

**ACT NO. 111/1998
(AMENDED AND CONSOLIDATED)
ON HIGHER EDUCATION INSTITUTIONS
AND ON AMENDMENTS AND SUPPLEMENTS TO SOME OTHER ACTS
(THE HIGHER EDUCATION ACT)**

AS RESULTING FROM AMENDMENTS MADE BY ACT NO. 210/2000, ACT NO. 147/2001, ACT NO. 362/2003, ACT NO. 96/2004, ACT NO. 121/2004, ACT NO. 436/2004, ACT NO. 473/2004, ACT NO. 562/2004, ACT NO. 342/2005, ACT NO. 552/2005, ACT NO. 161/2006, ACT. No. 165/2006 , ACT No. 310/2006 AND ACT NO. 624/2006.

Act**on Higher Education Institutions and on Amendments and Supplements to Some Other Acts
(the Higher Education Act)**

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ACT No. 111
On Higher Education Institutions of 22 April 1998
and on Amendments and Supplements to Some Other Acts

(THE HIGHER EDUCATION ACT)

Parliament has passed the following law of the Czech Republic:

PART I

FUNDAMENTAL PROVISIONS

Section 1
Introductory Provisions

Higher education institutions, as the highest level of the educational system, are regarded as the culminant centres of education, independent knowledge and creative activity. Higher education institutions play a key role in the scholarly, scientific, cultural, social and economic development of society by carrying out the following:

- a) maintaining and augmenting acquired knowledge as well as cultivating scholarly, scientific, research, development, artistic and other creative activities in accordance with the type and orientation of the institution;
- b) facilitating access to higher education in compliance with democratic principles; providing appropriate professional qualifications and training for research work and other demanding specialized activities;
- c) offering other forms of education; facilitating the acquisition, expansion, deepening and refreshment of knowledge in various areas of learning and culture and thus contributing to lifelong learning;
- d) playing an active role in the public discussion of social and ethical issues, cultivating cultural diversity and mutual understanding, shaping civil society and preparing the younger generation for life in such a society;
- e) contributing to development on both the national and the regional level, while cooperating with the various levels of the state administration and regional and municipal government as well as with the business and cultural communities;
- f) developing international and particularly European cooperation as a fundamental aspect of their activities, supporting joint projects with similar institutions abroad, implementing the mutual recognition of credits and diplomas and facilitating the exchange of academic staff and students.

Section 2

- (1) Higher education institutions provide accredited degree programmes as well as lifelong learning programmes. The type of higher education activity is determined by the type of accredited degree programme provided. Degree programmes are of three types: Bachelor's programmes, Master's programmes and doctoral programmes.
- (2) Higher education institutions are legal entities.

- (3) Higher education institutions are of either a university or a non-university type. Only higher education institutions may use as part of their name the term “higher education institution” or verbal derivatives of this term. Only higher education institutions of the university type may use as part of their name the term “university” or verbal derivatives of this term.
- (4) Higher education institutions of the university type may provide all types of degree programmes as well as related scholarly, scientific, research, development, artistic and other creative activities.
- (5) Higher education institutions of the non-university type provide Bachelor’s programmes and may also carry out Master’s programmes as well as related research, development, artistic and other creative activities. Higher education institutions of this type are not divided into faculties.
- (6) The Statutes of each higher education institution state its type; this must comply with the standpoint expressed by the Accreditation Commission.
- (7) Higher education institutions may be public, private or state institutions. The higher education institutions for the military and the police are state institutions.
- (8) Other legal entities involved in similar activities may participate in the educational, scholarly, scientific, research, development, artistic and other creative activities of higher education institutions.
- (9) Only higher education institutions are allowed to award academic degrees, to carry out the procedures for conferring “*venium docendi*” (habilitation) and for the appointment of professors, to use academic insignia and to hold academic ceremonies.
- (10) It is forbidden for political parties or political movements to be established at higher education institutions or for them to carry out activities there.¹⁾

Section 3

The Academic Community of a Higher Education Institution

The academic community of a higher education institution comprises its academic staff and students.

Section 4

Academic Freedoms and Academic Rights

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

- a) freedom of scholarly, scientific, research and artistic activities as well as publication of the results thereof;

¹⁾ Subsection 5 (3) of Act No. 424/1991 on Association in Political Parties and Political Movements as amended by Act No. 117/1994.

- b) freedom of teaching, in particular with regard to openness to different scientific and scholarly views, scientific and research methods and artistic movements;
- c) the right of learning, which includes the free choice of specialization within the framework of degree programmes as well as the freedom to express one's views during classes;
- d) the right of members of the academic community to elect their representative academic bodies;
- e) the right to use academic insignia and to hold academic ceremonies.

PART II

PUBLIC HIGHER EDUCATION INSTITUTIONS AND THEIR CONSTITUENT PARTS

CHAPTER I PUBLIC HIGHER EDUCATION INSTITUTIONS

Section 5 Establishment of Public Higher Education Institutions

- (1) A public higher education institution is established and dissolved by means of an act of Parliament. Its name and domicile are specified in the act.
- (2) Public higher education institutions may only merge or amalgamate with other public higher education institutions; they may only be split into other public higher education institutions. Such changes can only be carried out by means of an act of Parliament.
- (3) If a public higher education institution is dissolved under subsection (1) or is merged, amalgamated or split under subsection (2), the act must stipulate the legal entities to which the assets and liabilities are to be transferred. The act must also state which public higher education institutions will provide the students of the dissolved institution with the opportunity to complete their higher education.

Section 6

- (1) The autonomy of public higher education institutions encompasses the following fields in particular:
 - a) internal organization;
 - b) determination of the number of applicants to be admitted to studies, the conditions for admission to studies and decision-making during the admission procedures;
 - c) the design and implementation of degree programmes;
 - d) the organization of studies;
 - e) decision-making with regard to students' rights and obligations;
 - f) objectives of scholarly, scientific, research, development, artistic and other creative activities and their organization;
 - g) conditions of employment and determination of the numbers of academic staff and other personnel;
 - h) the procedures for conferring "*venium docendi*" (habilitation) and for the appointment of professors;

- i) cooperation with other higher education institutions and legal entities as well as international relations;
 - j) the establishment of autonomous academic bodies at the higher education institution, unless stipulated otherwise by this Act;
 - k) financial management of the higher education institution and management of assets in compliance with special regulations;
 - l) the fixing of study-related fees.
- (2) The organization and activities of public higher education institutions as well as the status of the members of their academic communities are subject to their internal regulations.
- (3) State authorities may only intervene in the activities of public higher education institutions on the basis and within the confines of the law and in a manner established by the law.

Section 7

Officers and Official Bodies of Public Higher Education Institutions

- (1) Public higher education institutions have the following autonomous academic officers and official bodies:
- a) the Academic Senate;
 - b) the Rector;
 - c) the Scientific Board or Artistic Board, or the Academic Board at non-university higher education institutions (hereinafter “the Scientific Board of a public higher education institution”);
 - d) the Disciplinary Committee.
- (2) Public higher education institutions also have another official body and one other officer:
- a) the Board of Trustees;
 - b) the Bursar.

Section 8

The Academic Senate of a Public Higher Education Institution

- (1) The Academic Senate of a public higher education institution is its autonomous representative academic body. It consists of at least eleven members, of whom at least one-third and at most one-half must be students. The academic community of a public higher education institution elects the members of the Academic Senate from among its ranks. The election is direct, by ballot. The internal regulations of a public higher education institution specify in particular the number of members of the Academic Senate, the manner in which they are to be elected, the manner in which the Chair of the Academic Senate is to be elected, the official bodies of the Academic Senate and how they are to be established, the reasons for termination of membership in the Academic Senate, and the possible incompatibility of membership in the Academic Senate with the exercise of other duties.
- (2) Membership in the Academic Senate is incompatible with the offices of Rector, Vice-Rectors, Deans and Vice-Deans.

- (3) The term of office of members of the Academic Senate at a public higher education institution may not exceed three years. If a student elected to the Academic Senate of a public higher education institution should, during his/her term of office, be admitted to another, directly linked degree programme, the internal regulations of the public higher education institution may include a provision permitting retention of membership in the Academic Senate. The term of office of all members of the Academic Senate at a public higher education institution is terminated should the Academic Senate fail to hold meetings under Section 9 for a period of six months. Within thirty days at the most the Rector will then call new elections.
- (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 on his/her behalf, has the right to speak at a meeting of the Academic Senate any time he or she so requests. Upon the Rector's request, the Chair of the Academic Senate must call an extraordinary meeting of the Academic Senate of the public higher education institution without delay.

Section 9

- (1) The Academic Senate of a public higher education institution:
 - a) acting upon a proposal from the Rector, takes decisions on establishing, merging, amalgamating, splitting or dissolving individual constituent parts of the higher education institution, and on the basis of the approval of the officers and official bodies or persons designated by the Statutes as senior employees of the higher education institution also decides on establishing or dissolving joint units of constituent parts of the higher education institution.
 - b) acting upon a proposal from the Rector or on the basis of the submission of a regulation by the Academic Senate of a faculty, approves the internal regulations of the higher education institution and its constituent parts;
 - c) approves the budget of the higher education institution, which is submitted by the Rector, and monitors the financial management of the higher education institution;
 - d) approves the annual reports on the activities and on the financial management of the higher education institution, which are presented by the Rector;
 - e) approves the evaluation of the activities of the higher education institution, presented by the Rector;
 - f) approves the Rector's proposals for nominating or dismissing members of the Scientific Board and the Disciplinary Committee of the public higher education institution;
 - g) approves the admission requirements for degree programmes that are not offered by individual faculties;
 - h) votes on proposals to nominate or dismiss the Rector;
 - i) approves the strategic plan for the teaching, scholarly, scientific, research, development, artistic and other creative activities of the public higher education institution (hereinafter "the strategic plan of the public higher education institution"), following discussion of the plan by the Scientific Board.
 - j) acting upon a proposal from the Rector, revokes an internal regulation, decision or other act by an officer or official body of a constituent part of the public higher education institution, or suspends its operation, if this internal regulation, decision or act is in violation of the special regulations or internal regulations of the public higher education institution.

- (2) The Academic Senate of a public higher education institution expresses its view on the following subjects in particular:
- a) proposals for degree programmes that are not offered by individual faculties;
 - b) the intention of the Rector to appoint or dismiss Vice-Rectors;
 - c) legal acts that require the consent of the Board of Trustees of the public higher education institution under paragraphs 15 (1) a) to d);
 - d) suggestions and standpoints of the Board of Trustees under subsection 15 (3).
- (3) The Academic Senate of a public higher education institution votes by ballot, in particular in the case of proposals under paragraph (1) h). A proposal for the nomination of the Rector is passed if it receives a majority of the votes of the total membership of the Academic Senate of the public higher education institution. A proposal for the dismissal of the Rector is passed if it receives at least three-fifths of the votes of the total membership of the Academic Senate of the public higher education institution.

Section 10

The Rector of a Public Higher Education Institution

- (1) The head of a public higher education institution is the Rector. Unless otherwise stipulated by the Act, the Rector acts and makes decisions in connection with all matters pertaining to the institution. In cases where a special regulation envisages the competency of the chief statutory officer, this office is filled by the Rector.
- (2) The Rector is appointed and dismissed by the President of the Czech Republic on the basis of a proposal from the Academic Senate of the public higher education institution. The proposal is submitted through the Minister of Education, Youth and Sports (hereinafter “the Minister”).
- (3) The Rector’s term of office is four years. The position of Rector at a particular public higher education institution may be filled by the same person for two consecutive terms of office at the most.
- (4) Vice-Rectors act on behalf of the Rector in areas designated by him/her. Vice-Rectors are appointed and dismissed by the Rector.
- (5) The Rector’s salary is determined by the Minister.

Section 11

The Scientific Board of a Public Higher Education Institution

- (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 in fields in which the public higher education institution carries out teaching, scholarly, scientific, research, development, artistic and other creative activities. At least one-third of the members of the Scientific Board must be from outside the academic community of the public higher education institution in question.

- (3) The Scientific Board of a public higher education institution is presided over by the Rector.

Section 12

- (1) The Scientific Board of a public higher education institution:
- a) discusses the strategic plan of the public higher education institution;
 - b) approves degree programmes whose approval does not fall within the competency of a particular faculty's Scientific Board or Artistic Board (hereinafter "the Scientific Board of a Faculty");
 - c) exercises competency with regard to the procedures for the appointment of professors and for conferring "*venium docendi*" (habilitation).
- (2) The Scientific Board of a public higher education institution expresses its view on matters presented to it by the Rector.

Section 13

The Disciplinary Committee of a Public Higher Education Institution

- (1) The members and the Chair of the Disciplinary Committee of a public higher education institution are appointed by the Rector from among the members of the institution's academic community. Half of the members of the Disciplinary Commission are students.
- (2) The term of office of members of the Disciplinary Committee of a public higher education institution may not exceed two years.
- (3) The Disciplinary Committee of a public higher education institution considers the disciplinary infractions of students of the public higher education institution who are not enrolled at any of its faculties. The Disciplinary Committee presents the Rector with its proposal for dealing with the infraction in question.
- (4) If all the students of a public higher education institution are enrolled at its faculties, it will not establish a Disciplinary Committee.

Section 14

The Board of Trustees of a Public Higher Education Institution

- (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. Members of the Board of Trustees of a public higher education institution are appointed and dismissed by the Minister after consultation with the Rector, with the aim of achieving an appropriate representation from, in particular, the spheres of public life, municipal and regional authorities and the state administration. Members of the Board of Trustees must not be employed at the public higher education institution in question.
- (2) Members of the Board of Trustees of a public higher education institution are appointed for a period of six years. When the Board of Trustees is first established, lots are drawn to determine the names of one-third of the members whose term of office will expire in two

years' time and one-third of the members whose term of office will expire in four years' time.

- (3) Meetings of the Board of Trustees are called by the Chair, and must take place at least twice a year. The Rector, or a Vice-Rector or the Bursar acting on his behalf, has the right to take part in a board meeting. The Chair of the Board of Trustees is obliged to call an extraordinary meeting of the Board of Trustees upon the Rector's request. The manner of election of the Chair and the Deputy Chairs and the rules of order of the Board of Trustees of the public higher education institution are set out in its Statutes, which are subject to approval by the Minister.

Section 15

- (1) The prior written consent of the Board of Trustees of a public higher education institution is required:
- a) for legal acts pertaining to the higher education institution's acquiring property or transferring property to another party;
 - b) for legal acts pertaining to the higher education institution's acquiring movable assets or transferring movable assets to another party, should the value of those assets be greater than five hundred times the amount according to which such assets are regarded as tangible assets as per special regulation;²⁾
 - c) for legal acts pertaining to the higher education institution's intention of securing a right of use or right of first option;
 - d) for legal acts pertaining to the higher education institution's intention of establishing another legal entity and for making financial and non-financial investments in these and other legal entities.
- (2) The Board of Trustees of a public higher education institution expresses its view on the following issues in particular:
- a) the strategic plan of the public higher education institution and other matters presented to it by the Rector or the Minister for discussion;
 - b) the budget of the higher education institution;
 - c) the annual reports on the activities and on the financial management of the higher education institution, as well as the evaluation of the higher education institution's activities.
- (3) The Board of Trustees of a public higher education institution offers its suggestions and expresses its views with regard to the activities of the public higher education institution; these it makes public.
- (4) The costs³⁾ involved in undertaking contractual transfers of movable assets pursuant to paragraph (1) b) are to be negotiated so as to correspond to those considered usual at the given place and time. Movable assets may be transferred without any charge only when this is in the public interest or when such a transfer is more economical than other methods of dealing with these assets.

³⁾ Paragraph 1 (2) a) and Sections 2 and 3 of Act No. 526/1990 on Prices, as amended.

- (5) The Board of Trustees may not approve a legal act should it fail to comply with the requirement that the higher education institution's assets be properly used or should this jeopardise the institution's ability to fulfil its responsibilities and commitments.
- (6) When giving its prior written consent to the legal acts listed in paragraphs (1) a) to d), the Board of Trustees of a public higher education institution must notify the Ministry of Education, Youth and Sports (hereinafter "the Ministry") of this within seven days.
- (7) Legal acts listed in paragraphs (1) a) to d) that did not receive the consent of the Board of Trustees of the public higher education institution and were not reported to the Ministry under subsection (6) will be deemed void.
- (8) The Board of Trustees of a public higher education institution sees to it that the higher education institution serves the purpose for which it was established, that its activities are in the public interest and that it manages its assets properly.
- (9) The activities of the members of the Board of Trustees of a public higher education institution are considered a public service.⁴⁾ These persons are provided with reimbursement of travel expenses by the public higher education institution pursuant to a special regulation;⁵⁾ the Ministry may recompense the members for their services.
- (10) The activities carried out by the members of the Board of Trustees of a public higher education institution are subject to special regulations⁶⁾.

