



Election Rules of the Academic Senate Faculty of Law, Masaryk University

(with effect from 1 September 2017)

Pursuant to Section 28(1) of Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments and Additions to Other Acts (the Higher Education Act), as amended (hereinafter referred to as the Higher Education Act), I hereby issue these Election Rules of the Academic Senate of the Faculty of Law of Masaryk University:

Article 1

Basic provisions

- (1) These Election Rules of the Academic Senate of the Faculty of Law of Masaryk University (hereinafter referred to as "the Rules") are **internal regulations** of the Faculty of Law of Masaryk University (hereinafter referred to as "the Faculty") within the meaning of Section 33(2)(b) of Act No. 111/1998 Coll., on Higher Education and on Amendments and Additions to Other Acts (Act on Higher Education), as amended (hereinafter referred to as "the Act").
- (2) The Academic Senate of the Faculty (hereinafter referred to as the "Senate") is a self-governing body of the Faculty within the meaning of Section 25(1)(a) of the Act. The Regulations **regulate the** election of members of the Senate (hereinafter referred to as "Senator") in accordance with the Act and the internal regulations of the Faculty and Masaryk University.
- (3) According to the Statutes of the Faculty (hereinafter referred to as the "Statutes"), the Senate has **20 members**. Ten members of the Senate are elected from among the academic staff of the Faculty and form the **Academic Staff Chamber** (hereinafter referred to as "UKAS"). Ten members of the Senate are elected from among the students enrolled at the Faculty and form the **Student Chamber** (hereinafter referred to as "SKAS").
- (4) The term of office, as well as the creation and termination of membership of the Senate, shall be governed by **Articles 20 and 29 of the Statute**, which these Rules supplement and develop.

Article 2

Elections and their organisation



- (1) Senate elections are **direct, with a secret ballot**. Voting takes place electronically via the relevant application in the Masaryk University Information System (hereinafter referred to as "MUNI IS").
- (2) Elections are prepared, organised and managed by **electoral commissions of** at least two members established for each constituency; an electoral commission may be established for more than one constituency. The members of the electoral commission and its chairman shall be appointed and dismissed by the president of the chamber to which the constituency within which the election is held belongs from among the members of the academic community of the faculty (hereinafter referred to as 'the academic community'). Together with the members of the electoral commission, the president of the chamber may appoint an alternate. Candidates for election to the Senate (hereinafter referred to as 'candidate') elected within this constituency may not be members of the Electoral Commission. In the event that a member of the Electoral Commission becomes such a candidate, his or her participation in the Electoral Commission shall cease; in such a case, the President of the Chamber concerned shall complete the Electoral Commission without undue delay.
- (3) The Electoral Commission shall take office immediately upon its appointment and shall perform all acts specified in these Rules and directed to the election.
- (4) A member of the academic community exercises his or her right to vote within the constituency to which he or she belongs. Each member of the academic community may exercise his/her mandate in only one of them. If a candidate is elected in more than one constituency, he/she shall immediately inform all the electoral committees concerned of the constituency for which he/she has decided to exercise membership of the Academic Senate. If he or she has not done so, he or she shall become a member of the Academic Senate for the constituency to which he or she began to belong at the latest. For these purposes, the academic community shall be divided into the following **constituencies**:
 - a) Academic staff constituency. Within this constituency, 10 UKAS members are elected.
 - b) the constituency of Master's students. Within this constituency, 8 SKAS members are elected.
 - c) constituency of undergraduate and postgraduate students. Within this constituency, 1 SKAS member is elected.
 - d) the constituency of doctoral students. Within this constituency, 1 SKAS member is elected.

Article 3

Announcement of elections



- (1) The announcement of the election shall be made by posting a notice on the Faculty's official notice board, or at the same time by other appropriate means (e.g. by electronic message to members of the relevant constituency). The **announcement of the election shall state**:
 - a) the name of the constituency in which the election will be held,
 - b) the number of seats to be filled by the election,
 - c) a deadline for the submission of nominations, which may not be less than ten days,
 - d) the manner in which nominations may be submitted, including the designation of an electronic address to which nominations may be sent,
 - e) the date and time of the beginning and end of the holding of the election; the beginning of the election shall be fixed so as to occur not earlier than three weeks and not later than four weeks after the announcement of the election; the end of the election shall occur seventy-two hours after the beginning of the election.
- (2) Elections shall be called by the **President of the relevant chamber at least two months** before the end of the Senate's term of office. If he or she fails to do so, the dean shall announce the election without undue delay.

Article 4

Registration of candidates

- (1) A person who meets the requirements of legal regulations and the Faculty's internal regulations may become a candidate.
- (2) Membership in the Senate is **incompatible with the** office of Rector, Vice-Rector, Bursar, Dean, Vice-Dean, Secretary of the Faculty and Director of a university institute.
- (3) The candidate must **declare** his or her candidacy **to the Electoral Commission** within the time limit set when the election is called.
- (4) **The nomination form must contain the** name and surname of the candidate, a declaration of willingness to stand as a candidate and a declaration that there will be no impediments to the performance of the duties of a Senator on the date of the eventual becoming a member of the Senate. If the candidate is a member of the statutory or supervisory body of a legal person authorised to act as a private higher education institution pursuant to Section 39 of the Act or owns a share in such a legal person, the candidate shall also declare this fact.

