

Consolidated text of Code of Procedure for the Academic Senate of the Faculty of Law of Charles University after the first amendment

## **CODE OF PROCEDURE FOR THE ACADEMIC SENATE OF THE FACULTY OF LAW OF CHARLES UNIVERSITY\***

*Under sections 27 (1) (b) and 33 (2) (c) 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 the Faculty of Law has adopted the following Code of Procedure for the Academic Senate of the Faculty of Law of Charles University as an internal regulation of the faculty:*

### **PART I**

#### **Meetings of the Senate**

##### **Article 1**

##### **Regular Meetings**

- (1) The schedule of regular meetings of the Academic Senate of the Faculty of Law of Charles University (“the Senate”) is set for a period of two semesters. The schedule is approved by the Senate.
- (2) A regular meeting of the Senate is held at least three times per semester. A regular meeting of the Senate is convened by the President of the Senate according to the approved schedule of meetings of the Senate specified at the previous meeting of the Senate. An invitation to the meeting shall include the date, place, and agenda of the meeting, including the order of the matters to be discussed.
- (3) Information regarding the date, place, and agenda of a regular meeting of the Senate is to be posted on the publicly accessible part of the website of the Faculty of Law of Charles University (“the Faculty”).

##### **Article 1a**

##### **Extraordinary Meetings**

- (1) The President of the Senate is obliged to convene an extraordinary meeting if it is requested by the Dean, the Rector, or at least one third of the members of the Senate
- (2) A request under paragraph 1 must concern only an urgent matter. During the period from 20 June to 10 September a request under paragraph one cannot be a matter that is to be dealt with under the special consideration of matters according to Article 3b. The request must be accompanied by the relevant background documents.
- (3) The President of the Senate convenes an extraordinary meeting such that it be held no sooner than seven days and no later than ten days after the date of the receipt of a request, unless a longer period follows from the request.
- (4) Should the agenda of an extraordinary meeting include a matter that is to be dealt with under special consideration according to Article 3b, the President of the Senate shall convene the extraordinary meeting such that it be held no sooner than 14 and no later than 17 days after the date of the receipt of a request, unless a longer period follows from the request.
- (5) Information regarding the date, place, and agenda of an extraordinary meeting of the Senate is to be posted on the publicly accessible part of the website of the Faculty.

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\* 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.

### **The First Meeting of a New Term of Office of the Members of the Senate**

- (1) The first meeting of a new term of office of the members of the Senate is convened and, until the election of the President of the Senate, is chaired by the previous President; if the previous President is no longer a member of the Senate, the meeting is chaired by the oldest member of the Senate.
- (2) The first item on the agenda of the meeting under paragraph 1 is the election of the President of the Senate; the second item is the election of Vice-Presidents of the Senate.

### Article 2

#### **Meetings of the Senate**

- (1) Meetings of the Senate are chaired by the President of the Senate or by a member of the Senate authorised thereto by the President of the Senate (“the Chair”).
- (2) Meetings of the Senate are open to the public.
- (3) After opening the meeting, the Chair will allow the members of the Senate to comment on the agenda or propose changes in the order of matters to be considered. Such proposals may also be presented by the Dean.
- (4) If the approved agenda of a regular meeting of the Senate has not been completed within five hours, the Chair may on his/her own motion or upon a motion by a member of the Senate decide to adjourn the meeting. The meeting cannot be adjourned if at least a simple majority of all members of the Senate vote for the continuation of the meeting. The Chair may also adjourn the meeting if it could not be opened due to an insufficient number of members of the Senate being present thirty minutes after the announced start of the meeting.

### Article 3

#### **Consideration of Items on the Agenda**

- (1) Individual items on the agenda are considered under general or special consideration, usually on the basis of written background documents.
- (2) In simple cases it is possible, with the consent of the President of the Senate or, in the course of the meeting with the consent of the Senate, to consider an item on the agenda without written background documents.

### Article 3a

#### **General Consideration**

- (1) Items which are not subject to special consideration are dealt with under general consideration.
- (2) Background documents regarding an item under general consideration are presented to the President of the Senate by a mover who requests that the item be considered no later than seven days prior to the meeting of the Senate. The President of the Senate may shorten the period to four days in justified cases.
- (3) The President of the Senate will make the background documents regarding an item under general consideration available to members of the academic community of the Faculty and will deliver them to the members of the Senate, the Dean’s Board, and the Faculty units concerned.
- (4) A Faculty unit may deliver to the President of the Senate a statement on background documents regarding an item under general consideration no later than two days prior to the meeting of the Senate; where the period for the presentation of background documents has been shortened to four days, said statement must be presented no later than 1 day prior to the meeting of the Senate. The President of the Senate will make the statements delivered

available to the members of the academic community of the Faculty immediately after the expiration of relevant periods, and will send them to the members of the Senate and the Dean's Board.

