
Code of Electoral Procedure for the Academic Senate

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 Electoral Procedure for the Academic Senate under ref. n. MSMT-38196/2016 on 14 December 2016.

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Mgr. Karolína Gondková
Director of Higher Education Department

Code of Electoral Procedure for the Academic Senate 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, the Academic Senate of Charles University adopted the following Code of Electoral Procedure for the Academic Senate as its internal regulation.

Article 1 Election Groups

1. For the purposes of the elections, members of the Academic Senate of Charles University ("the Senate") are divided into three groups.¹
2. The first group comprises members of the Senate elected at the Faculty of Medicine in Plzen, at the Faculty of Pharmacy in Hradec Králové, at the Protestant Theological Faculty, at the Faculty of Social Sciences, at the Faculty of Natural Sciences, at the Faculty of Humanities, and at other units of Charles University ("the University").
3. The second group comprises members of the Senate elected at the Faculty of Medicine in Hradec Králové, at the Second Faculty of Medicine, at the Hussite Theological Faculty, at the Faculty of Arts, at the Faculty of Law, and at the Faculty of Mathematics and Physics.
4. The third group comprises members of the Senate elected at the Third Faculty of Medicine, at the First Faculty of Medicine, at the Catholic Theological Faculty, at the Faculty of Education, and at the Faculty of Physical Education and Sports.
5. The term of office of Senate members from the second group begins one year later and the term of office of Senate members from the third group two years later than the term of office of Senate members from the first group.

Article 2 Calling Elections

1. Elections to the relevant group of the Senate take place in November. The elections will be called by the Board of the Academic Senate by the end of September. Should the Board of the Academic Senate fail to do so, the elections will be called by the Rector.
2. At the faculty where, in compliance with its internal regulations, elections to the faculty's academic senate can be carried out in part or in whole electronically via a computer network, it is also possible, based on a resolution of the faculty's academic senate, to carry out elections to the Academic Senate of Charles University in the same way. It must be ensured that conditions under the Higher Education Act are met. The resolution referred to in the first sentence, along with a document on the technical details of the organization, progress, and security of such elections, must be communicated to the Main Election Committee. Possible objections by members of the faculty's academic community are sent to the faculty's academic senate and to the Main Election Committee. The Main Election Committee will give its opinion on the conditions of the elections within thirty days of the receipt of the resolution of the senate. The election can only be carried out electronically with the consent of the Main Election Committee.
3. The specific date and venue or venues of the elections will be determined by the faculty's academic senate so that the elections are held on at least two and not more than four consecutive days of instruction at the faculty, and in a manner which makes it possible to vote at each designated place for the period of at least four hours each day. In the case of elections held at other units of the University, the given decision will be made by the Board of the Senate; elections are held on weekdays.

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.

4. The resolution to call elections is published without delay in the publicly accessible section of the University website and in the publicly accessible section of the web site of the faculties concerned. The data referred to in paragraph 3 must be published in the publicly accessible section of the faculty's website, and in the case of elections at other units of the University in the publicly accessible section of the University website, no later than 21 days before the first day of the election.

Article 3 Lists

1. No later than 15 days before the first day of the election, the dean's office of the faculty will prepare and submit to the chairperson of the faculty's academic senate:
 - a. a list of students who are members of the academic community of the faculty,
 - b. a list of the academic staff who are affiliated with the faculty.
2. No later than 15 days before the day of the election, the Rector's Office will prepare a list of the academic staff who are affiliated with other units of the University and will submit it to the Academic Senate Secretary ("the Senate Secretary").

Article 4 Election Committee

1. The Main Election Committee and Sectional Election Committees are established. A Sectional Election Committee is established for each faculty. There is one Sectional Election Committee established for other units of the University.
2. The Chairperson, the Vice-Chairperson, and other five members of the Main Election Committee are appointed by the Senate on the proposal of the Board of the Senate from among the members of the academic community of the University for four years. No one can be appointed for more than two consecutive terms. Each member of the Main Election Committee must exercise the right to vote in the elections for the Senate at another faculty or at other units of the University.
3. The Chairperson and other members, or substitutes for the members, of the Sectional Election Committee at a faculty are appointed and dismissed by the faculty's academic senate; the number of members is determined according to the number of venues at which the voting takes place so that at least two members of the Sectional Election Committee are present at any venue any time. The Sectional Election Committee for other units of the University is appointed by the Board of the Academic Senate.
4. If a member of the Election Committee accepts candidacy in an election, his membership in the Election Committee terminates. Membership also terminates as a result of the resignation or the termination of membership in the academic community of the University. A new member must be appointed immediately to fill the vacancy.
5. The Main Election Committee is entitled to check the activities of Sectional Election Committees; upon an application by a voter, the Main Election Committee will immediately carry out a check in the necessary extent. The check is performed by authorized members of the Main Election Committee.