Section 16

The Bursar of a Public Higher Education Institution

- (1) The Bursar is responsible for the financial management and internal administration of a public higher education institution and acts in its name to the extent determined by the Rector.
- (2) The Bursar is appointed and dismissed by the Rector.

Section 17

Internal Regulations of Public Higher Education Institutions

- (1) The internal regulations of a public higher education institution are as follows:
 - a) the Statutes of the public higher education institution;
 - b) the Election Regulations and the Rules of Procedure of the Academic Senate of the public higher education institution;
 - c) internal salary regulations;⁷⁾
 - d) the Rules of Procedure of the Scientific Board of the public higher education institution;

⁴⁾ Subsections 124 (1) and (2) of the Labour Code.

⁵⁾ Act No. 119/1992 on Reimbursement of Travel Expenses, as amended by Act No. 44/1994.

⁶⁾ For example, Sections 255 and 258 of Act No. 140/1961, the Criminal Code, as amended, Section 415 of Act No. 40/1964, the Civil Code, as amended, Section 268 of Act No. 513/1991, the Commercial Code, as amended.

⁷⁾ Subsection 18 (2) of Act No. 1/1992 on Wages, Compensation for Work Emergencies and an Average Salary.

- e) Regulations on Competitive Selection Procedures for filling academic positions;
- f) Study and Examination Regulations;
- g) Scholarship and Bursary Regulations;
- h) the Student Disciplinary Code;
- i) other regulations, should these be stipulated in the Statutes of the public higher education institution.

(2) The Statutes of a public higher education institution include the following in particular:

- a) its name, domicile and type of higher education institution;
- b) its legal predecessor;
- c) admission requirements and the method of applying for admission;
- d) requirements for foreigners wishing to study;
- e) a description of the nature, conditions and frequency of the evaluation of the higher education institution's activities;
- f) its organizational structure;
- g) regulations pertaining to study-related fees;
- h) rules for using academic insignia and holding academic ceremonies;
- i) regulations pertaining to the financial management of the public higher education institution.

Section 18

The Budget of a Public Higher Education Institution

- (1) A public higher education institution draws up its budget for the calendar year and manages its finances in compliance with this budget. The budget of a public higher education institution must not be drawn up such that it foresees a deficit.
- (2) The main sources of funding for public higher education institutions are the following:
 - a) a weighted grant from the state budget for teaching, scholarly, scientific, research, development, artistic and other creative activities (hereinafter "the grant");
 - b) a subsidy from the state budget (hereinafter "the subsidy")
 - c) study-related fees;
 - d) income from property owned by the institution;
 - e) other sources of funding or other grants than those named in paragraph a) from the state budget, state funds, the National Fund and municipal and regional budgets;
 - f) revenues from supplementary activities;
 - g) revenues from donations and bequests.
- (3) A public higher education institution is entitled to a grant pursuant to paragraph (2) a). The amount granted in accordance with paragraph 2 a) is determined according to the types and relative costs of the accredited degree programmes and lifelong learning programmes and the results achieved in the scholarly, scientific, research, development, artistic and other creative activities and their demands. The amount granted also depends on the institution's strategic plan and the strategic plan for the scholarly, scientific, research, development, artistic and other creative activities of higher education institutions prepared by the Ministry as well as its annual updates (hereinafter "the strategic plan of the Ministry"). A

public higher education institution receives an advance on its grant that is calculated on the basis of the relevant data as of 31 October in the previous calendar year. The grant from the state budget is provided pursuant to the general provisions regulating the provision of funding from the state budget for subsidies, unless stated otherwise in the Act.^{8a)}

- (4) The Ministry decides whether the grant or subsidy provided forms part of the state budget for the financing of a programme,^{8b)} a grant or subsidy for a building^{8c)} is always, with the exception of funding for maintenance and repair, considered part of the state budget for financing of a programme if the amount involved is higher than 10,000,000 CZK.
- (5) A public higher education institution is entitled to a subsidy for higher education institution development. In particular, it may receive a subsidy in support of student accommodation and meals. The conditions pertaining to subsidies, their use and settlement are laid down in the general regulations relating to funding from the state budget as well as in special regulations relating to support for research and development. The strategic plan of the public higher education institution and the strategic plan of the Ministry are critical in determining the amount of subsidies.
- (6) The following funds are to be established by public higher education institutions:
 - a) a reserve fund, whose main purpose is to cover losses during subsequent accounting periods;
 - b) a capital assets regeneration fund;
 - c) a scholarship and bursary fund;
 - d) a fund for bonuses;
 - e) a fund for earmarked financial resources;
 - f) a social fund;
 - g) a fund for operational purposes.
- (7) The funds of public higher education institutions listed in paragraphs (6) a), b), d) and g) are generated from after-tax profit, unless explicitly stated otherwise; the capital assets regeneration fund and the fund for operational purposes also from the balance from grants made in accordance with paragraph (2) a) as of 31 December in the calendar year; and the capital assets regeneration fund also from the depreciation of tangible and intangible assets.⁹⁾ The scholarship and bursary fund draws on study-related fees according to subsection 58 (7) and the transfer of tax-deductible expenditures pursuant to a special regulation.^{9a)} A public higher education institution may only allocate its after-tax profit to such funds after any loss from an earlier period has been covered. The balances in the various funds as of 31 December in the calendar year are carried over into the following budgetary year. The use of the funds listed in paragraphs (6) a) to d), f) and g) and the conditions for shifting resources between funds listed in paragraphs (6) a), b), d) and g) are set out in an internal regulation of the public higher education institution.
- (8) The conditions for the creation and use of the funds of a public higher education institution are set out in an internal regulation.
- (9) A public higher education institution creates its fund for earmarked financial resources from:
 - a) earmarked gifts, with the exception of gifts intended for the purchase and technical upgrading of long-term property;

- b) earmarked funding from abroad;
 - c) earmarked public funding, including earmarked and institutional funding for research and development from public sources that could not be used by the public higher education institution in the budgetary year in which it was given.
- (10) A public higher education institution may transfer earmarked funding pursuant to paragraph (9) c) to the fund for earmarked purposes to a maximum of 5% of the earmarked public funding given to the public higher education institution for individual research and development projects or long-term research plans in the given calendar year; in the case of other forms of support from public resources, a maximum of 5% of this support given to the public higher education institution in the given calendar year. The public higher education institution must inform the provider of these sources of funding in writing of the transfer of earmarked resources.
- (11) The financial resources in the fund for earmarked funding may only be used by the public higher education institution for those purposes for which they were provided.
- (12) The social fund is created through a basic allocation charged to the expenses of the public higher education institution of a maximum of 2% of its annual expenditures on salaries, compensation for salaries and bonuses for stand-by.
- (13) The budget is to be used exclusively to finance activities for which the higher education institution was established as well as to finance supplementary activities under subsection 20 (2).

Section 18a **Provision of the Grant**

- (1) The decision on providing a grant pursuant to paragraph 18 (2) a) is made by the Ministry on the basis of a request for the public higher education institution.
- (2) In its decision, the Ministry states the purpose for which the grant is being made as well as its amount. The Ministry may also stipulate various conditions and responsibilities in accordance with the nature of the purpose for which it is being granted. With regard to other aspects of the decision, the provisions of the special law for issuing decisions on granting subsidies from the state budget^{9b)} and for revoking subsidies will be employed, where appropriate. The Ministry pays the grant by means of a bank transfer from its account to the account of the public higher education institution.
- (3) The Ministry keeps a record of grants that have been made.
- (4) The public higher education institution must draw on and use the grant in accordance with the purpose for which it is intended and in accordance with special legal regulations relating to accounting practices. The public higher education institution will transfer any balance remaining at the end of the calendar year to its funds pursuant to subsection 18 (7). The Ministry may issue a decision to revoke the grant of a public higher education institution if it draws on it in violation of the law or of the decision by which the grant was provided. The Ministry may also issue a decision to revoke the grant of a public higher education institution if the accredited degree programme for which the grant was provided has

expired, or if the grant has come into conflict with the strategic plan of the public higher education institution (Section 12).

- (5) The settlement of the grant vis-à-vis the state budget in the budgetary year in question may take the form of its depletion in accordance with the Act and with the special law concerning budgetary rules, its transferral to funds in accordance with subsection 18 (7) for the next calendar year, or its revocation.
- (6) Procedures for issuing a decision to provide a grant or for revoking it are not subject to the Administrative Code.
- (7) The method for dealing with a grant and for keeping records of grants that have been provided is specified in an implementing regulation.

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

- (8) Public higher education institutions possess the assets required for carrying out the activities for which they were established. The assets of public higher education institutions include movables, residential and non-residential property, rights and other kinds of assets.
- (9) The management of assets of a public higher education institution falls within the competence of the Rector or an officer or official body or person so designated in the Statutes of the public higher education institution. In cases listed in paragraphs 15 (1), a) to d), the decision is made by the Rector with the prior consent of the Board of Trustees of the public higher education institution.
- (10) Public higher education institutions may only acquire securities issued by the state or securities whose repayment is guaranteed by the state or securities of a business enterprise in which the public higher education institution has invested assets.

Section 20 **The Financial Management of Public Higher Education Institutions**

- (1) Public higher education institutions must use their assets in order to carry out tasks that form part of their teaching, scholarly, scientific, research, development, artistic and other creative activities. They may also use their assets to carry out supplementary activities in compliance with this Act.
- (2) Public higher education institutions may carry out paid supplementary activities that are related to their teaching, scholarly, scientific, research, development, artistic and other creative activities or activities that lead to the more effective use of their human resources and assets. These supplementary activities must not jeopardise the quality, extent or availability of the activities for the realization of which the public higher education institution was established.
- (3) Public higher education institutions are not empowered to stand surety for the debts of other persons or to take out a mortgage on property. Public higher education institutions are not

empowered to become partners in a public business enterprise or general partners in a limited partnership. Nor are public higher education institutions empowered to invest in business enterprises or cooperatives property acquired from the state, grants pursuant to subsection 18 (3) or subsidies pursuant to subsection 18 (4). Financial and non-financial investments in legal entities are subject to the public higher education institution's internal regulations.

- (4) The state does not guarantee the liabilities of public higher education institutions.
- (5) Public higher education institutions employ the double-entry bookkeeping system. They must keep costs and revenues related to supplementary activities separate from other costs and revenues. Otherwise public higher education institutions must observe the general regulations for accounting practices.¹⁰⁾
- (6) The Rector is answerable to the Minister for the effective use of grants and subsidies and for the settlement of subsidies with the state budget, and for proper management of the assets of the public higher education institution.

Section 21

Other Obligations of Public Higher Education Institutions

- (1) A public higher education institution is obliged:
 - a) to prepare an annual report on its activities and an annual report on its financial management, present these to the Ministry and make them public in the form of a non-periodical publication¹¹⁾ by the date and in the form stipulated by the Minister in provisions published in the *Bulletin of the Ministry* ("Věstník ministerstva");
 - b) to prepare a strategic plan, to discuss it with the Ministry and to make it public by the date and in the form stipulated by the Minister;
 - c) to provide the Accreditation Commission and the Ministry with information needed for their activities as stipulated in this Act, this information to be provided upon the request of the Accreditation Commission or the Ministry free of charge and by the dates requested;
 - d) to provide applicants, students and other persons with information and advisory services relating to studies as well as to professional opportunities for graduates of degree programmes;
 - e) to make all possible provisions for ensuring equal opportunities for study at the higher education institution;
 - f) to carry out regular self-evaluations and to make the results of these evaluations public;
 - g) to post on the official notice board of the institution a list of the accredited degree programmes it offers, including their types, divided into fields of study, modes of study and standard lengths of study, and a list of the fields in which it has received accreditation to carry out procedures for conferring "*venium docendi*" (habilitation) and for the appointment of professors, with the name of the faculty if a degree programme or field of study in which it is authorized to carry out procedures for conferring "*venium docendi*" (habilitation) and for the appointment of professors is accredited at a faculty.

¹⁰⁾ For example, Act No. 563/1991 on Accounting as amended.

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

- (2) The annual report on the activities of a public higher education institution includes, among other things, the following:
 - a) a list of activities carried out within the particular calendar year;
 - b) the results of the evaluation of its activities;
 - c) changes to internal regulations and changes in the officers or official bodies of the higher education institution that took place in the course of the year;
 - d) other information required by its Board of Trustees.
- (3) The annual report on the financial management of a public higher education institution includes, among other things, the following:
 - a) the annual financial statement and an evaluation of its basic data;
 - b) an audit opinion regarding the annual financial statement, if it has been verified by an auditor;
 - c) a cash-flow statement;
 - d) an overview of income and revenues classified according to sources;
 - e) the development and final balance of the funds;
 - f) an overview of fixed assets and liabilities;
 - g) all expenditures, divided into expenses relating to supplementary activities and other expenses.
- (4) The annual report on activities, the annual report on financial management, the strategic plan of the public higher education institution and the results of the evaluation of the activities of the public higher education institution must be made available to the public.

CHAPTER II

DIVISION OF PUBLIC HIGHER EDUCATION INSTITUTIONS

Section 22

Division of Public Higher Education Institutions

- (1) Public higher education institutions may be divided into the following constituent parts:
 - a) faculties;
 - b) higher education institution institutes;
 - c) other units focusing on teaching, scholarly, scientific, research, development, artistic and other creative activities and units providing information services;
 - d) specialized units for cultural and sports activities, accommodation and catering (in particular for members of the academic community) and operational units.
- (2) The internal regulations of individual constituent parts of a public higher education institution must comply with the internal regulations of the public higher education institution as a whole.

FACULTIES

Section 23 Faculties

- (1) A faculty must offer at least one accredited degree programme and carry out scientific, scholarly, research, development, artistic or other creative activities.
- (2) Each faculty has an autonomous representative academic body. A faculty has the right to use its own academic insignia and hold academic ceremonies.
- (3) Decisions regarding the establishment, merger, amalgamation, splitting or dissolution of a faculty are taken by the Academic Senate of the public higher education institution, acting on a proposal presented by the Rector. Such decisions are subject to the previous expression of its standpoint by the Accreditation Commission.

Section 24 Faculty Rights

- (1) The officers and official bodies of a faculty have the right to make decisions and act on behalf of the public higher education institution with respect to the following issues pertaining to the faculty:
 - a) the design and implementation of degree programmes;
 - b) the objectives and organization of scholarly, scientific, research, development, artistic and other creative activities;
 - c) conditions of employment;
 - d) carrying out the procedures for conferring “*venium docendi*” (habilitation) for the appointment of professors, to the extent stipulated by this Act;
 - e) international relations and activities;
 - f) the establishment of the autonomous academic bodies of the faculty and the internal organization of the faculty, if not stipulated otherwise by this Act;
 - g) the use of financial resources allocated to the faculty;
 - h) supplementary activities and the use of financial resources generated from these activities.
- (2) The officers and official bodies of the faculty can make decisions on other issues affecting the public higher education institution insofar as they are so empowered by the Statutes of the institution.

Section 25 Officers and Official Bodies of a Faculty

- (1) Faculties have the following autonomous academic officers and official bodies:
 - a) the Academic Senate of the faculty;
 - b) the Dean;
 - c) the Scientific Board of the faculty;
 - d) the Disciplinary Committee of the faculty.

- (2) The other officer of the faculty is the Bursar.
- (3) The academic community of the faculty consists of the academic staff employed and the students enrolled at that faculty.