#### Article 3b

##### **Special Consideration**

- (1) Special consideration applies to:
  - a) An internal regulation of the Faculty;
  - b) An item concerning a programme of study;
  - c) Strategic plans and their implementation; and
  - d) The establishment, merger, consolidation, split-off, or dissolution of a unit of the Faculty.
- (2) Background documents regarding an item under special consideration are presented to the President of the Senate by a mover who requests that the item be considered no later than 14 days prior to the meeting of the Senate; said period cannot be shortened.
- (3) The President of the Senate will make the background documents regarding an item under special consideration available to the academic community of the Faculty and will deliver them to the members of the Senate, the Dean's Board, and the Faculty units concerned.
- (4) A Faculty unit may deliver to the President of the Senate its statement on background documents regarding an item under special consideration which concerns the respective unit no later than seven days prior to the meeting of the Senate. Immediately after the expiration of said period, the President of the Senate will make the statements delivered available to the members of the academic community of the Faculty and will deliver them to the members of the Dean's Board.

#### Article 4

##### **Participation in a Senate's Meeting**

- (1) The Dean or Vice-Dean representing the Dean, the Rector or Vice-Rector representing the Rector, the President of the Academic Senate of Charles University, or an authorised member of the Academic Senate of Charles University have the right to attend a meeting of the Senate with an advisory vote. Said persons will be accorded the floor whenever they so request.
- (2) The President of the Senate will invite the following persons to the meeting of the Senate:
  - a) The proposer of an item to be considered;
  - b) The author of the background documents regarding the item if it necessary for due consideration of an issue;
  - c) In cases of items concerning a particular Faculty unit, the head of that Faculty unit or a deputy authorised by him.
- (3) The President of the Senate or the Senate may also invite other persons if necessary for due consideration of an issue.

#### Article 5

##### **Quorum and Adoption of Resolutions**

- (1) The Senate has a quorum if at least five members elected as representatives of students and six members elected as representatives of the academic staff are present. If the Senate has not had a quorum at two subsequent meetings, it forms a quorum at the following meeting if a majority of all its members is present.
- (2) A Senate's resolution is adopted if a majority of members present at the meeting voted for it, unless the Higher Education Act provides otherwise.

- (3) The voting of the Senate is public. The Senate adopts resolutions by secret ballot when deciding on proposals which concern particular persons, if the law so provides, or if the Senate so resolves. The Senate may resolve that the voting on proposals that concern particular persons with respect to the approving or nominating of persons to the Senate's or other advisory bodies established at the faculty be public.

## Article 6

### **The Course of a Meeting**

- (1) Every item on the agenda will be debated. The opening word in debate on the item is to be presented by the proposer requesting consideration, or, as the case may be, by a member of the Senate. The Chair gives the floor to the speakers in the order in which they claimed it.
- (2) The Senate may resolve, by a two-thirds majority of members present, that the length of contribution be limited to a maximum of three minutes.
- (3) A member of the Senate has the right to make a factual observation in response to the debate. The Chair will give him the floor immediately after a person speaking has finished. The observation must not exceed one minute.
- (4) No one may be interrupted by anyone whilst speaking in the debate; this provision does not apply where the Chair warns the speaker that he may be directed to discontinue speaking. Exceptionally, the Chair is entitled to direct the speaker to discontinue speaking:
  - a) If the speaker, despite a prior warning, has not spoken to the point discussed, or has misused the right to make an observation; any member of the Senate may raise an objection, and the objection will be decided upon by the Senate without delay;
  - b) If the speaker has exceeded the limit of the contribution length under paragraph 2 or the time limit for the making of a factual observation under paragraph 3.
- (5) The Chair may propose that the debate be closed if it is obvious that its continuation cannot help to clarify the matter debated. The debate may only be closed if at least a two-thirds majority of members of the Senate present have voted for the closing of the debate.
- (6) At the end of the debate the floor will be given to the proposer if he claims it.