Article 5 Candidates

1. A member of the academic staff or student who is a member of the academic community of the faculty concerned, and in the case of other units a member of the academic staff who is affiliated with one of them, may be nominated candidates.
2. Any member of the academic community of the relevant faculty, or a member of the academic staff affiliated with another unit, may propose candidates.
3. Unless the faculty's academic senate or the Board of the Academic Senate of the University decides otherwise, written nominations must be submitted to the authorized members of the relevant Sectional Election Committee no later than one week before the first day of the election. Nominations submitted later will not be taken into consideration.
4. A nominated person must express consent with the candidacy either in writing (hard copy) or electronically; a Sectional Election Committee will require the candidate's statement.
5. Pre-election assemblies may be held at faculties and other units. A pre-election assembly may not be held on the day of an election.

Article 6 Lists of Candidates, Ballot Papers, and Other Acts to Prepare Elections

1. A Sectional Election Committee will publish lists of candidates no later than two days before the first day of the election. A list of candidates includes the list of names of either candidates from among students or candidates from among the academic staff. Further details may be set out by the faculty's academic senate or, as the case may be, by the Board of the Academic Senate of University.
2. A Sectional Election Committee will arrange for the printing of ballot papers through the dean's office of the relevant faculty or through the Rector's Office. Data on ballot papers must listed in such a way that individual candidates cannot be confused. The ballot paper must be made in such a way that voting can be done simply, usually by putting a cross next to or circling pre-printed names.
3. The Sectional Election Committee will check and seal ballot boxes into which the votes are to be cast.

Article 7 Course of Elections

1. In the polling station or other places reserved for elections, there must be a possibility to mark the ballot papers so that secret ballot is preserved.
2. A voter will prove his identity to the members of the Sectional Election Committee present.
3. Upon completion of acts under paragraph 2, voters from among students will obtain a ballot paper for the election of students, and voters from among the academic staff will obtain a ballot paper for the election of academic staff.
4. Each voter may cast only one vote.
5. A voter will not mark more than two candidates on the ballot paper; should more candidates be marked or should there be any uncertainty with respect to the marking, the vote is invalid.

Article 8 Election Results

1. The results of the election are ascertained by the Sectional Election Committee. The assessment of the results will be carried out no later than on the day following the last day of the election.
2. Two candidates from among the members of academic staff and two candidates from among the students who receive the highest number of votes are elected. If there is an equal number of votes for second and third places, or for further places relevant for the election of a candidate, a decision on who has been elected will be made by drawing lots. Drawing will be carried out by a Sectional Election Committee.
3. The chairperson of the Sectional Election Committee, or a designated member thereof, will hand over the ascertained results to the Main Election Committee without delay. A specimen of the report on the course and results of the elections is set out by the Main Election Committee.
4. The ascertained results are published in the publicly accessible section of the University's website and in the publicly accessible sections of the websites of the faculties concerned.
5. A voter may file a complaint against the preparation, progress, and results of the elections with the Main Election Committee no later than eight days from the date of publication of the election results. The complaint must be in writing and must state reasons. The Main Election Committee will assess the validity of the election within 21 days of the date on which it received the notification, or the complaint, pursuant to s. 3.
6. The fact that the candidate has been validly elected will be announced by the Chairman of the Main Election Committee, or by a designated member thereof, at the first session of the Academic Senate of University held after 1 February. A written certificate is delivered to the selected member.

Article 9 Re-done Elections

1. Elections are re-done when there was a mistake that may have affected the person who was elected. If there has been such a mistake as to the order of substitutes, it is consecutively presumed that substitutes who ranked in the position where the mistake occurred and in the subsequent positions have not been elected.
2. Elections cannot be re-done on the grounds given in paragraph 1 if a member of the Senate has already obtained a written certificate of having been elected.
3. A decision on repeat elections is made by the Main Election Committee or a Sectional Election Committee; the Sectional Election Committee will notify the Main Election Committee of its decision without undue delay.
4. The provisions on elections apply to re-do elections with the necessary modifications.

Article 10 Impediment to Membership in the Senate

The performance of an office which is incompatible with membership in the Senate under the Higher Education Act or under the Constitution of the University is an impediment to membership in the Senate.

Article 11 Cessation of the Membership in the Senate

1. Membership in the Senate terminates:
 - a. upon the expiration of the term of office, or
 - b. prior to the expiration of the term of office:
 1. along with the termination of membership in a respective academic community by which the given person was elected, unless the University internal regulations provide otherwise;
 2. on the day on which a written statement in which the member resigns his membership of the Senate is delivered to the President of the Senate;
 3. in connection with the procedure under Article 5 (10) of the Constitution of the University;
 4. if the Code of Procedure for the Academic Senate of Charles University allows so, also in the event that a member is deprived of the mandate by vote of the Senate.
2. If the membership in the Senate terminates in accordance with paragraph 1 (b), the vacancy in the Senate is filled by a substitute member for the remainder of the term of office.