Section 26 **The Academic Senate of a Faculty**

- (1) The Academic Senate of a faculty is its autonomous representative academic body. It consists of at least nine members, of whom at least one-third and at most one-half must be students. The academic community of a faculty elects the members of the Academic Senate of the faculty from among its ranks. The election is direct, by ballot. The internal regulations of a faculty specify in particular the number of members of the Academic Senate, the manner in which they are to be elected, the manner in which the Chair of the Academic Senate is to be elected, the official bodies of the Academic Senate and how they are to be established, the reasons for termination of membership in the Academic Senate, and the possible incompatibility of membership in the Academic Senate with the exercise of other duties.
- (2) Membership in the Academic Senate is incompatible with the offices of Rector, Vice-Rectors, Deans and Vice-Deans.
- (3) The term of office of members of the Academic Senate of the faculty may not exceed three years. If a student elected to the Academic Senate of a faculty should, during his/her term of office, be admitted to another, directly linked degree programme, the internal regulations of the faculty may include a provision permitting retention of membership in the Academic Senate. The term of office of all members of the Academic Senate at a faculty is terminated should the Academic Senate fail to hold meetings under Section 27 for a period of six months. Within thirty days at the most the Dean will then call new elections.
- (4) The meetings of the Academic Senate of a faculty are open to the public. The Dean, or a Vice-Dean acting on his/her behalf, has the right to speak at a meeting of the Academic Senate any time he or she so requests. Upon the Dean's request, the Chair of the Academic Senate must call an extraordinary meeting of the Academic Senate of the faculty without delay.

Section 27

- (1) The Academic Senate of a faculty:
 - a) acting upon a proposal from the Dean, takes decisions on establishing, merging, amalgamating, splitting or dissolving individual units at the faculty;
 - b) approves proposals for the internal regulations of the faculty and submits them for approval to the Academic Senate of the higher education institution;
 - c) approves the allocation of the financial resources of the faculty, as presented by the Dean, and monitors their use;

- d) approves the annual reports on the activities and on the financial management of the faculty, which are presented by the Dean;
- e) approves the admission regulations for the degree programmes offered by the faculty;
- f) approves the Dean's proposals for nominating or dismissing members of the Scientific Board and the Disciplinary Committee of the faculty;
- g) votes on proposals to nominate or dismiss the Dean;
- h) acting on a proposal from the Dean, approves the strategic plan for the teaching, scholarly, scientific, research, development, artistic and other creative activities of the faculty, worked out in compliance with the strategic plan of the public higher education institution after discussion by the Scientific Board of the faculty.

(2) The Academic Senate of the faculty expresses its view on the following subjects in particular:

- a) proposals for degree programmes to be offered by the faculty;
- b) the intention of the Dean to appoint or dismiss Vice-Deans.

(3) The Academic Senate of the faculty votes by ballot, in particular in the case of proposals under paragraph (1) g). A proposal for the nomination of the Dean is passed if it receives a majority of the votes of the total membership of the Academic Senate of the faculty. A proposal for dismissal of the Dean is passed if it receives at least three-fifths of the votes of the total membership of the Academic Senate of the faculty.

Section 28

The Dean of a Faculty

- (1) The head of a faculty is the Dean. Unless otherwise stipulated by the Act, the Dean acts and makes decisions in connection with all matters pertaining to the faculty.
- (2) The Dean is appointed and dismissed by the Rector upon the recommendation of the Academic Senate of the faculty.
- (3) The Rector may dismiss the Dean on the basis of his/her own decision, but only in the event of gross negligence by the Dean of his/her duties or grave damage to the interests of the higher education institution or the faculty, and with the previous expression of its view by the Academic Senate of the faculty and with the approval of the Academic Senate of the public higher education institution.
- (4) The Dean's term of office is four years. The position of Dean at a particular faculty may be filled by the same person for two consecutive terms of office at the most.
- (5) Vice-Deans act on behalf of the Dean in areas designated by him/her. Vice-Deans are appointed and dismissed by the Dean.

Section 29

The Scientific Board of a Faculty

- (1) Members of the Scientific Board of a faculty are appointed and dismissed by the Dean.

- (2) Members of the Scientific Board of a faculty are distinguished representatives in fields in which the faculty carries out teaching, scholarly, scientific, research, development, artistic and other creative activities. At least one-third of the members of the Scientific Board must be from outside the academic community of the public higher education institution of which the faculty is a constituent part.
- (3) The Scientific Board of the faculty is presided over by the Dean.

Section 30

- (1) The Scientific Board of a faculty:
 - a) discusses the strategic plan of the faculty in the areas of teaching, scholarly, scientific, research, development, artistic and other creative activities, elaborated in compliance with the strategic plan of the public higher education institution;
 - b) approves degree programmes that are to be offered by the faculty;
 - c) plays its role, to the extent provided for by this Act, in the procedures for the appointment of professors and for conferring “*venium docendi*” (habilitation),.
- (2) The Scientific Board of the faculty expresses its view on matters presented to it by the Dean.

Section 31

The Disciplinary Committee of a Faculty

- (1) The members and the Chair of the Disciplinary Committee of a faculty are appointed by the Dean from among the members of the faculty’s academic community. Half of the members of the Disciplinary Commission are students.
- (2) The term of office of members of the Disciplinary Committee of a faculty may not exceed two years.
- (3) The Disciplinary Committee of a faculty deals with the disciplinary infractions of students who are enrolled at the faculty. The Disciplinary Commission presents the Dean with its proposal for dealing with the infraction in question.

Section 32

The Faculty Bursar

- (1) The faculty Bursar is responsible for the financial management and internal administration of the faculty to the extent determined by the Dean.
- (2) The faculty Bursar is appointed and dismissed by the Dean.

Section 33

Internal Regulations of Faculties

- (1) The internal regulations of a faculty deal with faculty issues that fall within its autonomous competency as well as its relations with the public higher education institution, insofar as these are not regulated by the Act.
- (2) The internal regulations of a faculty are as follows:
 - a) the Statutes of the faculty;
 - b) the Election Regulations and the Rules of Procedure of the Academic Senate of the faculty;
 - c) the Rules of Procedure of the Scientific Board of the faculty;
 - d) the Student Disciplinary Code of the faculty;
 - e) other regulations, should these be stipulated in the Statutes of the faculty.
- (3) The contents of the Statutes of the faculty are subject, where this is appropriate, to subsection 17 (2).
- (4) The internal regulations of a theological faculty are presented for approval to the Academic Senate of the higher education institution after receiving the approval of the relevant church or religious community, should the need for such assent be vested in the internal regulations of that church or religious community.

Part 2

INSTITUTES OF HIGHER EDUCATION INSTITUTIONS

Section 34

- (1) Institutes of higher education institutions carry out scholarly, scientific, research, development, artistic and other creative activities; they may also take part in offering accredited degree programmes or parts of such programmes.
- (2) Decisions regarding the establishment, merger, amalgamation, splitting or dissolution of an institute of a higher education institution are taken by the Academic Senate of the public higher education institution, acting on a proposal presented by the Rector.
- (3) An institute of a higher education institution is headed by a director, who is appointed and dismissed by the Rector.
- (4) The director of an institute of a higher education institution is authorized to act on behalf of the public higher education institution only in matters stipulated in the internal regulations of the higher education institution.
- (5) With the approval of the Academic Senate of a public higher education institution, the director of an institute of a higher education institution names the Scientific Board or the Artistic Board or, in the case of a non-university type institution, the Academic Board of the institute (hereinafter “the Scientific Board of the higher education institution institute”), which is subject, where appropriate, to Sections 29 and 30.

Part 3

AGRICULTURAL AND FOREST PROPERTIES BELONGING TO HIGHER EDUCATION INSTITUTIONS

Section 35

- (1) Agricultural and forestry properties belonging to public higher education institutions are units of these institutions used for the practical training of students enrolled in degree programmes in the fields of agriculture, veterinary medicine and hygiene, and forestry. In connection with these degree programmes, research and development activities are carried out.
- (2) Decisions regarding the establishment, merger, amalgamation, splitting and dissolution of an agricultural or forest property belonging to a higher education institution are taken by the Academic Senate of the public higher education institution, acting on a proposal presented by the Rector.
- (3) An agricultural or forestry property belonging to a higher education institution is headed by a director, who is appointed and dismissed by the Rector.
- (4) The director of an agricultural or forestry property of a higher education institution is authorized to act on behalf of the public higher education institution only in those areas stipulated in the internal regulations of the higher education institution.

CHAPTER III COMPETENCY OF THE MINISTRY

Section 36

- (1) The internal regulations of a public higher education institution are subject to registration by the Ministry. The application for registration of the internal regulations must be submitted to the Ministry by the Rector.
- (2) The Ministry will decide upon such an application within ninety days of its submission. Should the application be approved, the Ministry will confirm the registration on a duplicate copy of the registered internal regulations. No ruling on registration will be issued.
- (3) Should the internal regulations of a public higher education institution contravene the Act or any other legal regulation, the Ministry will issue a ruling rejecting the application for registration.
- (4) Internal regulations come into effect when they are registered.
- (5) The provisions in subsections 1 through 4 are also applicable in the case of amendments to internal regulations.

Section 37

Should any measures of a public higher education institution or one of its constituent parts contradict the Act or another legal regulation and should the Act not stipulate any other means of review, the Ministry will call upon the higher education institution to remedy the situation within a reasonable length of time.

Section 38

- (1) Should a public higher education institution or one of its constituent parts:
- a) fail to establish any of its autonomous official bodies; or
 - b) fail to adopt any internal regulations required by this Act; or
 - c) have no accredited degree programmes or have accreditation for all its degree programmes suspended; or
 - d) demonstrate deficiencies in its financial management of such gravity that they threaten to prevent the institution from fulfilling its tasks; or
 - e) significantly fail in the obligations stipulated by this Act,

the Ministry may limit the competency of the officers and official bodies of the public higher education institution or its constituent part, or it may revoke such competency.

- (2) Decisions on the extent to which competency will be restricted or revoked are based on the seriousness of the deficiencies as well as on the type and the extent of damage that has been incurred or that threatens to occur. Restrictions will be commensurate with the measures required to remedy the situation.
- (3) Should the provisions of subsection (1) apply to the officers and official bodies of the public higher education institution, the competency of these officers and official bodies will be entrusted to the Ministry or to a public higher education institution delegated by the Ministry, on the basis of mutual agreement, to exercise such competency. Should the provisions of subsection (1) apply to the officers and official bodies of a constituent part of the public higher education institution, the competency of these officers and official bodies will be vested in the Rector.
- (4) If not precluded by the nature of the matter at issue, the Ministry is obliged to notify the public higher education institution in advance of the state of affairs as listed in subsection (1) and call upon it to remedy the situation within a reasonable length of time.
- (5) Should the reasons leading to a decision being taken pursuant to subsection (1) cease to exist, the Ministry will rescind any measures that have been taken.

PART III PRIVATE HIGHER EDUCATION INSTITUTIONS

Section 39 State Approval

- (1) Legal entities that have their domicile or central administration or carry out most of their commercial activities in a member country of the European Union, or were organized or

founded pursuant to the laws of a member country of the European Union, are entitled to operate as private higher education institutions if the Ministry grants them such approval.

- (2) Authorization to operate private higher education institutions is not transferable and cannot be passed on to their legal successors.
- (3) Upon the request of the organizers or founders of a private higher education institution, the Ministry may grant state approval to the legal entity that is to act as the private higher education institution prior to its being registered in the Company Register or other register (hereinafter “the register”), if proof is provided that the legal entity in question has been constituted or established. This legal entity must provide the Ministry with an extract from the register within fifteen days at the most from receipt of the relevant document confirming registration in the register. State approval comes into effect as of the date when the legal entity comes into existence.
- (4) An application for state approval must contain the following:
 - a) the name, domicile and type of the higher education institution;
 - b) the legal form of the legal entity and its statutory body;
 - c) a strategic plan for the teaching, scholarly, scientific, research, development, artistic and other creative activities of the higher education institution (hereinafter “the strategic plan of the private higher education institution”);
 - d) data pertaining to the financial, material, personnel and information resources available for ensuring the activities of the private higher education institution;
 - e) the proposed degree programmes;
 - f) a draft of the internal regulations concerning the organization and activities of the private higher education institution and the status of the members of its academic community.
- (5) The applicant must be able to substantiate the data contained in the request.
- (6) If there are any deficiencies in the application with respect to subsection (4) that might be corrected, the Ministry will call upon the applicant to do so within a reasonable length of time; in the meantime the application is suspended. If the applicant fails to correct these deficiencies by the stated deadline, the Ministry makes its decision on the basis of the original documentation.
- (7) The Ministry will decide on the application within 150 days at the most from the date of its receipt. Prior to making a decision the Ministry will ask the Accreditation Commission for its standpoint on the proposed degree programmes.
- (8) The Ministry will not grant state approval in cases where:
 - a) the standpoint of the Accreditation Commission with respect to at least one of the proposed degree programmes is negative; or
 - b) it learns that the private higher education institution is not able to provide sufficient guarantees for its teaching, scholarly, scientific, research, development, artistic and other creative activities; or
 - c) the draft of the internal regulations is in violation of the law or of other legal regulations.
- (9) If the Ministry grants state approval, it will also make a decision on the accreditation of pertinent degree programmes and on the registration of the internal regulations.

- (10) State approval expires if the private higher education institution fails to commence educational activities within two years from the date on which the approval has come into force.

Section 40

Financing of Private Higher Education Institutions

- (1) Legal entities authorized to act as private higher education institutions must make provision for financing their teaching, scholarly, scientific, research, development, artistic and other creative activities.
- (2) The Ministry may provide private higher education institutions classified as public benefit associations¹²⁾ with subsidies for providing accredited degree programmes and lifelong learning programmes as well as related scholarly, scientific, research, development, artistic and other creative activities. Pursuant to subsection 91 (3), the Ministry may offer private higher education institutions subsidies for scholarships and bursaries listed in paragraph 91 (2) d). Conditions pertaining to subsidies, their use and settlement are subject to general regulations on the use of financial resources from the state budget.
- (3) The total amount granted under subsection (2) is determined on the basis of the strategic plan of the private higher education institution and its annual update, the strategic plan of the Ministry, the types and relative costs of the accredited degree programmes, the number of students and the results achieved in teaching, scholarly, scientific, research, development, artistic and other creative activities and their demands.

Section 41

Internal Regulations

- (1) The internal regulations of private higher education institutions stipulate which officers and official bodies exercise competency according to Parts IV to IX of this Act.
- (2) Registration of the internal regulations of private higher education institutions and any subsequent changes are subject to the same provisions as in Section 36.

Section 42

Other Obligations of Private Higher Education Institutions

- (1) A private higher education institution is obliged:
- a) to prepare an annual report on its activities, present this to the Ministry and make it public in the form of a non-periodical publication;¹¹⁾ if it has received a subsidy an annual report on its financial management as well, in the form and by the date stipulated by the Minister;

¹²⁾ Act No. 248/1995 on Public Benefit Associations and on Amendments to some other acts.

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

- b) to prepare a strategic plan, to discuss it with the Ministry and to make it public in the form of a non-periodical publication¹¹⁾ by the date and in the form stipulated by the Minister;
 - c) to provide the Accreditation Commission and the Ministry with information needed for their activities as stipulated in this Act, this information to be provided upon the request of the Accreditation Commission or the Ministry free of charge and by the dates requested;
 - d) to carry out regular evaluations of the activities of the institution and to make the results of these evaluations public;
 - e) to post on its official notice board a list of the accredited degree programmes it offers, including their types, divided into fields of study, modes of study and the standard lengths of study, and a list of the fields in which it has received accreditation to carry out procedures for conferring “*venium docendi*” (habilitation) and for the appointment of professors;
 - f) to notify the Ministry if a petition in bankruptcy has been filed against it or such a petition has been concluded pursuant to general regulations on bankruptcies and settlement¹³⁾;
 - g) to notify the Ministry of the liquidation of the legal entity authorized to act as the private higher education institution.
- (2) The contents of the annual report on the activities of a private higher education institution are subject to the same provisions as in subsection 21 (2), unless stipulated otherwise in a special regulation.¹⁴⁾
- (3) The contents of the annual report on the financial management of a private higher education institution are subject to the same provisions as in subsection 21 (3), unless stipulated otherwise in a special regulation.
- (4) The annual report on activities, the annual report on financial management, the strategic plan of the private higher education institution and the results of the evaluation of its activities must be made available to the public.

Section 43 **Competency of the Ministry**

- (1) Should any measures of a private higher education institution contravene the Act or any other legal regulation and should the Act not stipulate any other means of review, the Ministry will call upon the higher education institution to remedy the situation within a reasonable length of time.
- (2) The Ministry may withdraw state approval from a private higher education institution if:
- a) the institution lacks any accredited degree programme; or
 - b) accreditation of more than two degree programmes has been withdrawn in the course of one year; or
 - c) accreditation of all degree programmes has been suspended; or
 - d) the activities of the private higher education institution reveal deficiencies of such gravity that they threaten to prevent the institution from fulfilling its tasks pursuant to this Act; or

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

¹³⁾ Act No. 328/1991 on Bankruptcy and Settlements, as amended.