## Article 6a

### **Amendments**

- (1) A member of the Senate may submit an amendment to an item considered under special consideration no later than three days prior to the meeting of the Senate. No amendment submitted after said deadline or during the debate at the meeting of the Senate is admissible.
- (2) The person proposing an amendment may modify his proposal under the condition that such amendment preserves the direct connection to the original content of the proposal. A person proposing an item on the agenda may modify his proposal under the condition it preserves the direct connection to the original content of the proposal or in reaction to an amendment submitted.
- (3) The President of the Senate will make an amendment proposed under paragraph 1 available without undue delay to members of the academic community of the Faculty and will deliver it to members of the Senate, the Dean's Board, and the faculty units concerned.
- (4) A member of the Senate may submit an amendment to an item considered under general consideration at any time prior to the meeting of the Senate or during the debate at the meeting of the Senate.

## Article 7

### **Voting**

- (1) The Senate votes separately on each proposal that has been submitted to it unless the proposer

withdraws his proposal before the voting starts. The Senate may resolve that certain proposals will be put to vote jointly.

- (2) The proposals are voted on in the order in which they were submitted. The amendments are voted on before the vote on the original proposal takes place; the Chair determines the order based on the nature of the issue.
- (3) In the case of a public vote, the members vote by raising their hand.
- (4) In the case of a secret ballot, the votes are cast in a ballot box. For the purposes of a secret ballot, the Senate will establish a three-member committee for secret ballot.
- (5) After the vote has been terminated or the results of the vote determined, the Chair or a member of the committee for secret ballot will announce the results.

## Article 8

### **Minutes**

- (1) Minutes are to be taken of all meetings of the Senate. A record of the course of meeting may serve as source material for the minutes. The record is taken by a member of the academic community authorised thereto by the President of the Senate, or, as the case may be, a member of the Senate authorised by the Chair.
- (2) The minutes of the meeting shall indicate at least the date of the meeting, the names of the members of the Senate present, those who were excused from attendance, persons invited to the meeting of the Senate, who acted as the Chair, the agenda and the order of items on the agenda, who introduced individual items on the agenda, the course of the debate on individual items on the agenda, resolutions passed, and the results of voting in numbers. If any item on the agenda on which a resolution should be passed is not supported by written documents, the minutes are to provide the basic details regarding such item. If a person who has made a presentation in the debate so requests, a detailed record of the presentation is included.
- (3) The minutes are authenticated by the Chair.
- (4) A draft of the minutes is sent electronically to the members of the Senate and the Dean for their comments usually within 14 days of the date of the meeting, however, no later than seven days before the date of the next regular meeting.
- (5) A member of the Senate may raise objections to the minutes at the next regular meeting. The objections are to be decided on by vote of the Senate
- (6) The minutes are to be posted on the publicly accessible part of the website of the Faculty no later than seven days after the regular meeting under paragraph 5.

## Article 8a

### **Resolutions Adopted**

- (1) The Chair will prepare a list of Senate's resolutions adopted at a meeting which he chaired.
- (2) The list of adopted resolutions under paragraph 1 is to be posted on the publicly accessible part of the website of the Faculty no later than two working days after the meeting of the Senate.

## PART II

### **Meetings Regarding Specific Issues**

## Article 9

### **Proposals for the Nomination of a Candidate for Dean**

- (1) Nominations of candidates for Dean are to be submitted no later than 30 days before the date of the election.

- (2) A nomination must be accompanied by the written consent of the nominee to his candidature, a brief CV of the nominee and the description of his activities at the Faculty, and a brief summary of the nominee's platform.
- (3) The nominees may make a presentation at a pre-election meeting of the Senate held no later than seven days before the date of the election. Candidates are not allowed to make a presentation at the election meeting of the Senate.
- (4) The date of the election meeting of the Senate must be announced no later than 60 days before the meeting. The documents referred to in paragraph 2 must be sent to all members of the Senate no later than 21 days before the date of the election meeting.

