**ELECTION RULES**

**OF THE ACADEMIC SENATE**

**OF THE ACADEMY OF ARTS, ARCHITECTURE & DESIGN IN PRAGUE**

of 25 July 2017

*The Ministry of Education, Youth and Sports registered pursuant to Section 36 (2) of the Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments and Supplements to Some Other Acts (The Higher Education Act) on 25 July 2017 under Ref. No. MSMT-20295/2017 the Election Rules of the Academic Senate of the Academy of Arts, Architecture & Design in Prague.*

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*Mgr. Karolína Gondková*

*Director of the Department of Higher Education Institutions*

*Academic Senate of the Academy of Arts, Architecture & Design in Prague*

*pursuant to Section 9 (1) (b) point 3 and 17 (1) (b) of the Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments and Supplements to Some Other Acts (The Higher Education Act), as amended, has adopted the following internal regulation of the Academy of Arts, Architecture & Design in Prague:*

**ELECTION RULES OF THE ACADEMIC SENATE OF THE ACADEMY OF ARTS, ARCHITECTURE & DESIGN IN PRAGUE**

**SECTION ONE**

**GENERAL PROVISIONS**

**Article 1**

**Scope and purpose of the regulation**

Pursuant to Section 17 (1) (b) of the Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments and Supplements to Some Other Acts (The Higher Education Act), as amended, these election rules regulate:

1. composition and membership in the Academic Senate,
2. method and procedure of elections to the Academic Senate,
3. method of dissolution of the Academic Senate,
4. related questions.

**Article 2**

**Basic definitions**

For the purposes of these Election Rules, unless otherwise specified:

* 1. Higher education institution means the Academy of Arts, Architecture & Design in Prague,
	2. Academic Senate means the Academic Senate of the Academy of Arts, Architecture & Design in Prague,
	3. Senator means a senator of the Academic Senate of the Academy of Arts, Architecture & Design in Prague,
	4. Rector means a Rector of the Academy of Arts, Architecture & Design in Prague,
	5. Act means Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments and Supplements to Some Other Acts (The Higher Education Act), as amended,
	6. Ministry means the Ministry of Education, Youth and Sports,
	7. Creative activities means artistic, scientific and research, development and innovation or other creative activities,
	8. Member of the academia within the meaning of Section 3 of the Act means academic staff who on a decisive day concluded employment relationship with the Academy of Arts, Architecture & Design in Prague and perform according to the agreed type of work both pedagogical and creative activities, and students of the Academy of Arts, Architecture & Design in Prague within the meaning of Section 61 of the Act,
	9. Decisive date means a date of publication of the voter’s lists, or the date of convening of the assembly of the academia.

**PART TWO**

**ACADEMIC SENATE**

**Chapter One**

**Organization of the Academic Senate**

**Article 3**

**Composition of the Academic Senate**

1. The Academic Senate has 15 members.
2. The Academic Senate is divided into the Pedagogical Chamber, which has 9 members, and the Student Chamber, which has 6 members.
3. Each chamber is further divided into thirds. In each third there is a separate three-year term of senators. Individual election terms are mutually postponed by one year, with one third of senators ending their term in each year.
4. The election term of every third of the Academic Senate shall be three years. The election of a third commences with the election of the first senator of that third. The election term shall end at the end of the period or the end of the elections to the relevant third of the Academic Senate.

**Article 4**

**Membership in the Academic Senate**

1. Only a member of academia who is an academic employee of a higher education institution may become a member of the pedagogical chamber of the Academic Senate.
2. Only a member of academia who is a student of a higher education institution may become a member of the student chamber of the Academic Senate. If a student who has been elected to the Academic Senate is admitted to another and immediately following study programme during their term of office, they shall complete their three-year term of office and the term shall be considered uninterrupted.
3. A person who is both an academic and a university student on the day of the end of the elections may become a member of any chamber.
4. A person holding a post whose performance is incompatible with the performance of the office of Senator may not become a member of the Academic Senate.
5. The senator shall exercise their mandate in person and shall be irreplaceable in the performance of their mandate.

**Article 5**

**Incompatibility of functions**

1. The office of Rector, Vice-Rector and Bursar are incompatible with the performance of the office of senator.
2. If a person who held an incompatible function on the day of the end of the elections is elected as a senator or alternate, they shall be considered not elected.