¹⁴⁾ For example, Act No. 248/1995 and Act No. 513/1991, as amended.

- e) the private higher education significantly fails in the duties stipulated by this Act or by an internal regulation.
- (3) The Ministry will withdraw state approval if the application contained incorrect data essential for granting such approval or if changes occur that would not have made it possible to grant approval.
- (4) If state approval is withdrawn, the legal entity is no longer authorized to act as a higher education institution. At the same time, the Ministry will withdraw the accreditation of degree programmes.
- (5) If not precluded by the nature of the matter at issue, the Ministry is obliged to notify the private higher education institution in advance of the state of affairs as listed in subsection (2) and call on it to remedy the situation within a reasonable length of time.
- (6) Should a private higher education institution cease to be engaged in educational activities for reasons other than the withdrawal of state approval, it is obliged to notify the Ministry of this without delay.

PART IV

DEGREE PROGRAMMES

Section 44

- (1) A higher education is earned through studies within the framework of an accredited degree programme offered in line with the curriculum for the given mode of studies.
- (2) Each degree programme includes the following components:
 - a) the name of the degree programme, its type, mode and objectives;
 - b) classification of the degree programme into fields of study, their attributes and possible combinations as well as definitions of graduate profiles in the various fields of study;
 - c) descriptions of individual courses;
 - d) the principles and conditions for curriculum design and, where appropriate, the length of practical training required;
 - e) the standard length of studies, calculated for an average study load and expressed in academic years;
 - f) the conditions that must be met by students within the framework of their degree programme and upon its completion pursuant to subsections 45 (3), 46 (3) and 47 (4), including the contents of state examinations;
 - g) the academic degree awarded;
 - h) other types of degree programmes in the same or related areas of study with which it is linked.
- (3) The curriculum sets out the chronological succession of courses and contents, as well as the study mode and the ways in which study results will be evaluated.

- (4) There are three modes of study: on-site, distance or a combination of these (combined studies).

Section 45 **Bachelor's Programmes**

- (1) Bachelor's programmes are intended to provide the qualifications for practising a profession as well as for continuing to study in a Master's programme. Bachelor's programmes draw directly on current knowledge and methods while also including, to the degree required, theoretical knowledge.
- (2) The standard length of studies including practical training is no less than three and no more than four years.
- (3) The degree programme is completed with a final state examination that as a rule includes the defence of a Bachelor's thesis.
- (4) Graduates of Bachelor's degree programmes are awarded the academic degree of "*bakalář*" ("Bachelor", abbreviated as "Bc.", used in front of the name). There is an equivalent academic degree in the area of the fine arts – "*bakalář umění*" ("Bachelor of Fine Arts", abbreviated as "BcA.", used in front of the name). Graduates in fine arts who were admitted to studies pursuant to subsection 48 (2) are awarded their academic degrees only upon completing full secondary education, full secondary professional education, or tertiary professional education provided by a conservatory.

Section 46 **Master's programmes**

- (1) Master's programmes are intended to promote the acquisition of theoretical knowledge based on current scientific and scholarly knowledge, research and development and to lead students to apply this knowledge and develop their creative facilities. Master's programmes in the area of the fine arts are designed to provide demanding artistic training and encourage the development of the students' talents.
- (2) Master's degree programmes follow on from Bachelor's programmes; the standard length of such a programme is no less than one and no more than three years. Depending on the nature of the degree programme, accreditation may be given to a Master's programme that does not follow on from a Bachelor's programme (a long-cycle Master's programme). In this event the standard length of studies is no less than four and no more than six years.
- (3) The degree programme is completed with a final state examination that includes the defence of a Master's thesis. Studies in the field of medicine, veterinary medicine and hygiene are completed with an advanced Master's ("*rigorózní*") state examination.
- (4) Graduates of Master's degree programmes are awarded the following academic degrees:

- a) “*Inženýr*” (“Engineer”, abbreviated as “Ing.”, used in front of the name) in the fields of economics, technical sciences and technologies, agriculture and forestry and in military fields of study;
- b) “*Inženýr architekt*” (“Engineer Architect”, abbreviated as “Ing. arch.”, used in front of the name) in the field of architecture;
- c) “*Doktor medicíny*” (“Doctor of Medicine”, abbreviated as “MUDr.”, used in front of the name) in the field of medicine;
- d) “*Zubní lékař*” (“Dentist”, abbreviated as “MDDr.” used in front of the name)
- e) “*Doktor veterinární medicíny*” (“Doctor of Veterinary Medicine”, abbreviated as “MVDr.”, used in front of the name) in the field of veterinary medicine;
- f) “*Magistr umění*” (“Master of Fine Arts”, abbreviated as “MgA.”, used in front of the name) in the area of the fine arts;
- g) “*Magistr*” (“Master”, abbreviated as “Mgr.”, used in front of the name) in other areas of study.

Graduates of Master’s programmes in fine arts who were admitted to studies pursuant to subsection 48 (2) are awarded their academic degrees only upon completing full secondary education, full secondary professional education, or tertiary professional education provided by a conservatory.

- (5) Holders of the academic degree of “*Magistr*” are entitled to take an advanced Master’s (“*rigorózní*”) state examination in the same area of study and defend an advanced Master’s (“*rigorózní*”) thesis. Higher education institutions may charge a fee in connection with the operations involved with processing applications and holding this examination; such a fee may not exceed twice the amount of the basic cost pursuant to subsection 58 (2). For a fee, these graduates have the right to make use of the facilities and information technology needed to prepare for this examination in compliance with rules specified by the higher education institution. Those who pass the advanced Master’s (“*rigorózní*”) state examination are awarded the following academic degrees:

- a) “*Doktor práv*” (“Doctor of Law”, abbreviated as “JUDr.”, used in front of the name) in the field of law;
- b) “*Doktor filozofie*” (“Doctor of Philosophy”, abbreviated as “PhDr.”, used in front of the name) in the area of the humanities, teacher education and the social sciences;
- c) “*Doktor přírodních věd*” (“Doctor of Natural Sciences”, abbreviated as “RNDr.”, used in front of the name) in the area of the natural sciences;
- d) “*Doktor farmacie*” (“Doctor of Pharmacy”, abbreviated as “PharmDr.”, used in front of the name) in the field of pharmacy;
- e) “*Licenciát teologie*” (“Licentiate of Theology”, abbreviated as “ThLic.”, used in front of the name) or “*Doktor teologie*” (“Doctor of Theology”, abbreviated as “ThDr.”, used in front of the name) in the field of theology; for the field of Catholic theology “*Licenciát teologie*”.

Section 47 Doctoral programmes

- (1) Doctoral programmes are aimed at scientific research and independent creative activities in the area of research or development, or independent theoretical and creative activities in the area of the fine arts.
- (2) The standard length of studies is no less than three and no more than four years.
- (3) Studies within the framework of doctoral programmes are subject to individual curricula under the guidance of a supervisor.
- (4) Doctoral studies are completed with a doctoral state examination and the defence of a doctoral thesis. These are intended to show the ability of the candidate to carry out independent activities in the area of research or development, or independent theoretical and creative artistic activities. The thesis must contain original as well as published results or results accepted for publication.¹⁵⁾
- (5) Graduates of doctoral degree programmes are awarded the academic degree of “*Doktor*” (“Doctor”, abbreviated as “Ph.D.”, used after the name), or “*Doktor teologie*” (“Doctor of Theology”, abbreviated as “Th.D.”, used after the name) in the field of theology.
- (6) Studies within the framework of doctoral degree programmes are monitored and evaluated by a doctoral studies board appointed in compliance with the internal regulations of a higher education institution or one of its constituent parts that offers the accredited degree programme in question. Higher education institutions or their constituent parts may agree on creating a common doctoral studies board for degree programmes in the same area of studies. Members of the board choose the chair by voting from among its members.

Section 47a

- (1) Studies in Bachelor’s, Master’s and doctoral programmes may also be carried out in cooperation with foreign higher education institutions that offer degree programmes with related contents.
- (2) The conditions for cooperation are specified in an agreement between the higher education institutions involved, pursuant to subsection 47a (1) and pursuant to the provisions of the Act.
- (3) Graduates of studies in degree programmes offered in cooperation with foreign higher education institutions are awarded academic titles pursuant to subsections 45 (4), 46 (4) and 47 (5) and in addition, according to the circumstances, academic titles of the foreign higher education institutions pursuant to current legislation in the relevant country. The diploma includes the name of the foreign higher education institution with which the cooperation was carried out and may include the information that the foreign academic title is a joint title also awarded simultaneously at the foreign higher education institution.

Section 47b

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

Providing Public Access to Theses

- (1) Higher education institutions are obliged to make public, at no profit to themselves, the doctoral, Master's, Bachelor's and advanced Master's ("*rigorózní*") theses that have been defended at their institutions, including the readers' reports and results of the defence. The institution will do this by making available a database of these theses. The means of providing access to these theses is stipulated in the internal regulations of the higher education institution.
- (2) Doctoral, Master's, Bachelor's and advanced Master's ("*rigorózní*") theses that have been submitted by candidates for defence must also be made available to the public at least five days before the defence at a place designated for this purpose in the internal regulations of the higher education institution, and where this is not the case, in the department or other place at the higher education institution where the defence of the thesis will be taking place. Any individual is entitled, at his/her own expense, to make extracts, copies or photocopies of theses thus made available.
- (3) By handing in a thesis, its author automatically gives assent to its being made public pursuant to the provisions of the Act, irrespective of the result of the defence.

PART V STUDIES AT HIGHER EDUCATION INSTITUTIONS

Admission to Studies

Section 48

- (1) Admission to studies in Bachelor's and Master's programmes is conditional upon the completion of full secondary education or full secondary professional education. Students in the area of the fine arts may also be admitted upon the completion of tertiary professional education provided by a conservatory. Admission to a Master's programme following a Bachelor's programme is conditional upon the completion of a Bachelor's programme.
- (2) In exceptional cases, admission to studies in the area of the fine arts may also be permitted for applicants who have not completed full secondary education, full secondary professional education, or tertiary professional education provided by a conservatory.
- (3) Admission to a doctoral programme is conditional on the completion of studies in a Master's programme; doctoral students in the area of the fine arts must hold an academic degree.

Section 49

- (1) Higher education institutions and faculties are free to specify additional conditions for admission to studies that relate to specific knowledge, abilities, talent or results achieved at secondary schools, tertiary professional schools or higher education institutions. Admission to a Master's programme following a Bachelor's programme may also be

conditional upon the similarity of both programmes or the number of credits acquired in certain types of courses during studies. Credits are understood as a quantitative expression of the study load of a certain part of studies. In addition, higher education institutions and faculties may set a limit to the number of applicants who have met the requirements that will be admitted; where more applicants have met these requirements, then admission will be on the basis of their ranking order.

- (2) The conditions for the admission of foreigners to study in degree programmes must make it possible for obligations resulting from international agreements that are binding on the Czech Republic to be met.
- (3) Higher education institutions and faculties are free to specify different admission conditions for applicants who have already completed a degree programme or part of a programme or for applicants who are currently enrolled in another degree programme at a higher education institution in the Czech Republic or abroad or who have completed an educational programme or its part at a tertiary professional school or who are studying an accredited educational programme at a tertiary professional school in the Czech Republic or abroad.
- (4) The fulfilment of conditions specified in subsections (1) and (3) is subject to verification, as a rule by means of an entrance examination.
- (5) The deadline for submitting applications for admission, how they are to be submitted in written or electronic form, the conditions for admission pursuant to subsections (1) and (3), as well as the method for determining whether the conditions have been met and the date by which this will be made known, must be made public by higher education institutions or faculties well in advance, but in any case no less than four months before the deadline. Should an entrance examination be required as one of the conditions for admission, the higher education or faculty must make public the form of the examination, a general description of its contents and the criteria by which it will be evaluated. All the above information must be posted on the official notice boards of the higher education institutions and faculties. The maximum number of students that will be admitted to study in individual degree programmes must also be made public in the same manner.
- (6) If a degree programme is newly accredited, the higher education institution or faculty need not observe the requirement to make the above information public at least four months before the deadline for submission of admission applications, where this might prevent the academic year beginning on time. In such a case, the period within which applications must be submitted may be shortened, though not to less than one month. The other conditions set out in subsection (5) remain unchanged.

Section 50 **Admission Procedure**

- (1) The admission procedure begins upon receipt of the application for admission to study at a higher education institution or its constituent part that offers the relevant degree programme. The application must include the applicant's first name(s) and family name, identity number (if this has been assigned), and place of permanent residence in the Czech Republic or place of residence outside the Czech Republic. Foreigners must also include the date of birth, sex, place of residence in the Czech Republic and citizenship.

- (2) The decision on admission to studies in a degree programme provided by a faculty is made by the Dean of the faculty. The decision on admission to studies in a degree programme provided by a higher education institution is made by the Rector.
- (3) Admission to studies at private higher education institutions is decided by the officer or official body specified in their internal regulations.
- (4) Decisions on admission to studies are not subject to general regulations on administrative proceedings.
- (5) Decisions on admission to studies must be made in writing within no more than thirty days from the time when the admission conditions were verified. A decision must contain the reason for the decision as well as information on the possibility of applying for a review of the decision. The decision must be delivered to the applicant personally. An alternative method of delivery, should this fail, must be stipulated in the internal regulations. If an applicant's place of residence is unknown, delivery of the decision takes the form of posting it on the official notice board.
- (6) Applicants are entitled to examine all of their materials that have a bearing on their admission to studies.
- (7) Applicants may request a review of the decision in question. The request must be submitted to the officer or official body that issued the decision within thirty days of its receipt; failure to meet this deadline may be excused if there are serious reasons. Where this officer is the Dean, he/she may decide in favour or the request independently and change the decision; otherwise, the Dean will pass the request on to the Rector, who will then make the decision. The Rector will reverse decisions that are inconsistent with the Act, with the internal regulations of the higher education institution or one of its constituent parts, or with the conditions stipulated in subsections 49 (1) and (3). Otherwise the Rector will refuse the request and confirm the original decision.
- (8) A higher education institution or a faculty must make the course and results of admission procedures public no later than within fifteen days of their conclusion. Should written entrance examinations constitute a part of the admission procedure, the higher education institution or the faculty will release a statistical survey of all the component parts of the entrance examinations. The Ministry will issue a decree concerning the procedure and conditions for making public information about the course and results of entrance examinations, including the requirements for basic statistical data.
- (9) Higher education institutions or faculties will process and make available data for statistical purposes in agreement with a special regulation.^{15a)}

Section 51 **Enrolment in Studies**

- (1) Applicants are entitled to enrol in studies upon receiving confirmation that that they have been admitted to studies. Applicants must enrol during the period of time specified by the higher education institution or one of its constituent parts.

- (2) Enrolment is carried out at the higher education institution or at the constituent part of the institution that offers the relevant degree programme.

Section 52 **Curriculum and Academic Year**

- (4) Studies are divided into semesters, years or blocks. Each semester, year or block consists of a teaching period, an examination period and a vacation period.
- (5) The length of the academic year is twelve calendar months; the Rector decides on the date when the academic year begins.

Section 53 **State Examinations**

- (1) State examinations take place before examination boards; state examinations and their results are public.
- (2) The right to examine at state examinations is reserved for professors, associate professors and specialists approved by the relevant Scientific Board.
- (3) The Ministry may appoint additional members of examination boards, drawing on distinguished specialists in the relevant fields.

Section 54 **Interruption of Studies**

- (1) Studies in a degree programme may be repeatedly interrupted provided that the conditions stipulated in the Study and Examination Regulations are met. Study and Examination Regulations include provisions for the maximum total length for the interruption of studies.
- (2) Individuals lose their status as students during the period when studies are interrupted. Upon the expiration of the period of interruption, the individual is eligible to re-enrol in studies.

Closure of Studies

Section 55

- (1) Closure of studies is accomplished by completing a degree programme. Closure of studies occurs on the date when the state examination at the end of studies, or the last part of this examination, is passed.
- (2) The higher education diploma and diploma supplement serve as documents attesting to the closure of studies and the awarding of an academic degree.