#### Article 10

##### **Election of a Candidate for the Office of Dean**

- (1) The election is conducted by secret ballot.
- (2) A candidate who obtains an absolute majority of votes of all members of the Senate is considered elected.
- (3) If none of the candidates is elected, a run-off will be held between the two nominees who obtained the highest number of votes. If there are more than two candidates who have equally obtained the highest number of votes, or if there are more candidates who have equally obtained the second highest number of votes, all candidates who have obtained an equal number of votes will participate in the run-off as well. A run-off is also to be held if the only two candidates standing in any round of the elections obtained an equal number of votes. If neither of the two candidates standing in the given round obtained an absolute majority of the votes of all members of the Senate, the person who obtained more votes is to participate in a run-off.
- (4) If the sole candidate standing in a given round fails to obtain an absolute majority of votes of all members of the Senate, the election comes to an end. In such case, a new election is to be held from among newly nominated candidates within one month. New nominations must be submitted within 14 days.
- (5) A person who received two successive nominations and failed to be elected may not stand in the new election or in an election held within three years of the first unsuccessful election in which he stood as a candidate; this provision does not apply if less than two thirds of all members of the Senate participated in the last unsuccessful election.
- (6) A nominee may withdraw his candidature during the election, but only before the beginning of the given round.
- (7) The election is arranged for by the electoral commission consisting of three members elected by the Senate from among its members. A nominated candidate may not be a member of the electoral commission.

#### Article 11

##### **Motion to Dismiss the Dean**

- (1) A motion to dismiss the Dean must be submitted in writing, stating the grounds for dismissal. The grounds for such motion may only be the facts connected with the execution of the office of Dean.
- (2) The Senate must first decide on the permissibility of the motion. A motion will be declared permissible if the majority of members present, but no less than one third of all members of the Senate, approve it. Should the motion be impermissible, the Senate will refuse it; a refused motion is no longer to be considered.
- (3) If the motion has not been refused, it will be considered at the subsequent meeting of the Senate. The Dean must have at least 15 days to prepare for this meeting. In the debate, the

Rector will comment on the grounds stated in the motion and he has the right to put questions concerning these grounds to persons who have submitted the motion.

- (4) The voting on the motion to dismiss the Dean is conducted by secret ballot. The motion is granted if at least a three-fifths majority of all members of the Senate voted for the dismissal.

### PART III

#### **Bodies of the Senate and Delegation to Advisory Bodies at the Faculty**

##### Article 12

#### **President and Vice-Presidents of the Senate**

- (1) The President and Vice-Presidents of the Senate are elected by secret ballot and may be dismissed by secret ballot.
- (2) Candidates for the President and Vice-Presidents of the Senate may be nominated only by a member of the Senate.

##### Article 13

#### **Commissions of the Senate**

- (1) The Senate may establish commissions or temporary commissions as its advisory bodies. Each member of the Senate can be a member of any commission of the Senate.
- (2) A commission is always chaired by a member of the Senate.
- (3) The Senate must always establish the Economic Commission.
- (4) A commission has a quorum if at least 3 members, one of whom is a member of the Senate, are present. The commission resolves by a simple majority of the members present; if there is an equal number of votes, the vote of the chair of the commission is decisive.

##### Article 13a

#### **Delegation of Senate's Representatives to Advisory Bodies Established at the Faculty**

- (1) If an internal regulation of the Faculty, Dean's directive, or a person who establishes an advisory body at the Faculty so provides, the Senate may delegate its representatives to such a body.
- (2) A representative so delegated by the Senate reports to the Senate as necessary on his activities in the body under paragraph 1.

### PART IV

#### **Final Provisions**

##### Article 14

- (1) The Code of Electoral Procedure and the Code of Procedure approved by the Academic Senate of the Faculty on 12 May 1999, as modified by the amendment approved by the Senate of the Faculty on 20 June 2008, is hereby repealed except Articles 1-6.
- (2) This Code of Procedure was approved by the Senate of the Faculty on 25 May 2017.
- (3) This Code of Procedure comes into force on the date of approval by the Academic Senate of Charles University.<sup>1</sup>
- (4) This Code of Procedure becomes effective on the date of approval by the Academic Senate of Charles University.

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<sup>1</sup> This Code of Procedure was approved by the Academic Senate of Charles University on 2 June 2017.

Doc. JUDr. Radim Boháč, Ph.D.  
President of the Academic Senate  
of the Faculty of Law of Charles University

Prof. JUDr. Jan Kuklík, DrSc.  
Dean of the Faculty of Law  
of Charles University

PhDr. Tomáš Nigrin, Ph.D.  
President of the Academic Senate of Charles University

**Transitional Provision of the First Amendment of the Code of Procedure for the  
Academic Senate of the Faculty of Law of Charles University:**

Article II

**Transitional Provision**

The Code of Procedure for the Academic Senate of the Faculty of Law of Charles University, as effective prior to the date of effect of this amendment of the Code of Procedure of the Faculty of Law of Charles University, may be used for the submission of background documents and amendments to items on the agenda to be considered at a meeting of the Senate held within one month of the date of effect of this amendment of the Code of Procedure for the Academic Senate of the Faculty of Law of Charles University.