Article 12 Substitutes

1. Candidates who have not been elected will be substitute members for the term of office in question in a succession according to the number of votes they obtained. This does not apply if a candidate received less than 10% of votes of the voters from the relevant faculty, or, as the case may be, from other units who turned out for the elections.
2. The provisions contained in the second sentence of Article 8 (2) and Article 10 apply with the necessary modifications.
3. A substitute is called to become a member by the Main Election Committee at the invitation of the President of the Senate. Article 8 (6) applies with the necessary modifications.

4. A substitute may refuse the call in writing if he does so without delay. In such a case he shall remain a substitute member and another substitute member will be called to become a member of the Senate; if the last substitute member in succession refuses the call, the procedure under Article 13 will apply.
5. A member of the Senate who has resigned his mandate may state in his written resignation that he intends to remain a substitute member.
6. A member of the Senate who was elected as a student and who has duly completed a Bachelor's programme of study and applied for enrolment into the subsequent Master's programme of study at the same faculty, or who has duly completed the Master's programme of study and applied for enrolment in a doctoral study program at the same faculty, may declare in writing that he intends to remain a substitute member. The statement must be delivered within 7 days of the date of completion of the study to the chairperson of the faculty's academic senate, who will immediately submit it to the Board of the Senate. In such case the first substitute in succession will be called to the Senate only after the enrolment of such applicant for study, or the following substitute member in succession will be called to the Senate after the legal effect of a decision on non-admission of the applicant to the study, however, not later than four months after the date of delivery of the statement. If the applicant is not admitted to study within said period of time, he will cease to be a substitute member.
7. The provisions contained in paragraph 6 apply with the necessary modifications to the situation of substitute members from among the students.
8. All substitute members may resign their position. A written statement is to be delivered to the chairperson of the faculty's academic senate, who will immediately submit it to the Board of the Academic Senate; it comes into effect on the date of delivery to the chairman of the faculty's academic senate.

Article 13 By-elections

1. By-elections are held in the event that either there is no substitute member to a vacancy in the Academic Senate or all substitute members have refused the call. By-elections do not need to be held if the vacancy occurred in the last nine months of the term of office, and if the faculty's academic faculty so resolves.
2. Provisions on elections apply to by-elections with the necessary modifications.
3. Candidates who have not been elected in by-elections do not become substitutes.

Article 14 Special Provisions

1. If the Rector calls elections to the Academic Senate under the last sentence of section 8 (3) of the Higher Education Act, he also performs the duties of the Board of the Senate referred to in Article 2 (3) or, as the case may be, in Article 4 (2). Calling elections under Article 8 (6) will be carried out by the Chairperson of the Main Election Committee at the first session of the newly elected Academic Senate.
2. The provisions of Article 12 (6) apply with the necessary modifications to members of the faculty's academic senate from among students, and to substitute members of the faculty's academic senate from among students (section 26 (3) of the Higher Education Act) unless the internal regulation of the faculty stipulates otherwise for reasons of preserving the required composition of the faculty's academic senate.

Article 15 Transitional Provisions

1. Elections called prior to the effective date of this Code are governed by the previous regulations. The term of office of the members of the Academic Senate elected in the elections held pursuant to the previous regulations is not affected by this Code.
2. The Main Election Committee established under the previous regulations is considered to be the Main Election Committee under this Code. The term of office of the chairperson, vice-chairman, and other members of the Main Election Committee appointed pursuant to the previous regulations is not affected by this Code.

Article 16 Repealing Provisions

The following provisions are hereby repealed:

- a. Part I, Article 48 and Article 49 of the Code of Elections and the Rules of Order of the Academic Senate of Charles University in Prague of 24 September 1999,
- b. Article 1, points 1-9 of the amendment of the Code of Elections and the Rules of Order of the Academic Senate of Charles University in Prague of 25 January and 8 March 2002,
- c. Article 1, points 1-4 of the amendment of the Code of Elections and the Rules of Order of the Academic Senate of Charles University in Prague of 20 January 2006,
- d. Article 1, points 1-15 of the amendment of the Code of Elections and the Rules of Order of the Academic Senate of Charles University in Prague of 15 May 2015.

Article 17 Final Provisions

1. This Code was approved by the Academic Senate of the University on 25 November 2016.
2. This Code comes into force on the date of the registration by the Ministry of Education, Youth and Sports. ²
3. This Code becomes effective on the first day of the calendar month following the date of coming into force.

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Prof. MUDr. Tomáš Zima, DrSc.

² Section 36 of the Higher Education Act. The registration was completed on 14 December 2016.

President of the Academic Senate

Rector