Section 56

- (1) Studies also come to an end when:
 - a) a student decides to abandon studies;
 - b) a student fails to meet the requirements of a degree programme as set out in the Study and Examination Regulations;
 - c) the accreditation of a degree programme is revoked;
 - d) the accreditation of a degree programme expires pursuant to subsection 80 (4);
 - e) a student has been expelled pursuant to paragraph 65 (1) c) or under Section 67.
- (2) The date when studies come to an end pursuant to paragraph (1) a) is that of the date of delivery to the higher education institution or faculty where the student is enrolled of a written statement by the student that he/she wishes to abandon studies. The date when studies come to an end pursuant to paragraph (1) b) is that stipulated in the Study and Examination Regulations. The date when studies come to an end pursuant to paragraph (1) c) is that stipulated in the decree of the Ministry at the latest. The date when studies come to an end pursuant to paragraph (1) d) is that announced by the higher education institution as marking the expiry of the degree programme. The date when studies come to an end pursuant to paragraph (1) e) is the date when the decision on expulsion comes into effect.
- (3) Decisions on the termination of studies pursuant to paragraph (1) e) as well as on the interruption of studies pursuant to Section 54 are made by the bodies listed in subsections 50 (2) and (3); decision-making is subject to subsections 50 (4) to (7) by analogy.

Section 57

Documentation of Studies

- (1) The documents relating to studies in a degree programme and graduation from a degree programme are as follows:
 - a) the student identity card;
 - b) the student record book;
 - c) the higher education diploma;
 - d) the document listing completed exams;
 - e) the document on studies;
 - f) the diploma supplement.
- (2) The student identity card is given to the student when his/her name is entered in the register of students.
- (3) The main purpose of the student record book is to record individual courses and to indicate the results achieved in these courses. The data stipulated in the previous sentence may also be kept in a higher education institution's or faculty's electronic information system. In this case, the higher education institution or faculty is required to ensure that

the data in the electronic information system cannot be manipulated by unauthorized persons. The student record book in this case is a transcript of these data officially confirmed by the relevant higher education institution or faculty.

- (4) The higher education diploma attests to the completion of a degree programme in the relevant field of study.
- (5) The document listing completed exams or the document on studies are issued to:
 - a) persons that have completed studies in a degree programme pursuant to subsection 56 (1);
 - b) students upon their request;
 - c) graduates of degree programmes upon their request.
- (6) The diploma supplement is issued to graduates of degree programmes.
- (7) Higher education diplomas and certificates have the status of public documents and include the national coat of arms of the Czech Republic¹⁶⁾ in addition to the designation of the relevant higher education institution and the academic degree awarded; higher education diplomas are usually presented at an academic ceremony.
- (8) In the documents listed in subsection (1) and in the decisions and certificates listed in Sections 50 to 69, 89 to 91 and 99, the higher education institution may include the identity number of the individual concerned, if such a number has been assigned.

Section 58 **Study-related Fees**

- (1) Public higher education institutions may set fees related to entrance procedures. 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 allotted 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 is announced by the Ministry by the end of January in the calendar year, and applies to the academic year begun in that calendar year. Data pertaining to the previous calendar year are used for calculation of the base.
- (3) Should a student's enrolment in a degree programme exceed the standard length of studies in a Bachelor's or Master's programme by more than one year, the public higher education institution sets a fee corresponding to at least one-and-a-half times the base for each further six months of study begun. The length of studies also includes the length of all preceding studies in Bachelor's or Master's programmes that have not been completed pursuant to subsections 45 (3) or 46 (3); in this case, the length of time in which the student was enrolled concurrently in these degree programmes and in the current programme is calculated only once.

¹⁶⁾ Subsection 1 (2) of Czech National Council Act No. 68/1990 on the Use of the National Coat-of-Arms and the National Flag of the Czech Republic, as amended.

- (4) Should a graduate of a Bachelor's or a Master's programme be enrolled in another Bachelor's or Master's programme, the public higher education institution charges a study fee not exceeding the base under subsection (2) for each further year of studies begun; this provision is not applicable to graduates of a Bachelor's programme that are enrolled in a Master's programme, or in the case of several regular degree programmes that together do not exceed the standard length of studies of one degree programme. Should the total length of additional studies exceed the standard length of studies, the public higher education institution sets a study fee pursuant to subsection (3).
- (5) Should a public higher education institution offer degree programmes carried out in a foreign language, it sets study fees for Bachelor's, Master's or doctoral programmes. In this case, the provisions of subsections (2), (3) and (4) do not apply to the setting of study-related fees.
- (6) Public higher education institutions must announce the study-related fees for the next academic year pursuant to subsections (1) to (5) before the deadline for submission of admission applications. The size of these fees and how and by when they must be paid are stipulated in the Statutes of the public higher education institution.
- (7) Study-related fees, with the exception of those indicated in subsection (5), are regarded as income for the scholarship and bursary fund of the public higher education institution.
- (8) Decisions on fixing study-related fees pursuant to subsections (3) and (4) must be announced at least ninety days before payment is due. In the case of an appeal against a decision to impose study-related fees, the Rector may reduce, waive or defer the date of payment of the fees, taking into account in particular the study results and the social circumstances of a student in accordance with provisions in the Statutes of the public higher education institution.
- (9) Study-related fees set pursuant to subsections (1) to (5) are not subject to general regulations on fees.¹⁷⁾

Section 59

Study-related fees determined by private higher education institutions are set out in their internal regulations.

Section 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 activities. Lifelong learning may be either profession-oriented or interest-oriented. Detailed conditions pertaining to lifelong learning are stipulated in the institutions' internal

¹⁷⁾ Czech National Council Act No. 337/1992 on the Administration of Taxes and Fees, as amended. Czech National Council Act No. 368/1992 on Administration Fees, as amended.

regulations. These must be provided in advance to all participants in lifelong learning programmes.

- (2) Higher education institutions issue certificates to all graduates of lifelong learning programmes. If graduates of lifelong learning programmes become students within the framework of accredited degree programmes pursuant to the provisions of this Act (Sections 48 to 50), the higher education institution may recognise credits acquired in the lifelong learning programme for up to 60 per cent of the amount of credits required for the completion of studies.
- (3) Participants in lifelong learning are not considered students under the provisions of this Act.

PART VI STUDENTS

Section 61

- (1) An applicant becomes a student on the date of enrolment in studies; an individual whose studies were interrupted regains the status of student on the date of his/her re-enrolment in studies.
- (2) A student loses his/her student status on the date of the termination of studies pursuant to subsections 55 (1) and 56 (1) and (2), or the interruption of studies pursuant to Section 54.

Section 62 Students' Rights

- (1) A student is entitled:
 - a) to study within the framework of one or more degree programmes;
 - b) to choose subjects and design his/her curriculum pursuant to the provisions of the degree programme;
 - c) to choose a teacher for a particular subject, where that subject is taught by more than one teacher;
 - d) to take examinations pursuant to the provisions of the degree programme or the Study and Examination Regulations;
 - e) to enrol in the next level of the degree programme upon fulfilling the requirements stipulated in the degree programme or the Study and Examination Regulations;
 - f) to propose a topic for his/her Bachelor's thesis, Master's thesis, advanced Master's ("*rigorózní*") thesis or doctoral thesis;
 - g) to make use of facilities and information technologies needed for study in a degree programme in compliance with the regulations stipulated by the higher education institution;
 - h) to elect members and be elected to the Academic Senate, if this body has been established;
 - i) to be granted scholarships and bursaries provided by the higher education institution upon fulfilling the conditions stipulated in the Scholarship and Bursary Regulations.

- (2) Students taking practical classes and undergoing practicums are subject to general regulations on work safety and health protection and the working conditions of women¹⁸⁾.

Section 63

Students' Obligations

- (1) The obligations of a student with respect to studies follow from his or her degree programme and the Study and Examination Regulations.
- (2) A student must comply with the internal regulations of the higher education institution and its constituent parts.
- (3) Furthermore, a student is obliged:
- a) to pay study-related fees and provide the data needed for calculating the size of these fees;
 - b) to report his/her postal address to the higher education institution or its constituent part where he/she is enrolled;
 - c) to present himself or herself in person, when summoned by the Rector, the Dean or a higher education institution employee authorized by them, in order to discuss questions pertaining to the course of study or the termination of study.
- (4) Students neglecting their obligations under subsection (3) must reimburse the higher education institution for any resulting costs.

Disciplinary Infractions

Section 64

A disciplinary infraction occurs when obligations stipulated in legal regulations or in the internal regulations of a higher education institution or its constituent parts are infringed.

Section 65

- (1) The following sanctions may be imposed for disciplinary infractions:
- a) admonition;
 - b) conditional expulsion, including the specification of a deadline by which certain conditions must be met;
 - c) expulsion.
- (2) Should the discussion of a disciplinary infraction lead to its being rectified, no sanction need be imposed.

¹⁸⁾ Sections 132 through 138 and Section 150 of the Labour Code.

- (3) In imposing sanctions, the character of the action constituting the infraction, the circumstances leading up to it, its consequences, the extent of liability as well as the former behaviour of the student who committed the infraction and any demonstrated effort to remedy the consequences will be taken into account. Expulsion is only possible in the case of the deliberate commission of a disciplinary infraction.

Section 66

A disciplinary infraction may not be dealt with if more than a year has passed since it was committed or if a final verdict has been handed down in the case of a criminal matter. The one-year limit does not include any time in which the individual was not a student.

Section 67

Special Provision on Expulsion

Students who were admitted to studies as a consequence of a fraudulent act on their part will be expelled.

Section 68

Decisions on Students' Rights and Obligations

- (1) Decisions on students' rights and obligations are not subject to general regulations on administrative proceedings. Decisions must be rendered no later than thirty days from receipt of a request or notification of a matter to be considered.
- (2) A student must be informed of a decision relating to his/her rights and obligations in a provable manner. The decision must be included in the documentation on students kept by the higher education institution or its constituent part in which the student is enrolled.
- (3) Decisions on the following issues:
- a) consent to an exceptional examination re-sit session, should this be permitted by the Study and Examination Regulations;
 - b) consent to the repetition of a part of studies designated in subsection 52 (1), should this be permitted by the Study and Examination Regulations;
 - c) consent to the interruption of studies;
 - d) recognition of examinations and the prescription of equivalency examinations;
 - e) the grant of a scholarship or bursary;
 - f) the fixing of study-related fees pursuant to subsections 58 (3) and (4);
 - g) failure to meet the requirements as stipulated in paragraph 56 (1) b);
 - h) disciplinary infractions;
 - i) expulsion pursuant to Section 76

must be issued in writing and must contain the reasons for the decision as well as information on the possibility of making an appeal. The decision must be delivered to the individual in person. In the case of a) to e), the internal regulations of the higher education institution or one of its constituent parts may stipulate an alternative method of delivery.

- (4) Students may lodge an appeal against a decision. The request must be submitted to the officer or official body that issued the decision no later than thirty days after its delivery under subsection 3; failure to meet this deadline may be excused where there are serious reasons. Should such an officer be the Dean, he/she is only empowered to agree to the request and to change or annul the decision; otherwise, the Dean passes the request on to the Rector for a decision. The Rector changes or annuls decisions made in conflict with the Act or with the internal regulations of the higher education institution or one of its constituent parts. The Rector annuls decisions on disciplinary infractions and expulsion pursuant to Section 67 if facts come to light that would justify stopping the proceedings. All appeals made in relation to paragraph (3) f) have suspensive effect.
- (5) As a result of decisions taken pursuant to subsection 4, the officers and official bodies of a public higher education institution or one of its constituent parts will take measures, where these are required, to restore a student's rights and to eliminate or at least mitigate the consequences of a wrong decision.

Section 69

- (1) Disciplinary proceedings are initiated by the Disciplinary Committee of a public higher education institution, acting upon a submission from the Rector where this concerns the disciplinary infraction of a student that is not enrolled in any faculty, and from a Dean in the case of students enrolled at a faculty. The submission contains a description of the act in question as well as any supportive evidence, and a justification for regarding the act as a disciplinary infraction. The disciplinary proceedings begin with the student being notified of the submission. Discussion of the disciplinary infraction takes place in the presence of the student. This discussion of the infraction may only take place in the absence of the student if he or she has been invited to the session in due form, but has failed to excuse him/herself in advance. Neither the Rector nor the Dean may impose a sanction more severe than that decided on by the Disciplinary Committee.
- (2) The disciplinary proceedings are abandoned if it becomes clear that the act in question is not in fact a disciplinary infraction or if no evidence is presented that it was committed by the student or if the person who has been charged with the infraction is no longer a student.
- (3) All appeals have suspensive effect.
- (4) Subsections (1) through (3) are applicable by analogy to proceedings on expulsion under Section 67.

PART VII ACADEMIC STAFF

Section 70 Academic Staff

- (1) The academic staff is made up of the employees of a higher education institution carrying out teaching, scholarly, scientific, research, development, artistic and other creative

activities. Members of the academic staff are required to guard the good name of the higher education institution.

- (2) The academic staff comprises professors, associate professors, assistant professors, instructors, lecturers and scholarly, scientific, research and development workers taking part in teaching activities.
- (3) The academic staff members at a higher education institution perform the duties of teachers.
- (4) Academic staff may be employed for a fixed period, as a rule five years. A fixed period of employment may be negotiated repeatedly or, if the parties agree, may be extended to a longer period than that stated in the previous sentence.
- (5) Other specialists may take part in teaching on the basis of contracts for work done outside the employment relationship.
- (6) The internal regulations of a higher education institution specify the status of visiting professor.

Section 71

Appointment of Associate Professors

An associate professor in a particular field is appointed by the Rector on the basis of the procedure for conferring "*venium docendi*" (the habilitation procedure).

Section 72

Procedure for Conferring "*Venium docendi*" (Habilitation Procedure)

- (1) The aim of the habilitation procedure is confirm the scholarly, scientific or artistic qualifications of the applicant, particularly on the basis of a habilitation thesis and its defence and of other scholarly, scientific, specialist or artistic work, as well as the applicant's competence as a teacher, based on an evaluation of his/her habilitation lecture and previous teaching experience.
- (2) The habilitation procedure is initiated at the request of the applicant. His/Her proposal must include a curriculum vitae, documents attesting to the higher education acquired and pertinent academic degrees awarded, documents proving teaching experience, a list of scholarly, scientific, specialist or artistic work, a list of scholarly, scientific, specialist or artistic research fellowships both at home and abroad, and any other documents demonstrating scholarly, scientific or artistic qualifications. The proposal must also specify the field in which the habilitation is being sought. In addition, the applicant must submit a habilitation thesis.
- (3) A habilitation thesis may be:
 - a) a written thesis offering new scholarly or scientific knowledge; or

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- b) a collection of already published scientific or scholarly papers or technical papers supplemented with a commentary; or
 - c) a published monograph introducing new scholarly or scientific knowledge; or
 - d) a work of art or an artistic achievement or a collection of these, for example an outstanding public artistic activity.
- (4) The proposal is submitted to the Dean of the faculty that is accredited in the relevant habilitation field, or to the Rector, should it be the higher education institution that is accredited in the relevant field. If all of the required components of the proposal are not submitted and the applicant, having been informed of this, fails to provide them in due time, the Dean or the Rector will terminate the habilitation procedure.
- (5) If the habilitation procedure is not terminated pursuant to subsection (4), the Dean or the Rector submits the proposal to the Scientific Board of the faculty or the higher education institution along with a proposal to set up a five-member Habilitation Board. The Habilitation Board consists of professors, associate professors and other distinguished representatives in the relevant or a related field. The Board must be chaired by a professor and at least three members of the Board must be experts from an institution other than that carrying out the habilitation procedure.
- (6) The Scientific Board may waive the requirement of higher education in the case of applicants in artistic fields.
- (7) The Habilitation Board as approved by the Scientific Board appoints three readers for the habilitation thesis, one of whom at most may come from the higher education institution carrying out the habilitation procedure.
- (8) The Habilitation Board assesses the scholarly, scientific or artistic qualifications of the applicant in the relevant field and his/her previous teaching experience. It assesses the quality of the habilitation thesis on the basis of the readers' reports. The Habilitation Board then votes by ballot on whether to nominate the applicant as an associate professor. If the proposal does not obtain a majority of the votes of all members of the Habilitation Board, the Board recommends termination of the habilitation procedure. An approved nomination is presented to the Scientific Board by the Chair of the Habilitation Board or a member of this board designated by its Chair.
- (9) The habilitation lecture and the defence of the habilitation thesis take place at a public session of the Scientific Board. After a discussion, during which the applicant has the opportunity to comment on the readers' reports, defend his/her habilitation thesis and enlarge upon his/her previous scholarly, scientific or artistic and teaching work, the Scientific Board votes by ballot on whether to nominate the applicant as an associate professor.
- (10) If the nomination does not obtain a majority of the votes of all members of the Scientific Board, the Board terminates the habilitation procedure.
- (11) The Scientific Board passes the approved nomination of an associate professor to the Rector. If the Rector disagrees with the proposal, he submits the proposal together with his reasons for rejecting it to the Scientific Board of the higher education institution. The Scientific Board discusses the issue and votes by ballot on whether to nominate the

applicant as an associate professor. If the nomination does not obtain a majority of the votes of all members of the Scientific Board, the habilitation procedure is terminated. Otherwise, the Rector appoints the applicant an associate professor.

