. Unusable property may also include things that may be used only at the cost of considerable losses caused by the operating properties of such property. Unusable property may be offered for sale to another person, or scrapped. A building is unusable property if the land on which it is located is to be subject to clearing.
3. The decision that certain property is redundant or unusable is made within the powers of and by the person stated in Article 50 of the Constitution after possible assessment of the property by a commission. The decision must be made in writing. In stipulated cases the decision is made after an opinion and consent of relevant bodies has been issued. Before making a decision on redundancy of property it is necessary to check that other faculties or units of the University are not interested in using such property; the interest may be checked also through email to the Chief Financial Officer, secretaries of faculties, and directors of other units.
4. The provision of paragraph 3 does not apply to disposable things or to property with a purchase price below CZK 10,000.
5. The provisions of legal regulations governing the disposal of certain things, rights, or values are not prejudiced by the provisions of paragraphs 1 to 3.
6. Immovable property may be transferred to another person only if it is redundant or unusable. The Rector may decide on an exception after an opinion and consent has been issued by the relevant bodies in the case of exchange of immovable property, providing that through such exchange the University acquires property that will serve better the performance of tasks stated in Article 2 (1) or in cases when it is provable that maintenance of the immovable property is uneconomical. In such a case it is possible to transfer the immovable property in public interest to another person including also by a gratuitous transfer.
7. The disposition of redundant or unusable property must not constitute prohibited state aid for the purposes of directly applicable regulations of the European Union.³

Article 7 Entrusting Performance of Property Management to Units of the University

1. The performance of property management is entrusted to faculties and other units in the scope reflecting their participation in educational and creative activities as well as supplementary activities of the University.
2. The decision to entrust performance of immovable property management under paragraph 1 and the decision on changes is always made by the Rector, or possibly the Chief Financial Officer if authorised by the Rector to do so; unless such a decision concerns individual non-residential premises or flats, it is always necessary to obtain previous opinion of the academic senate of the relevant faculty or faculties and of the Academic Senate of the University.
3. In case of doubt, as to which unit of the University was entrusted to manage the relevant property, the decision is made by the Rector or possibly the Chief Financial Officer if authorised by the Rector to do so.
4. The entrusted property is recorded according to individual units of the University.

Article 8 Entrusting Property to Employees and Students

1. The property of the University may be entrusted to its employees in accordance with employment regulations.
2. The property of the University may be entrusted to students of the University in accordance with a contract.
3. The decision to entrust property under paragraph 1 and 2 is made by a person stated in Article 50 of the Constitution of the University, unless it concerns ordinary use in relation to performance of work, study, accommodation in dormitories or eating in the refectories.
4. Special records of the property entrusted to employees and students are kept by the relevant unit of the University.

Article 9 Use of Property by Other Persons

³ The legal regulation of the European Union on state aid, in particular Article 107 et seq. of the Treaty on the Functioning of the European Union.

The property of the University may be loaned to another person for use exclusively on condition that it cannot endanger the activities stated in Article 2 (1) and on condition that the University itself cannot use such property with greater or equivalent benefit. The loan of property for use by another person must not amount to prohibited state aid for the purposes of directly applicable regulations of the European Union⁴.

Article 10 Authorisation

Other details of the University property management may be stipulated by a Rector's directive; the Rector or Chief Financial Officer also issue directives to implement Act No. 563/1991 Sb., to regulate accounting, as amended, at the University.

Article 11 Final Provisions

1. Property Management Rules of Charles University in Prague registered by the Ministry of Education, Youth and Sports on 13 March 2000, as amended, are hereby repealed.
2. This internal regulation was approved by the Academic Senate of the University on 25 November 2016.
3. This internal regulation comes into force on the date of registration by the Ministry of Education, Youth and Sports.⁵
4. This internal regulation becomes effective on the first day of the calendar month following the date of coming into force.

PhDr. Tomáš Nigrin, Ph.D.

President of the Academic Senate

Prof. MUDr. Tomáš Zima, DrSc.

Rector

⁴ The legal regulation of the European Union on state aid, in particular Article 107 et seq. of the Treaty on the Functioning of the European Union.

⁵ S. 36 of the Higher Education Act. The registration was completed on 14 December 2016.