**Article 6**

**Establishing membership in the Academic Senate**

Membership in the Academic Senate is established by election. An alternate shall be a member of the Academic Senate at the time of termination of the mandate of the senator whom they replace.

**Article 7**

**Terminating membership in the Academic Senate**

1. Membership in the Academic Senate terminates:
	1. by loss of electability to the chamber of which the senator is a member or to the Academic Senate at all,
	2. at the end of the election term of a third of the Academic Senate of which a senator is a member,
	3. by waiver of the mandate,
	4. by incompatibility of functions,
	5. by removal,
	6. by candidacy for the office of Rector.
2. A senator may waive their membership either in person by a statement made at a meeting of the Academic Senate or by written resignation.
3. Membership in the Academic Senate terminates:
	1. on the date on which the facts on the basis of which the senator does not fulfil the conditions for electability to the Senate have arisen,
	2. on the date of publication of the results of elections to the relevant third of the Academic Senate whose term of office has expired,
	3. on the date of declaration at the meeting of the Senate or the date of receipt of the written resignation to the Chairman of the Academic Senate,
	4. on the date of appointment to office giving rise to incompatibility of functions under the Act or these Election Rules,
	5. on the date of publication of the results of the academia vote on the removal of a senator or the Senate,
	6. on the date of filing candidacy for Rector.
4. In the event that a senator’s membership in the Academic Senate ceases, an alternate who has been placed highest in the relevant chamber of the Academic Senate in the last elections, shall take their place on the day following the expiry of the membership of the relevant senator. Such replacement may occur repeatedly.
5. The alternate shall enter only for the remainder of the term of the senator whom they have replaced.
6. The term of office of all senators shall end if the Academic Senate does not act for a period of six months under Section 9 of the Act. The Rector shall announce new elections within 30 days at the latest.

**Article 8**

**Alternates**

1. The rules governing the establishment of membership in the Academic Senate shall apply mutatis mutandis to the office of an alternate.
2. The termination of each election to the relevant chamber of the Academic Senate shall terminate the status of alternates to all existing alternates and the candidates who have not been elected shall become alternates.
3. In addition to the provisions of paragraph 2, the rules governing the termination of membership in the Academic Senate shall apply mutatis mutandis to the termination of the post of an alternate.

**Article 9**

**Bodies of the Academic Senate**

1. The bodies of the Academic Senate are Chairman and two Vice-Chairmen. One

of the Vice-Chairmen must be from the pedagogical chamber and one from the student chamber.

1. In particular, the Chairman of the Academic Senate represents the Academic Senate externally, ensures the organisational security of the Senate’s activities, decides in ordinary operational matters and directs the activities and meetings of the Academic Senate.
2. The Vice-Chairmen of the Academic Senate shall represent the Chairman of the Academic Senate in their absence and shall carry out the tasks assigned to them by the Chairman of the Academic Senate.
3. In addition to the meeting of the Academic Senate, the necessary acts related to the activities of the Academic Senate shall be carried out by the Chairman of the Academic Senate or by the Vice-Chairman of the Academic Senate. This does not apply to acts entrusted exclusively to the Academic Senate by law or internal regulation of a higher education institution.

**Article 10**

**Additional bodies of the Academic Senate**

The Academic Senate may, by its resolution, establish other bodies focused in particular on organisational and expert activities related to the activities of the Academic Senate. Such bodies are, in particular:

* 1. Mandate committee,
	2. Economic committee,
	3. Legislative committee.

**Chapter Two**

**Election in the Academic Senate**

**Article 11**

**Basic principles**

1. Elections to the Academic Senate are direct and secret.
2. All members of academia have the right to vote in the Academic Senate.
3. The right to be elected to the Academic Senate shall be exercised by all who fulfil the conditions for membership in the Academic Senate under these Election Rules and the Act.