- (12) If the habilitation procedure is terminated, the habilitation thesis together with the accompanying documents are returned to the applicant.
- (13) The habilitation procedure is not subject to general regulations on administrative proceedings.
- (14) The applicant is entitled to raise objections to the course of the habilitation procedure. If the Dean disagrees with the objections, he/she passes them on to the Rector. The decision of the Rector is final.
- (15) If permitted by the internal regulations of the higher education institution, the habilitation procedure may take place before the Scientific Board of an institute of the higher education institution. In this case, the duties of the Dean are performed by the director of the institute.

Section 73 **Appointment of Professors**

A professor in a specific field is appointed by the President of the Czech Republic upon the recommendation of the Scientific Board of a higher education institution, which is presented by the Minister.

Section 74 **Procedure for the Appointment of Professors**

- (1) The aim of the procedure for the appointment of a professor is to show the teaching and scholarly, scientific or artistic qualifications of the applicant, who must be an outstanding and recognized figure in his/her particular field. The initiation of this procedure is conditional upon the person's previous appointment as an associate professor through the habilitation procedure, as long as the presentation of a habilitation thesis formed part of this procedure. In exceptional cases, when the individual concerned is already a professor at a prestigious higher education university abroad, the Rector, acting upon a recommendation from the Scientific Board of the higher education institution, may waive the provision that the applicant must have been appointed an associate professor before the procedure for his appointment as a professor can begin.
- (2) The procedure for the appointment of a professor is initiated at the request of the applicant, whose proposal must be supported by at least two written references from professors in the same or a related field, or at the request of a Dean or the Rector in the form of a proposal submitted to the Scientific Board of the faculty that is accredited in the relevant field, or to the Scientific Board of the higher education institution if accreditation for this field has been awarded to the higher education institution. The procedure may also be initiated by the Scientific Board of a faculty or of the higher education institution on its own accord. The proposal must include the requirements itemized in the second sentence

of subsection 72 (2); it must also specify the field in which the procedure for the appointment of a professor is being initiated.

- (3) In order to examine the proposal, the relevant Scientific Board, acting on a proposal from the Dean or the Rector, approves a five-member Evaluation Board consisting of professors, associate professors and other distinguished representatives in the relevant or a related field. The Board must be chaired by a professor and at least three members of the Board must be experts from an institution other than that carrying out the procedure for the appointment.
- (4) The Scientific Board may waive the requirement of higher education in the case of applicants in artistic fields.
- (5) The Evaluation Board assesses the qualifications of the applicant and votes by ballot on whether to nominate the applicant as a professor. If the proposal does not obtain a majority of the votes of all members of the Evaluation Board, the Board recommends termination of the habilitation procedure. An approved nomination is presented to the Scientific Board that authorized the Habilitation Board by the Chair of the Habilitation Board or a member authorized by him/her. The Scientific Board invites the applicant to give a lecture at one of its public sessions presenting his/her conception of the scholarly, scientific or artistic work and teaching in the relevant field.
- (6) After the lecture, the Scientific Board votes by ballot on whether to nominate the applicant as a professor. In the case of the Scientific Board of a higher education institution, approved nominations are submitted to the Minister. In the case of the Scientific Board of a faculty, the nomination is passed to the Scientific Board of the higher education institution, which votes by ballot on submitting the nomination to the Minister. The provisions of subsection 72 (10) are applicable in both cases by analogy.
- (7) The procedure for the appointment of a professor is not subject to general regulations on administrative proceedings.
- (8) The applicant is entitled to raise objections to the course of the procedure for appointment as a professor at the faculty and higher education institution levels. Any objections are evaluated by the Rector, whose decision is final.
- (9) If permitted by the internal regulations of the higher education institution, the procedure for the appointment of a professor may take place before the Scientific Board of an institute of the higher education institution that performs the same functions as the Scientific Board of a faculty. In this case, the duties of the Dean are performed by the director of the institute.

Publishing Information on Habilitation Procedures and Procedures for the Appointment of Professors

- (1) A higher education institution or one of its constituent parts must post information on the commencement of a habilitation procedure or procedure for the appointment of a professor on the official notice board without delay. This information must include the

schedule of relevant public sessions of Scientific Boards. Information on the termination of these procedures must also be made public immediately.

- (2) A higher education institution must provide the Ministry with the following information:
 - a) On the commencement of a habilitation procedure or procedure for the appointment of a professor: first name, surname, identity number, marital status and place of permanent residence of the applicant; in the case of foreigners, also the date of birth, sex, place of residence in the Czech Republic, citizenship and data on employment of the applicant.
 - b) During the course of a habilitation procedure or procedure for the appointment of a professor: changes in the data listed under a) or, in the case of interruption of the procedure, the reasons why and the date when this occurred.
 - c) On the termination of a habilitation procedure or procedure for the appointment of a professor: the result and the date when this occurred.
- (3) Information on the commencement of a habilitation procedure or procedure for the appointment of a professor will be made public by the Ministry in an appropriate manner. This also applies to the results of these procedures.

Section 76 Sabbatical Leave

- (1) Six-months' sabbatical leave is provided to academic staff of higher education institutions, at their request, once every seven years, unless this is not possible because of serious circumstances related to carrying out the educational tasks of the higher education institution.
- (2) Academic staff on sabbatical leave are entitled to their salaries.

Section 77 Competitive Selection Procedures at Public Higher Education Institutions

- (1) Academic posts at public higher education institutions must be filled through competitive selection procedures. Such a procedure is not required in the case of the re-employment of an academic employee in his/her current post.
- (2) The announcement that applications are being received for an academic post must be made public on the official notice board of the higher education institution or one of its constituent parts as well as in public mass media covering the whole of the Czech Republic at least thirty days prior to the deadline for the submission of applications.
- (1) Details on competitive selection procedures are laid out in the internal regulations of public higher education institutions.

PART VIII

ACCREDITATION

Section 78 Accreditation of Degree Programmes

- (1) Degree programmes are subject to accreditation awarded by the Ministry.
- (2) If a degree programme is not accredited, it is not possible to admit any applicants, hold classes, carry out examinations or award academic degrees.
- (3) Within the framework of the accreditation of Master's programmes, a decision is also made on the right to award academic degrees pursuant to subsection 46 (5).

Section 79

- (1) The written application from a higher education institution for the accreditation of a degree programme must include the following:
 - a) the name of the higher education institution or its constituent part that is responsible for providing the degree programme;
 - b) the components of the degree programme under subsection 44 (2);
 - c) evidence of appropriate staff, financial, material, technical and information support for the degree programme for at least the standard length of study;
 - d) a description of the planned development of the degree programme, its rationale and the anticipated number of students to be admitted;
 - e) in the case of degree programmes in the field of health services, the standpoint of the Ministry of Health with respect to the possible employment of graduates in this field is also required¹⁹⁾.
- (2) The Ministry passes the application immediately to the Accreditation Commission, which reaches a decision no later than 120 days from the date of receipt.
- (3) If there are any deficiencies in the application that might be corrected, the Accreditation Commission invites the higher education institution to do so within a reasonable length of time and suspends the review procedure. If the higher education institution fails to correct these deficiencies by the deadline that has been set, the Accreditation Commission makes its decision on the basis of the original documentation.
- (4) No later than thirty days after receiving the standpoint of the Accreditation Commission, the Ministry makes its decision on whether or not to award accreditation. In making this decision, it takes into consideration the general policy of the higher education institution with regard to its teaching, scholarly, scientific, research, development, artistic or other creative activities of as well as an assessment of its activities.

¹⁹⁾ Section 53 of Act No. 20/1966 on Public Health Care, as amended by Czech National Council (ČNR) Act No. 548/1991.

- (5) The Ministry will not grant accreditation if:
- a) the degree programme does not comply with the requirements listed in Part 4 of this Act;
 - b) sufficient staff, equipment and information support are not guaranteed for the relevant degree programme;
 - c) implementation of the degree programme is not backed by sufficient financial, material or technical resources;
 - d) the higher education institution does not offer sufficient guarantees that regular teaching in the programme will be ensured;
 - e) the application contains incorrect data deemed crucial to awarding the accreditation;
 - f) the Accreditation Commission has issued a negative standpoint.
- (6) If the requirements listed in paragraphs (5) a) and b) are not met, the Accreditation Commission will not issue an affirmative standpoint with regard to an application for the accreditation of a degree programme. The standpoint of the Accreditation Commission must include the reasons why the degree programme does not meet the requirements listed in paragraphs (5) a) and b).
- (7) After agreement with the Accreditation Commission, the Ministry issues a decree detailing the contents of the written application for the accreditation of the degree programme.
- (8) If the Ministry learns that the facts included in the negative standpoint of the Accreditation Commission with respect to a particular degree programme are not in accordance with the real state of affairs or the Act, it can ask the Accreditation Commission to renew the procedure for issuing its standpoint and to correct any deficiencies in the reasons it has given.

Section 80

- (1) Accreditation of a degree programme is granted for ten years at most, beginning from the day on which the decision takes legal effect.
- (2) The validity of a particular accreditation may be repeatedly extended. The procedure for the extension of the accreditation's validity is subject to the provisions of Section 79.
- (3) A higher education institution may request an extension to the accreditation of a degree programme that it is already offering.
- (4) Accreditation of a degree programme expires upon the higher education institution's declaring that the programme has been cancelled. An accredited degree programme can be cancelled if the higher education institution provides students with the option of continuing their studies in the same or a similar degree programme at the same or another higher education institution.

Section 81

- (1) Application for accreditation of a degree programme may be made, together with a higher education institution, by a legal entity with domicile, its central administration or the main site of its business activities in one of the member states of the European Union, or that was set up or established according to the laws of one of the member states of the European Union, and that carries out teaching and scholarly, scientific, research, development, artistic or other creative activities.
- (2) Along with the application for accreditation, the legal entity must include an agreement made with the higher education institution on mutual cooperation in the provision of a degree programme. This higher education institution will admit applicants for studies in the degree programme and award the appropriate degree to the graduates of this degree programme. The higher education diploma will also specify where the studies in the degree programme took place.
- (3) A legal entity may also apply for accreditation of a degree programme under subsection (1) independently. If the Accreditation Commission issues an affirmative standpoint, the Ministry will invite the higher education institution to sign an agreement pursuant to subsection (2); when this has been done, it will grant accreditation. If the higher education institution refuses to sign such an agreement, it will inform the Ministry and the Accreditation Commission of its decision and the reasons behind it within thirty days.
- (4) The application for accreditation of a degree programme under subsections (1) to (3) is subject to the provisions of Section 79 by analogy.
- (5) In the case of joint implementation of a doctoral degree programme, the agreement will also stipulate the representation of the legal entity and the higher education institution in the Doctoral Studies Board.

Section 82
Accreditation of Habilitation Procedures
and Procedures for the Appointment of Professors

- (1) The authority of a higher education institution or one of its constituent parts to carry out the habilitation procedure or procedure for the appointment of professors in a particular field is subject to accreditation awarded by the Ministry.
- (2) The written application from a higher education institution for accreditation must include the following:
 - a) the name of the higher education institution or its constituent part that is responsible for carrying out the procedure;
 - b) the field of habilitation or professorial appointment;
 - c) information on the teaching, scholarly, scientific, research, development, artistic or other creative activities of the higher education institution or its constituent part in the relevant field;
 - d) information on professors and other academic staff teaching and carrying out activities in the relevant or a related field at the higher education institution or its part;
 - e) a list of the members of the Scientific Board of the higher education institution or its part.

- (3) Accreditation of the habilitation procedure and procedure for the appointment of professors is subject to the provisions of subsections 79 (2) and (3) by analogy.
- (4) The Accreditation Commission decides whether the facts documented under paragraphs (2) c) to e) constitute a sufficient prerequisite for an objective assessment of the teaching and scholarly, scientific or artistic qualifications of applicants for appointment as professor or associate professor, and then issues its standpoint on the application.
- (5) The Ministry makes a decision on awarding accreditation within thirty days of receiving the standpoint of the Accreditation Commission. The Ministry takes into consideration the strategic plan of the public higher education institution or private higher education institution as well as an assessment of its activities.
- (6) The Ministry will not grant accreditation if:
 - a) the higher education institution does not provide sufficient guarantees that it will carry out the habilitation procedure or procedure for the appointment of professors in a proper fashion;
 - b) no accreditation has been awarded for a doctoral degree programme at the higher education institution or one of its constituent parts within which the field of the habilitation or professorial appointment or a substantial portion thereof is taught;
 - c) the request contains incorrect data deemed crucial to awarding the accreditation;
 - d) the Accreditation Commission has issued a negative standpoint.
- (7) In the case of newly established fields of study, the Ministry may make exceptions to the provisions of paragraph 6 b).
- (8) Accreditation for the habilitation procedure or procedure for the appointment of professors is granted for ten years at most, beginning from the day on which the decision takes legal effect.

Section 83 **The Accreditation Commission**

- (1) The Accreditation Commission consists of twenty-one members. The Chair, Vice-Chair and members of the Accreditation Commission are nominated by the Minister and appointed by the government. Prior to submitting his nominations, the Minister asks for references from the representative bodies of the country's higher education institutions, the Research and Development Council and the Academy of Sciences of the Czech Republic, and discusses the nominations with these institutions.
- (2) Members of the Accreditation Commission are appointed for a six-year term; they may serve a maximum of two terms of office. When the first members are named to the Accreditation Commission, the government will appoint one-third of the members to a term of office that will expire in two years' time and one-third of members to a term of office that will expire in four years' time.
- (3) Members of the Accreditation Commission must be persons of good character and good repute and widely regarded as authorities in their fields.

- (4) Membership in the Accreditation Commission is incompatible with the positions of Rector, Vice-Rector or Dean.
- (5) A member of the Accreditation Commission may only be dismissed before the end of his/her term of office by reason of loss of good character and repute or long-term failure to participate in the work of the Accreditation Commission, or upon his/her own request.
- (6) Members of the Accreditation Commission are independent while carrying out their duties.
- (7) In order to ensure the preparation of high-quality background material for its sessions, the Accreditation Commission may establish advisory working groups whose composition must correspond to the type of degree programme under consideration, its mode and its study objectives; in the case of accreditation for habilitation procedures and procedures for the appointment of professors the composition of such groups must correspond to the field for which accreditation is being sought, or a related field.
- (8) The manner in which the Accreditation Commission and its working groups carry out their discussions is stipulated in the Statutes of the Accreditation Commission, which are approved by the government. Upon approval of the Statutes by the government, the Ministry must make them public in an appropriate manner.
- (9) Material and financial resources for the activities of the Accreditation Commission are provided by the Ministry.
- (10) Submissions to the Accreditation Commission are made via the Ministry.
- (11) The activities of the members of the Accreditation Commission and their working groups are considered activities in the public interest⁴⁾. These persons may receive a bonus for their work and their travel expenses are reimbursed pursuant to a special regulation.⁵⁾

Section 84

- (1) The Accreditation Commission is concerned for the quality of higher education and carries out comprehensive evaluation of the teaching, scholarly, scientific, research, development, artistic and other creative activities of higher education institutions. The chief means of achieving these objectives are:
 - a) evaluating the activities of higher education institutions and the quality of accredited activities and publishing the results of such evaluations;
 - b) reviewing other issues affecting the system of higher education, when asked to do so by the Minister, and expressing its standpoint on these issues.
- (2) The Accreditation Commission expresses its standpoint on the following:

⁴⁾ Subsections 124 (1) and (2) of the Labour Code.