Article 5

Election process

- (1) The Electoral Commission **will consider the proposals received** without undue delay after the deadline for the submission of nominations. In the case of an incomplete or unclear proposal, it shall invite the proposer to complete it within a time limit to be specified by it. The Electoral Commission shall then remove from the list of candidates those who are not



members of the academic community and those who have not remedied the deficiencies in their candidature within the time limit or who have subsequently withdrawn their candidature. The Election Committee will then ensure that the **candidate list is published** via the relevant application in the MUNI IS. In the event of a candidate's withdrawal, the Electoral Commission shall remove the candidate from the list of candidates without undue delay.

- (2) **The election campaign** shall be conducted in accordance with the legal regulations, the internal regulations of the Faculty and in accordance with the principles of decency, honesty and collegiality. In the event of a particularly flagrant breach of these regulations and principles by a candidate, the Senate may decide by a majority of all members to remove that candidate from the list of candidates.
- (3) A voter has as many **votes** as the number of seats to be filled in a given constituency.
- (4) No later than on the next working day after the last day of the election, the Election Commission shall use the relevant application in the IS MUNI to determine the **results of the election** in the relevant constituency. Those candidates whose ranking in terms of the number of votes received is equal to or lower than the number of elected members of the Senate in the respective constituency shall be elected. In the event of a tie, the Electoral Commission shall decide the candidate elected by lot.
- (5) Within the constituency of **Master's** students, one seat is always awarded to the best-placed candidate from each year; this does not apply to a year for which no candidate has entered the election. Students in their first and second semesters shall be considered as first-year students, students in their third and fourth semesters as second-year students, students in their fifth and sixth semesters as third-year students and students in their seventh and eighth semesters as fourth-year students. Students in their ninth semester and above are considered to be in their fifth year. The remaining seats shall be decided by the cumulative ranking of the top-ranked candidates.
- (6) Candidates who have not been elected but who have received a number of votes exceeding half the number of votes cast for the last elected candidate in order shall be **substitutes**.
- (7) The Electoral Commission shall draw up a **record** of the conduct and results of the election, which shall be signed by all its members. The Electoral Commission shall submit these minutes to the President of the relevant Chamber. The President of the relevant chamber shall publish the minutes on the official notice board without undue delay, inform the President of the Senate thereof and inform the Senate, the candidates and other members of the academic community of the outcome of the elections in the usual way.
- (8) If the full number of members of the Senate elected in a given constituency is not elected in the ordinary election, the President of the Chamber to which the constituency belongs must, within three days of the publication of the results of the ordinary election, call a **by-election**, to be held within ten days of the announcement of the by-election. The by-election shall be governed to the extent appropriate by the rules governing ordinary elections.



- (9) **If a vacancy** occurs during the term of office of a member of the Senate, a substitute shall take his or her place in the order of the number of votes received by the substitutes. In the event of a tie, the Electoral Commission shall decide by drawing lots. If there is no other alternate, a by-election for a new member of the Senate shall be held at the earliest possible date.

Article 6

Special provisions on termination of membership

- (1) A member of the Board may be **dismissed** under Article 20(8)(d) of the Statute. The provisions on ordinary elections shall apply mutatis mutandis to the procedure for recall.
- a) A member of UKAS shall be removed from office if, on a motion of that chamber approved by at least seven of its members, he or she is censured by at least three-fifths of the members of the constituency in which he or she was elected.
- b) A member of the SKAS may be removed if the motion for removal is signed by at least fifty Master's students in the case of the removal of a Senator for Master's studies; at least thirty Bachelor's or Continuing Master's students in the case of a Senator for Bachelor's and Continuing Master's studies; at least thirty Doctoral students in the case of a Senator for Doctoral studies. A SKAS member shall be removed on the basis of such a motion if a supermajority of all students within the constituency to which the SKAS member belongs vote in favour of his or her removal.
- (2) Membership in the Senate does not cease in the case of a SKAS member elected in the constituency of Bachelor's and Master's students who, during his/her term of office, duly completes the Bachelor's studies carried out by the Faculty, but is subsequently admitted to the immediate **follow-up** Master's studies carried out by the Faculty. If such a member of the Senate notifies the President of the Senate within seven days of the regular completion of his/her undergraduate studies that he/she intends to study and be enrolled in a follow-up course at the Faculty, the exercise of the rights and duties associated with membership of the Senate shall be restored to him/her on the date of enrolment in the follow-up course. The period between the completion of studies and enrolment in the follow-up course shall not exceed four months, otherwise membership of the Senate shall cease. Membership shall also lapse on the expiry of the time limit laid down for enrolment in a follow-up course.

Article 7

Complaints

- (1) A voter may lodge a complaint against a violation of the law, statute or regulations in the preparation of the election, the conduct of the election campaign, the organisation of the election and the results of the election with the electoral commission of the district to



which he or she belongs. The complaint must be lodged within five days of the publication of the election results.

- (2) The complaint must be in writing and state the reasons.
- (3) The Electoral Commission shall consider the complaint about the election within five working days of its receipt. The decision on the complaint shall be attached to the minutes of the election.
- (4) An appeal against the decision on the complaint shall be lodged with the Board. Such appeal shall not have suspensive effect.

Article 8

Transitional and final provisions

- (1) If membership of the Senate ceases before the end of a term of office which began before the entry into force of these Rules, the existing rules shall apply to the appointment of replacements and the holding of by-elections.
- (2) The previously effective Internal Regulation No. 10, Election Rules of the Academic Senate of the Faculty of Law of Masaryk University, is repealed.
- (3) This Internal Regulation shall enter into force on 1 September 2017.

Brno, 19 June 2017

doc. JUDr. Markéta Selucká, Ph.D.,
Dean

Translated by DeepL machine translation service.