**Article 12**

**Election bodies**

1. Elections to the Academic Senate are organised and managed by a five-member election commission appointed by the Rector after prior approval of its composition by the Academic Senate. The proposal is submitted to the Academic Senate by the Rector. Among them, the election commission elects the Chairman and the Vice-Chairman.
2. The election commission is a permanent body. Its member may be dismissed in the same way as they have been appointed. Furthermore, membership in the election commission shall cease by the loss of membership in the academia or by written declaration of the member delivered to the Rector’s attention.
3. If the Rector’s post is not filled, the election commission shall be appointed by the resolution of the Academic Senate, even if it is not fully filled. If the Rector’s post is not filled and the Academic Senate has fewer than 10 members, the election commission shall be appointed by the academia of the higher education institution in its assembly.
4. The election commission shall have a quorum if an overall majority of its members and the Chairman or Vice-Chairman are present. The election commission shall decide by a majority of votes of present members. In the case of equality of votes, the vote of the Chairman shall decide; if the Chairman is absent, then the vote of a Vice-Chairman.
5. Members of the election commission shall be independent in the performance of their duties and shall not be bound by any instructions. The circumstances of which members have become aware in connection with the performance of their duties, the publication of which is not imposed by law or internal regulations of the higher education institution, shall ensure the confidentiality of such information; the exception may be decided by the Academic Senate in its resolution.

**Article 13**

**Time and place of elections**

1. Elections to the relevant third of the Academic Senate shall be held not earlier than 1 month before the end of the term of office of the members of that third of the Academic Senate.
2. Elections to the Academic Senate shall be announced by the election commission no later than 30 days before the election, indicating the date, time and place of the elections. Notice of holding of the elections shall be published by the election commission on the information board of the Academic Senate and the notice board in the lobby of the higher education institution and in other appropriate manner, if it so resolves.
3. The time and place of elections must not be determined in such a way as to discriminate voters. In particular, elections may not be held exclusively at night, on bank holidays, outside periods of instruction or examination, or in places far from the university’s seat or inaccessible places. In the event that a higher education institution holds classes in several places significantly distant from each other, elections must be held in each such place.

**Article 14**

**Candidates**

1. Candidate is a person who is running for the post of a member of the Academic Senate in elections. Candidate may be anyone who, at the time of submission of their candidature, satisfies the conditions for membership in the Academic Senate under these Election Rules and is not a member of the Academic Senate in a third other than that to which elections are held.
2. Candidatures shall be proposed to the election commission. A candidate alone may submit candidature. Candidature of a particular person may also be submitted by a member of academia or by a group of members of academia. In such a case, a written declaration of acceptance of the candidature by a candidate forms also a compulsory part of the candidature.
3. Candidature shall be given in writing. It contains at least the name, surname and date of birth of a candidate, an indication of whether they are running for the pedagogical or student chamber of the Academic Senate and affiliation to the studio/department.
4. Candidature may be submitted from the time the elections are announced up to three days before they are held.
5. The election commission shall review the submitted candidatures. A person who submitted an incomplete, unclear or incomprehensible candidature will be invited to supplement and correct it.
6. The candidate may withdraw from the elections. The resignation is made by written declaration to the election commission. The election commission shall inform the candidate of the resignation in the same way as during publication of the candidates’ lists as well as in any other appropriate manner.

**Article 15**

**Publication of candidates’ lists and voters’ lists**

1. The electoral commission shall publish the candidates’ lists at least 15 days before the date of the elections by posting them on the information board of the Academic Senate, together with an indication of the number of elected seats to be filled in the elections.
2. The candidates’ lists for elections to the student chamber of the Academic Senate include the names, surnames and affiliations of the special studio of candidates and the year in which the candidate studies.
3. The candidates’ lists for elections to the pedagogical chamber of the Academic Senate contains the names, surnames, academic degree and functions of all candidates.
4. Along with candidates’ lists the election commission shall publish voters’ lists in a similar manner and within the same time limits. Objections to the voters’ lists may be submitted by the voter in writing within three days of the publication of the voters’ lists. The objections shall be finally decided by the Academic Senate.
5. If a candidacy is submitted after the publication of the candidates’ list, the data on the candidate shall be published in a similar manner without undue delay, no later than three days after the submission of the candidature or in such a way that the candidature of all candidates is published by analogy no later than before the start of the vote.