⁵⁾ Act No.119/1992 on Reimbursement of Travel Expenses, as amended by Act No. 44/1994.

- a) requests for accreditation of degree programmes;
- b) requests for authorization to carry out the habilitation procedure and the procedure for the appointment of professors;
- c) the establishment, merger, amalgamation, splitting or dissolution of a faculty of a public higher education institution;
- d) the granting of state permission to a legal entity wishing to operate as a private higher education institution;
- e) specification of the type of higher education institution.

Section 85

- (1) If the Accreditation Commission discovers any deficiencies in the provision of accredited activities, it will invite the higher education institution or the cooperating legal entity to remedy the situation within a reasonable length of time.
- (2) In the event of serious deficiencies arising in the course of the implementation of a degree programme, the Accreditation Commission will propose to the Ministry, depending on the nature of the case:
 - a) limitation of accreditation, consisting in a ban on admitting new applicants to study in the relevant degree programme; or
 - b) temporary termination of accreditation, consisting in a ban on holding state examinations and awarding academic degrees; or
 - c) revocation of accreditation.
- (3) In the case of serious deficiencies in the habilitation procedure or the procedure for the appointment of professors, the Accreditation Commission will ask the Ministry to revoke or temporarily terminate accreditation, depending on the nature of the case.
- (4) The Accreditation Commission will also ask the Ministry to revoke accreditation if the situation at a higher education institution, one of its constituent parts or the cooperating legal entity is such that a request for accreditation would be justifiably rejected.
- (5) If the reasons for taking measures under paragraphs (2) a) or b) or subsection (3) cease to exist, the Accreditation Commission will ask the Ministry to rescind these measures.
- (6) Within 120 days of receiving a proposal from the Accreditation Commission relating to subsections (2) to (5), the Ministry will make its decision

Section 86

- (1) In the event of temporary termination or revocation of accreditation of a degree programme, the higher education institution must provide students with the possibility of continuing their studies in the same or a similar degree programme at the same or another higher education institution.
- (2) The Ministry will stipulate a reasonable length of time for fulfilling the obligation under subsection 1.

PART IX

STATE ADMINISTRATION

Section 87

Competency of the Ministry

The Ministry:

- a) registers the internal regulations of higher education institutions;
- b) draws up an annual report on the state of the system of higher education and the strategic plan of the Ministry (subsection (18) 4)) and makes them public;
- c) discusses and evaluates the strategic plans of the public higher education institutions and the strategic plans of the private higher education institutions as well as their annual updates;
- d) distributes funding from the state budget (from funds provided for the educational system) to higher education institutions and monitors their use;
- e) monitors the financial management of public higher education institutions pursuant to a special regulation;²⁰⁾
- f) grants state permission pursuant to Section 39;
- g) makes decisions on granting accreditation for degree programmes and granting accreditation for the habilitation procedure and procedure for the appointment of professors in relevant fields;
- h) appoints additional members of examination boards pursuant to Section 53;
- i) collects and make use of information on applications for admission to studies and on participants in and graduates of lifelong learning programmes and information contained in the student register, in compliance with special regulations. In collecting and making use of this information and in carrying out statistical analyses it is authorized (or in turn may authorize individuals) to make use of the identity number of applicants for admission to studies in a degree programme, individuals admitted to studies in a degree programme, students studying in a degree programme, and persons who have interrupted or completed their studies in a degree programme, as well as of participants in lifelong learning and graduates of lifelong learning.
- j) in compliance with the provisions of this Act, regulates higher education institutions within the framework of the work of the state administration
- k) carries out the responsibilities of the higher administrative body for higher education institutions in administrative proceedings;
- l) adopts measures pursuant to Sections 37, 38, 43 and 85;
- m) recognizes foreign higher education and qualifications acquired abroad under Sections 89 and 90;
- n) grants scholarships and bursaries funded from the state budget pursuant to Section 91;
- o) provides material and financial assistance for the activities of the Accreditation Commission;
- p) gives its consent or expresses its views on issues listed in Section 95;
- q) provides methodological assistance to higher education institutions in drawing up Statutes and other regulations of higher education institutions and faculties, keeping records on

²⁰⁾ Czech National Council Act No. 552/1991 on State Inspection, as amended by Act No. 166/1993.

students and reporting statistics and in the areas of librarianship, information systems and international relations;

- r) makes material and financial awards to outstanding students, graduates of degree programmes and other persons for exceptional study results and results achieved in scholarly, scientific, research, development, artistic and other creative activities;
- s) informs the Ministry of Health on decisions to grant accreditation for a health-oriented programme for which a standpoint pursuant to paragraph 79 (1) e) has been issued, and sends the accredited degree programme to the Ministry of Health along with the information provided.
- t) makes available specific financial support from the European Funds via the state budget to legal and physical entities as recipients or co-recipients who, on the basis of agreements made between themselves, work on projects aimed at educational activities carried out at higher education institutions on the basis of publicly announced competitions;
- u) determines the amount of the specified financial support from the European Funds that the recipient must provide to the co-recipient pursuant to paragraph t). The provision of specified financial support is not subject to a special regulation.^{20a)}

Section 88

Register of Students

- (1) Every higher education institution must keep 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 records the first name, surname, identity number, marital status and place of permanent residence of the student; in the case of foreigners, also the date of birth, sex, place of residence in the Czech Republic and citizenship.
- (3) The main information on individual students included in the register of students is as follows:
 - a) the date of enrolment in studies;
 - b) previous education;
 - c) the degree programme, field of study and mode of study;
 - d) enrolment in the next academic year or block of studies;
 - e) state examinations passed and academic degrees awarded;
 - f) interruption of studies;
 - g) closure of studies.

The structure of information records contained in the database and the technical details are laid out by the Ministry after discussion with the higher education institution.

- (4) Entries in the register of students may only be made by authorized employees of the higher education institution; entries pursuant to paragraphs (3) a) and c) to g) must be made immediately following the events in question. The register of students and documents relating to these events are regarded as archive records; archiving as well as making abstracts and copies of records are subject to special regulations.²¹⁾

²¹⁾ Czech National Council Act No. 97/1974 on Keeping Archives, as amended by Czech National Council Act No. 343/1992.

- (5) The higher education institution will provide the relevant records contained in the register of students to those who can demonstrate a legal interest.

Section 89

Recognition of Higher Education and Qualifications Acquired Abroad

- (1) Upon the request of a graduate of a foreign higher education institution, a certificate of recognition in the Czech Republic of his/her higher education or some part of this education will be issued by:
- a) the Ministry, in cases where the Czech Republic is bound by an international treaty with a country in which the higher education institution is established and recognized and the Ministry is authorized by this treaty to grant such recognition;
 - b) in all other cases, a public higher education institution providing a degree programme that has similar contents.
- (2) In cases of doubt, the Ministry will decide on whether a public higher education institution has the required authority, or will take the decision concerning recognition of the higher education or some part of this education itself.
- (3) The public higher education institution issues the certificate based on its knowledge of the quality of the foreign higher education institution in question or based on the extent of knowledge and acquired skills evinced by the higher education qualification.
- (4) The provisions of subsections (1) to (3) apply in an analogous fashion to individual examinations taken at higher education institutions abroad, should it not be a case of a joint degree programme with a higher education institution according to the Act.

Section 90

- (1) Decisions pertaining to the recognition by a public higher education institution of higher education and qualifications acquired abroad are made by the Rector.
- (2) This recognition is based on the original or a legally attested copy of a diploma, certificate or similar document issued by the foreign higher education institution, or the original or a legally attested copy of a diploma supplement and supplementary information confirming that the degree programme was carried out by an institution authorised to provide education comparable to higher education pursuant to this Act as well as information on the contents of the higher education studies abroad. If requested, an officially certified translation of these documents must be presented.
- (3) Unless 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 country in which the higher education institution that issued the document is domiciled, or a relevant foreign body and the relevant embassy of the Czech Republic.

- (4) In the case of an individual who has been granted international protection in the form of asylum or subsidiary protection in the Czech Republic or some other member state of the European Union, or who on the basis of international commitments the Czech Republic is obliged to regard as a refugee or exile or a person in a situation similar to that of refugees, the document required pursuant to subsection (2) and the verification of authenticity required pursuant to subsection (3) may be replaced by a sworn statement made by the individual in question concerning the facts otherwise attested to by such a document or verification.
- (5) If the public higher education institution or in the case of subsection 89 (2) the Ministry discovers substantial differences in the degree programmes being compared, the request for recognition will be refused.

Section 91 **Scholarships and Bursaries**

- (1) Students of higher education institutions are eligible for scholarships and bursaries.
- (2) Scholarships and bursaries covered by the subsidy or grant may be awarded in the following cases:
 - a) for outstanding study results;
 - b) for outstanding scholarly, scientific, research, development, artistic or other creative results contributing to the enhancement of knowledge;
 - c) in the case of a student's difficult social conditions;
 - d) in other cases worthy of special consideration.
- (3) Bursaries awarded pursuant to paragraph (2) c) are also available for students who qualify for increased child support according to a special regulation; these amount to a minimum of twice the monthly child support. Such a bursary is provided ten months in each academic year for the standard length of studies. To qualify for the bursary, the student must produce written notification of provision of the child support from the social security office that decides on the support. The specific multiple of the child support is set by a government regulation.
- (4) Scholarships and bursaries provided for by the subsidy or grant may also be awarded in the following cases:
 - a) in support of studies abroad;
 - b) in support of studies in the Czech Republic;
 - c) to students in doctoral programmes.
- (5) Scholarships and bursaries are awarded to students by the higher education institution or faculty in accordance with its Scholarship and Bursary Regulations.
- (6) Scholarships and bursaries are awarded by the Ministry pursuant to subsections (2) and (3) in accordance with programmes announced by the Minister, taking into account obligations under international treaties binding on the Czech Republic. (5)

PART X

REPRESENTATIVE BODIES OF HIGHER EDUCATION INSTITUTIONS

Section 92

- (1) The representative bodies of higher education institutions are:
 - a) a body composed of members of the academic communities of higher education institutions delegated by their representative academic bodies [the Council of Higher Education Institutions];
 - b) a body composed of representatives of higher education institutions [the Czech Rectors' Conference].
- (2) Details on the procedure for the establishment of these bodies and their rules of procedure are laid out in their Statutes.
- (3) The Minister and the representative bodies of higher education institutions will discuss proposals and measures that have a significant impact on higher education institutions.
- (4) The representative bodies of higher education institutions will submit recommendations for the membership of the Accreditation Commission to the Minister.

PART XI

TEACHING HOSPITALS

Section 93

- (1) Clinical as well as practical instruction in the fields of medicine, pharmacy and the health sciences takes place primarily at teaching hospitals.²²⁾ At these hospitals, scholarly, scientific, research and development activities are also carried out.
- (2) Details pertaining to this are set out in a special regulation.

PART XII

MILITARY AND POLICE HIGHER EDUCATION INSTITUTIONS

Section 94

²²⁾ For example, Ministry of Health of the Czech Republic Decree No. 394/1991 on the Statutes, Organization and Activities of Teaching Hospitals and Other Hospitals, Selected Specialized Therapeutic Institutes and Regional Sanitation Clinics within the Competency of the Ministry of Health of the Czech Republic.

- (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 members of the military on active service.
- (2) The purpose of police higher education institutions is to educate specialists, particularly for the security forces.^{22a)} These institutions are also open to students that are not members of the security forces.

Section 95

- (1) Military higher education institutions are part of the organizational component of the state²³⁾ of the Ministry of Defence financed from the state budget (from funds provided for the Ministry of Defence). Police higher education institutions are organizational components of the state²³⁾ financed from funds provided for the Ministry of the Interior. They are subject to the provisions of Part II, with the exception of Sections 14 and 15, paragraph 17 (1) c) and Sections 18 to 20; in addition, military higher education institutions are not subject to subsection 2 (2). State higher education institutions may be granted financial resources pursuant to subsection 18 (5).
- (2) Admission of members of the military on active service to study at military higher education institutions is subject to the requirements of the Ministry of Defence. Military service and the conditions for students who are members of the military on active service are subject to special regulations.²⁴⁾ As a rule the number of students that are not members of the military on active service amounts to one-third of the capacity of military higher education institutions and is specified each year on the basis of Ministry of Defence requirements for the education of students who are members of the military on active service.
- (3) Admission of members of the police on active service to study at police higher education institutions is subject to the requirements of the Ministry of the Interior.
- (4) Military and police higher education institutions that have been granted accreditation for at least one doctoral degree programme may request accreditation for a Master's or another doctoral degree programme carried out in cooperation with a public higher education institution. Joint responsibility for these degree programmes must be defined in

^{22a)} Act No. 361/2003, on the Service of Members of the Security Forces.

²³⁾ Czech National Council Act No. 576/1990, as amended.

Ministry of Finance of the Czech Republic Decree No. 205/1991 on the Management of Budget Funds from the State Budget of the Czech Republic and on Financial Management of Budgetary and Subsidized Organizations, as amended by Governmental Regulation No. 48/1995.

²⁴⁾ National Defence Act No. 92/1949, as amended.

Act No. 76/1959 on Specific Service Relationships of Soldiers, as amended.

Ministry of Defence of the Czech Republic Decree No. 113/1996 implementing some provisions of Act No. 76/1959 on Specific Service Relationships of Soldiers, as amended.

Czech National Council Act No. 186/1992 on Service Relationships pertaining to the members of the Police of the Czech Republic, as amended.

Ministry of Defence of the Czech Republic Decree No. 7/1996 on Monetary and In-kind Indemnity of Soldiers on Active Service and Students of Military Schools that are not on Active Service, as amended by Ministry of Defence of the Czech Republic Decree No. 310/1996.

a previously signed agreement between the participating higher education institutions in which their mutual obligations are set out. Approval to sign such an agreement must be obtained from the Ministry and the Ministry of Defence or the Ministry of the Interior.

- (5) Military and police higher education institutions make public the results of their scholarly, scientific, research and development activities in compliance with general regulations on the protection of classified information and official secrets.²⁵⁾
- (6) Military higher education institutions keep a register of students who are soldiers on active service and a register of other students; the same applies to police higher education institutions with respect to students in a service relationship and other students.
- (7) The Minister of Defence (with respect to military higher education institutions) and the Minister of the Interior (with respect to police higher education institutions) are entrusted with the authority:
 - a) to submit proposals for the nomination and dismissal of the Rector to the President of the Czech Republic;
 - b) to decide, upon the recommendation of the Rector and after ascertaining the standpoint of the Accreditation Commission, on the establishment, merger, amalgamation, splitting or dissolution of a faculty;
 - c) to set the Rector's salary;
 - d) to undertake the activities stipulated in paragraphs 21 (1) a) and b);
 - e) to submit to the President of the Czech Republic nominations of the Scientific Board of a higher education institution for the appointment of a professor;
 - f) to delegate persons to carry out activities within the competency of individual officers and official bodies of a newly established higher education institution pursuant to subsection 103 (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) exercise the competency of the Ministry:
 - a) to register their internal regulations pursuant to Section 36 following expression of its view by the Ministry;
 - b) to allocate financial resources coming from the state budget;
 - c) to monitor the legality and effective management of the financial and material resources coming from the state budget and the management of property in the ownership of the Czech Republic;
 - d) to set study-related fees;
 - e) to decide whether to waive fees for the use of specialized facilities;
 - f) to make decisions with regard to granting and paying scholarships and bursaries to students and citizens of the Czech Republic studying abroad;

²⁵⁾ Act No. 102/1971 on the Protection of Classified Information, as amended.
Czech and Slovak Socialistic Republic Government Regulation No. 148/1971 on the Protection of Trade Secrets, as amended by Czech and Slovak Federative Republic Government Regulation No. 420/1990.
Czech and Slovak Federative Republic Government Regulation No. 419/1990 on Fundamental Facts Constituting the Subject of Classified Information.