**Article 16**

**Voting procedure**

1. Voting shall take place on the specified date at the designated place. The voting room shall be equipped with a ballot box and a place for the ballot papers to be adjusted, which shall be ensured so that the voter can modify their ballot paper in secret.
2. At least two members of the election commission must be present for the vote. Where elections are held in more than one place, it is permissible for the election commission to appoint additional delegates for voting.
3. Every voter votes in person; representation is not possible. The voter shall prove their identity to the members of the election commission present and shall subsequently receive ballot papers separately for elections to the student and pedagogical chamber of the Academic Senate or only for one of them if elections are held at a given date to only one of the chambers of the Senate. The voter will also receive envelopes for voting, whereas envelopes for voting in the student chamber and for voting in the pedagogical chamber must differ visually from each other. Information must be visibly posted at the polling station, as to which envelope is used to vote in which chamber of the Academic Senate. The handover of ballot papers and envelopes to voters shall be indicated by the electoral commission in the voters’ list.
4. The ballot paper for elections to the student chamber of the Academic Senate include the names, surnames and date of birth and affiliations of the special studio of each candidate and the year in which the candidate studies.
5. The ballot paper of candidates for elections to the pedagogical chamber of the Academic Senate contains the names, surnames, academic degree and functions of each candidate.
6. The ballot paper shall contain information on how many seats are occupied in each chamber of the Academic Senate in the elections.
7. Each voter shall, upon receipt of the ballot papers, adjust the ballot paper or both of them in the voting room in a reserved place.
8. The voter shall indicate on the ballot paper no more than as many candidates as there are seats in the relevant chamber to fill in the elections. The designation of a candidate is done by entering a preferential number to their name. To the selected candidates, the voter assigns gradually numbers from one, meaning the highest preference, to a number corresponding to the number of seats occupied in the relevant chamber.
9. The voter shall put the adjusted ballot paper into an envelope and drop it into the ballot box.
10. Ballot paper for candidate or candidates who have been granted preferential numbers outside the permissible range, the same preferential numbers, or those that have been marked in another, contradictory or incomprehensible manner is invalid. The validity of the vote is not anyhow affected by entries, notes, comments, symbols, cross-outs or other entries on the paper, if it remains undoubted what preferential number the candidate received. Ballot papers other than those issued by the election commission are invalid. Ballot paper thrown into a ballot box without an envelope is invalid. The validity of ballot papers and votes is finally decided by the election commission. A voter who has made a mistake in modifying a ballot paper shall be entitled to request a new one. This fact shall be specified in the voters’ list. The wrong ballot paper must be left to the voter. The election commission will exchange the damaged or otherwise devalued envelope to the voter and makes a note thereof in the voters’ list.
11. The election commission will allow all voters who have arrived at the voting room before the end of the voting period to vote, even if that period has already passed. Persons arriving at the voting room after the end of the voting period will not be allowed to enter the voting room.

**Article 17**

**Ascertaining the election results**

1. At the end of the vote, the Chairman of the election commission shall seal and stamp in a special envelope the remaining unused ballot papers and then order the ballot box to be opened. Only electoral commission with a quorum may determine the results of the elections. Any member of the election commission may consult the ballot papers. The Chairman of the election commission shall check the correctness of counting of votes.
2. The election commission shall count the votes awarded to each candidate for each chamber of the Academic Senate separately. Preferential numbers shall not be taken into account; the vote shall be credited to any candidate who has received any preferential number.
3. The election commission shall draw up the ranking of candidates for each chamber according to the number of votes received.
4. In the event of an equal number of votes, the auxiliary criterion shall be decisive of the lowest average preferential number, which shall be ascertained as a proportion of the sum of the preferential numbers of each candidate and the number of votes received.
5. In the case of equality between candidates even after the use of an auxiliary criterion, the lottery is decisive made by the election commission.
6. Those candidates who rank first in the corresponding number of seats in the relevant chamber of the Academic Senate that are filled in the elections are elected. Other candidates who have received at least one vote shall become alternates in the order they have received.

**Article 18**

**Announcement of election results**

1. The election commission shall make a double record of the progress and results of the elections. The record shall be signed by members of the election commission; if some of the members of that commission withdraws signature, the reasons shall be given. The election commission’s record of the progress and results of the elections shall state:
	1. the time of the beginning and termination of the vote or, where appropriate, its interruption,
	2. the total number of voters to each chamber of the Academic Senate,
	3. the number of voters in each chamber to whom ballot papers have been issued,
	4. the number of ballot papers cast for each chamber,
	5. the number of valid votes cast for each candidate and the number of valid votes in total for the candidates of each chamber,
	6. average preferential numbers for candidates for whom the order was decided by an auxiliary criterion,
	7. the order of candidates, indicating which candidates have been elected and who have become alternates.
2. At the latest within two days after the end of the elections, the Chairman of the election commission shall announce the outcome of the elections on the information board of the Academic Senate and, according to the decision of the election commission, in any other appropriate manner. One copy of the record of the course and results of the elections shall be forwarded without delay to the Chairman of the Academic Senate. The day and hour of the election results being posted on the information board of the Academic Senate shall be marked on the list of election results. This moment is considered to be the publication of the results of the elections.
3. No later than two days after the end of the elections, the election commission shall hand over the sealed ballot papers submitted together with the other electoral documents to the Rector’s secretariat for deposit.
4. Each candidate who so requests shall be given a written confirmation by the election commission as to whether they have been elected or have become an alternate or have neither been elected nor become an alternate.