- g) to decide whether to grant, in accordance with programmes announced by the Minister of Defence or the Minister of the Interior, scholarships and bursaries that are not listed in subsections 91 (2) and (4), if the student undertakes to continue on active service as a regular soldier or in a service relationship as a policeman for a given period of time after graduating from the higher education institution;
 - h) to appoint additional members of boards of examiners pursuant to subsection 53 (3);
 - i) to collect and make use of information from the register of students in agreement with special regulations;
 - j) to carry out the responsibilities of the higher administrative body for higher education institutions in administrative proceedings;
 - k) to adopt measures pursuant to Sections 37, 38, and 85;
 - l) to carry out the activities listed in paragraphs (21) a) to c) and Sections 75 and 86;
 - m) to provide methodological assistance to higher education institutions in drawing up Statutes and other regulations of higher education institutions and faculties, keeping records on students and reporting statistics and in the areas of librarianship, information systems and international relations;
- (9) The Ministry of Defence in the area of military science and the Ministry of the Interior in the area of security services perform the duties of the Ministry and public higher education institutions under Sections 89 and 90 with respect to the recognition of higher education and qualifications acquired abroad.
- (10) Section 77 is applicable to members of the military on active service employed as academic personnel at military higher education institutions as well as members of the Police of the Czech Republic in a service relationship employed as academic personnel at police higher education institutions. Their service status remains unchanged.
- (11) Students at military higher education institutions who are members of the military on active service and students at police higher education institutions in a service relationship as members of the Police of the Czech Republic are subject to the provisions of this Act, unless stipulated otherwise by means of special regulations.²⁴⁾
- (12) The studies of members of the military on active service at military higher education institutions may also be terminated if they no longer meet the conditions stipulated by special regulations for the service of regular members of the military.
- (13) Prior to issuing a decision concerning accreditation pursuant to Sections 78 to 82 and Section 85 for military higher education institutions, the Ministry will ask for the standpoint of the Ministry of Defence. If the decision concerns police higher education institutions, it will ask for the standpoint of the Ministry of the Interior.

PART XIII

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

Section 96

Czech National Council Act No. 586/1992 on Income Tax, as amended by 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 amended as follows:

1. In paragraph 4 (1) k), the words “and from the resources of a public higher education institution” are inserted after the word “budget”.
2. In Section 18, a new subsection (5) in the following wording is inserted after subsection (4):

“(5) In the case of taxpayers that are public higher education institutions, all incomes are subject to taxation with the exception of the following:

 - a) incomes from investment transfers;
 - b) interest on current account deposits”.
3. In Section 18, what have so far been subsections (5) to (11) are now identified as subsections (6) to (12).
4. In subsection 18 (7), the words “public higher education institutions” are inserted after the words “public benefit societies”.

Part XIV

Repealed

PART XV COMMON, INTERIM AND CONCLUDING PROVISIONS

Section 98

- (1) Fields of study within which, under current regulations, higher education institutions provide a self-contained part of undergraduate studies, undergraduate studies or postgraduate studies and which are listed in the Statutes of these institutions, become degree programmes by this Act. Accreditation will be awarded for a period of four years under the following conditions:
 - a) a self-contained part of undergraduate studies according to Section 21 of Act No. 172/1990 on Higher Education Institutions will be considered a Bachelor’s programme by this Act,
 - b) undergraduate studies according to Section 18 of Act No. 172/1990 will be considered a Master’s programme by this Act,
 - c) postgraduate studies according to Section 22 of Act No. 172/1990 will be considered a doctoral programme by this Act.

- (2) The right to award academic degrees under subsection 46 (5) only applies to higher education institutions and faculties in the fields of study within which they are entitled to provide postgraduate studies on the basis of a decision of the Ministry under Section 41 of Act No. 172/1990.
- (3) Previous authorization of higher education institutions and faculties to carry out the habilitation procedure and procedure for the appointment of professors will expire as of 1 July 1999. If the Rector files a request to the Ministry before this date pursuant to subsection 82 (2), previous authorization to carry out the habilitation procedure and procedure for the appointment of professors in relevant fields will remain in force until a decision is made by the Ministry.

Section 99

- (1) The academic/scientific degree of “doktor” (“Doctor”) and the degree of “bakalář” (“Bachelor”) awarded pursuant to Act No. 172/1990 will be regarded as the academic degree of “doktor” (“Doctor”) and “bakalář” (“Bachelor”) by this Act.
- (2) The academic degree of “inženýr” (“Engineer”) awarded to graduates of technical higher education institutions in the field of architecture pursuant to Section 21 of Act No. 172/1990 will be replaced by the academic degree of “inženýr architekt” (i.e. “Engineer Architect”, abbreviated as “Ing. arch.”, used in front of the name). Upon request, the higher education institution will issue a certificate documenting this change.
- (3) The academic degree of “bakalář” (“Bachelor”), awarded to graduates of a self-contained part of undergraduate studies at a higher education fine arts institution pursuant to Section 21 of Act No. 172/1990 will be replaced by the academic degree of “bakalář umění” (i.e. “Bachelor of Fine Arts”, abbreviated as “BcA.”, used in front of the name). Upon request, the higher education institution will issue a certificate documenting this change.
- (4) The academic degree of “magistr” (“Master”) awarded to graduates of higher education fine arts institutions pursuant to Section 21 of Act No. 172/1990 will be replaced by the academic degree of “magistr umění” (i.e. “Master of Fine Arts”, abbreviated as “MgA.”, used in front of the name). Upon request, the higher education institution will issue a certificate documenting this change.
- (5) Graduates of higher education institutions that have been awarded the academic degree of “magistr” (“Master”) pursuant to subsections 21 (2) and 43 (2) of Act No. 172/1990, with the exception of graduates listed in subsection (9), may take an advanced Master’s (“*rigorozní*”) state examination in the same field of study and earn an academic degree pursuant to subsection 46 (5).
- (6) Graduates of university-type higher education institutions that have been awarded the academic degree of “magistr” (“Master”) in the field of economics pursuant to Section 21 (2) of Act No. 172/1990 may request replacement of this degree with the academic degree of “inženýr” (i.e. “Engineer”, abbreviated as “Ing.”). Upon request, the higher education institution will issue a certificate documenting this change.

- (7) Academic degrees pursuant to subsection 21 (2) of Act No. 172/1990 may also be used by graduates of military higher education institutions who completed their studies prior to this Act coming into effect. This will apply if these graduates had not been awarded an academic degree, a professional designation or another degree of a higher education institution graduate pursuant to previous regulations. Upon request, the higher education institution will issue a certificate documenting the awarding of this degree.
- (8) The provisions of subsection (7) do not apply to graduates of the Military Political Academy.
- (9) Graduates of postgraduate studies that have been awarded the academic degree of “magistr” (“Master”) and the academic/scientific degree of “doktor” (“Doctor”) pursuant to subsections 21 (2) and 43 (2) and Section 22 of Act No. 172/1990 are awarded academic degrees pursuant to subsection 46 (5) of this Act. Upon request, the higher education institution will issue a certificate documenting the awarding of these degrees.
- (10) Graduates of postgraduate studies that have been awarded the academic/scientific degree of “doktor” (“Doctor”) pursuant to Section 22 of Act No. 172/1990 may apply to the higher education institution to have the abbreviation “Dr.” replaced with the abbreviation “Ph.D.”, or “Th.D.” in the field of theology. Upon request, the higher education institution will issue a certificate documenting the change of academic/scientific degree abbreviation
- (11) The academic degree of “doktor” (abbreviated as “Ph.D.”, used after the name) will be awarded to graduates in medical and veterinary studies that have completed their studies pursuant to Section 22 of Act No. 172/1990. Upon request, the higher education institution will issue a certificate documenting the awarding of this degree

Section 100

- (1) On this Act coming into effect, postgraduate studies leading to the awarding of the degree of “kandidát věd” (i.e. “Candidate of Science”, abbreviated as “CSc.”) will cease to be opened. Participants in these programmes that started their studies pursuant to previous regulations may complete their studies pursuant to those regulations, provided they finish the defence of their dissertations by 31 December 2001.
- (2) Postgraduate students referred to in subsection 100 (1) may request to be admitted to doctoral degree programmes. Their acceptance is subject to evaluation of their previous studies and examinations passed as part of the CSc. programme.

Section 101

- (1) Public higher education institutions are those higher education institutions listed in Appendix No. 1; military and police higher education institutions are those military and police higher education institutions listed in Appendix No. 2.

- (2) The higher education institutions named in subsection (1) must submit their internal regulations for registration, modified pursuant to the provisions of this Act, by 1 July 1999.
- (3) The validity of appointment or election of academic officers and their terms of office are not affected by this Act.
- (4) Students enrolled at higher education institutions listed in Appendix No. 1 and Appendix No. 2 as of 1 January 1999 will be regarded as students under the provisions of this Act. Higher education institutions must enter these students in the Register of Students by 1 March 1999.
- (5) As of 1 January 1999, the Ministry will acquire right of property management with respect to state property for which the higher education institutions listed in Appendix enjoyed right of property management up to this date. After discussion with a public higher education institution, the Ministry may decide to transfer this property to the possession of the relevant public higher education institution; in the case of property needed for providing teaching, scholarly, scientific, research, development, artistic or other creative activities in the course of carrying out accredited degree programmes, it will always be so decided upon a request from a public higher education institution. The decision must specify the name and domicile of the public higher education institution, an itemized list of the property being transferred, as well as liabilities relating to this property and the date on which the property and related liabilities are transferred to the public higher education institution. This decision is not be subject to general regulations on administrative proceedings.
- (6) Property to which the Ministry acquired right of property management as of 1 January 1999 pursuant to subsection (5) as well as public higher education institutions' own property are not subject to general regulations on bankruptcy and compensation.¹³⁾
- (1) The rights and liabilities of faculties that constitute constituent parts of the higher education institutions listed in Appendix 1 and Appendix 2 as of 1 January 1999 will be transferred to the relevant higher education institution.

Section 102

Academic degrees, professional designations and other degrees awarded to graduates of higher education institutions pursuant to previous regulations, with the exceptions listed in Section 99, will remain unchanged. The degrees of “kandidát věd” (i.e. “Candidate of Science”, abbreviated as “CSc.”) and “doktor věd” (i.e. “Doctor of Science”, abbreviated as “DrSc.”) awarded pursuant to previous regulations will remain unchanged.

Section 103

- (1) Newly established public higher education institutions and military or police higher education institutions must constitute their officers and official bodies within two years of their foundation at the latest. The competency of the officers and official bodies specified

in Section 7 will be exercised to the extent necessary by persons delegated by the Minister until the time these officers and bodies are constituted.

- (2) Newly established faculties must constitute their officers and official bodies within one year of their foundation at the latest. The competency of the officers and bodies specified in Section 25 will be exercised to the extent necessary by a person delegated by the Rector until the time these officers and bodies are constituted.
- (3) In the case of newly established institutes of higher education institutions, the competency of the officers and official bodies specified in Section 34 will be exercised to the extent necessary by a person delegated by the Rector until the time these officers and bodies are constituted.

Section 104

The duties of the members, Chair and Vice-Chair of the Accreditation Commission pursuant to Section 83 will be carried out by the members of the Accreditation Commission established pursuant to Section 17 of Act No. 172/1990 and Czech Republic Government Regulation No. 350/1990 on the Accreditation Commission until the time these persons are appointed.

Section 105

Unless stipulated otherwise in this Act, proceedings pertaining to matters provided for in this Act are subject to general regulations on administrative proceedings.²⁶⁾

Section 106

The provisions of this Act will be used unless they are in violation of an international agreement binding on the Czech Republic.

Section 107

The property of public higher education institutions must have been brought into compliance with this Act by 31 December 1999.

Section 107a

The Ministry in cooperation with the Ministry of Finance will issue an implementing regulation with respect to subsection 18 (7).

Section 108 **Quashing Provisions**

²⁶⁾ Act No. 71/1967 on Administrative Proceedings (the Rules of Administrative Procedures)

(1) Clauses 5, 8 and 9 in Article I of Act No. 216/1993 amending and supplementing Act No. 172/1990 on Higher Education Institutions are made void.

(2) The following are made void:

1. Sections 33 through 41, 43 and 45 of Act No. 39/1977 on the Education of New Research Workers and Further Improvement of Qualifications of Research Workers.
2. Act No. 172/1990 on Higher Education Institutions in the wording of Act No. 216/1993.
3. Act No. 232/1992 on Police Higher Education Institutions and the Establishment of the Police Academy.
4. Section VI of Czech National Council Act No. 26/1993 amending and supplementing particular acts in the area of internal order and security as well as relevant provisions.
5. Czech Republic Government Regulation No. 350/1990 on the Accreditation Commission.
6. Decree of the Ministry of Education and Culture No. 96/1961 issuing the Statutes of the Institutes of National Economy Planning at undergraduate schools of economics in Prague and Bratislava, as amended by Decree of the Ministry of Education and Culture No. 31/1963.
7. Decree of the Czech Academy of Sciences No. 55/1977 on further improvement of qualifications and evaluation of the creative capabilities of research workers.
8. 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. Decree of the Ministry of Education of the Czech Socialist Republic No. 114/1980 on granting scholarships and allowances to students enrolled at higher education institutions after passing through secondary boarding-schools for working people.
10. Decree of the Ministry of Education, Youth and Sports of the Czech Socialist Republic No. 60/1985 on supplementary studies of higher education students and graduates of higher education institutions and secondary schools aimed at acquiring teaching qualifications.
11. Section 9 of Czech Socialist Republic Ministry of Education Decree No. 61/1985 on further education of pedagogical employees.
12. Decree of the Ministry of Education, Youth and Sports of the Czech Republic No. 365/1990 on granting scholarships at higher education institutions under the jurisdiction of the Ministry of Education, Youth and Sports of the Czech Republic (the Scholarship Rules).

13. Decree of the Ministry of Education, Youth and Sports of the Czech Republic No. 447/1990 on the habilitation of associate professors and the conditions and procedure for the appointment of professors.
14. Decree of the Ministry of Education, Youth and Sports of the Czech Republic No.476/1990 on the recognition of diplomas and other documents on studies issued by foreign higher education institutions (Decree on Validation).
15. 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. Decree of the Ministry of Education, Youth and Sports of the Czech Republic No. 67/1991 on granting scholarships to students in postgraduate programmes, as amended by Decree of the Ministry of Education, Youth and Sports No. 110/1995.
17. Directive of the Ministry of Education of the Czech Socialistic Republic on financial provisions for students of higher education institutions during their practical training, of 30 May 1969 ref. no. 19 261/69-III/5, registered under number 30/1969, as amended by Directive of the Ministry of Education of the Czech Socialistic Republic of 10 March 1970, ref. no. 12 300/70-III/5, registered under 10/1970.
18. The Directive of the Ministry of Education of the Czech Socialistic Republic on accommodating students in student residences, of 20 July 1982, ref. no. 20 797/82-34, registered under 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 20 July 1982 ref. no. 20 798/82-34, registered under 17/1982, as amended the directives of the Ministry of Education of the Czech Socialistic Republic dated 16 July 1985 ref. no. 15 330/85-34, registered under 19/1985.

(3) The following 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 improvement of qualifications of research workers.
3. Decree of the Czech Academy of Sciences No. 53/1977 on the education of new research workers and on research fellowships, as amended by Decree of the Czech Academy of Sciences No. 5/1986.
4. Decree of the Czech Academy of Sciences No. 54/1977, altering some details on employment and legal relationships of participants in scientific education and research fellowships and on granting scholarships, as amended by Decrees of the Czech Academy of Sciences No. 40/1979, No. 125/1988 and No. 393/1992.

5. Decree of the Czech Commission for Scientific Degrees No. 64/1977 on the procedure of awarding scientific degrees, as amended by Decree of the Czech Commission for Scientific Degrees No. 187/1990.

Section 109
Legal Effect

This Act will come into effect on 1 July 1998, with the exception of Sections 1 to 82, Sections 84 to 99, Sections 101 to 107 and subsection 108 (2), which will come into effect on 1 January 1999, and subsection 108 (3), which will come into effect on 31 December 2001.

Appendix No. 1 to 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
Masarykova univerzita

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 uměleckoprůmyslová v Praze

Janáček Academy of Music and Dramatic Arts in Brno
Janáčková 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 Hradec Králové
Univerzita Hradec Králové

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

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

Tomáš Baťa University in Zlín
Univerzita Tomáše Bati ve Zlíně

College of Polytechnics in Jihlava
Vysoká škola polytechnická Jihlava

Appendix No. 2 to Act No. 111/1998**Military Higher Education Institution in the Czech Republic**

Defence University in Brno
Univerzita obrany v Brně

Police Higher Education Institution in the Czech Republic

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