**Article 19**

**Validity of elections, repeated elections**

1. To be valid, the elections require the participation of at least 30% of eligible voters.
2. In the event that the elections held are invalid or the necessary number of members of the Senate is not elected in ordinary elections, repeated elections shall be held no earlier than in 7 and no later than in 15 days.
3. Repeated elections shall be announced by the election commission within two days of the invalidity of the elections.
4. Repeated elections shall always be attended by candidates who have been in regular elections, provided that, within the meaning of Article 14 (6), they will not withdraw from the election.
5. The election commission shall accept proposals from other candidates in accordance with a procedure covered mutatis mutandis by Articles 14 and 15. The deadline for submitting a new candidature for repeated elections expires two days before they are held.
6. Repeated elections are subject to the provisions on ordinary elections. The time limits for the publication of the candidates’ lists and the voters’ lists shall be shortened to 5 days.
7. To be valid, the repeated elections require the participation of at least 15 % of eligible voters.
8. In the event that repeated elections are invalid, additional repeated elections shall be held under the same rules; in order for them to be valid, the participation of any number of eligible voters is sufficient.

**Article 20**

**Decision about invalidity of elections or invalidity of being elected**

1. Any candidate or eligible voter may submit a motion for a declaration of invalidity of the elections or for a declaration of invalidity of the election of a candidate or for a declaration of invalidity of the election of an alternate.
2. The motion for a declaration of invalidity of elections shall be submitted in writing to the election commission. The motion must clearly state who submits it and what is being sought. The motion must be reasoned and must contain a motion for taking evidence intended to attest to the facts alleged.
3. A motion to invalidate an election can only be justified by the fact that a generally binding law or an internal regulation of a higher education institution has been breached in a way that may have affected the results of the elections.
4. A motion to invalidate an election of a candidate or invalidity of an alternate can only be justified by the fact that a generally binding law or an internal regulation of a higher education institution has been breached in a way that may have affected the results of the elections.
5. A motion to invalidate the results of the elections referred to in paragraph 1 or paragraph 4 (hereinafter referred to as ‘’Motion’’) may be submitted within 48 hours of the end of the vote. However, this period shall not end earlier than 12 hours after the election results have been published.
6. By written decision, the election commission shall reject motions, which have been submitted late, by an unauthorized person, or which are based on reasons other than those laid down in this Article.
7. The election commission shall examine the admissible motions submitted within 5 days of the end of the deadline for submitting motions. Any elected candidate or alternate shall have the right to familiarise themselves with the motions submitted for the invalidity of elections and to comment in writing on them. The same persons may become acquainted with motions to invalidate their election and comment on them.
8. The election commission shall, by written reasoned decision, reject motions, which are not justified, in particular because the facts alleged by the applicant have not been established, these facts do constitute a breach of a generally binding law or an internal regulation of a higher education institution, or such a breach could affect the results of the elections or being elected.
9. The election commission shall, by written reasoned decision, comply with the motions which are justified.
10. If the election commission has complied with at least one motion pursuant to this Article, it shall disclose, in the manner laid down for the publication of the results of the elections, how such compliance has been reflected in the results of the elections. If elections are declared invalid, new elections shall be held within 45 days in accordance with the provisions of these Election Rules.
11. The election commission’s decision on the motions is final.

**Article 21**

**Supplemental elections**

1. Supplemental elections are held if the senator’s membership in the Academic Senate has ceased and there is no alternate to replace them.
2. Supplemental elections shall be held only for the remainder of the term of office of the senator to be supplemented by them.
3. In the last six months of the term of office of the relevant third of the Academic Senate, supplemental elections to that third shall not be held.
4. Supplemental elections shall be held in accordance with the rules of these Election Rules no later than three months after the date of the event, which constitutes the reason for them being held. However, in the last six months before the regular elections, supplemental elections can be combined with regular elections.
5. The ballot papers for the supplemental elections shall clearly indicate how many candidates and for which election term are elected.
6. By analogy, supplemental elections shall be subject to the provisions of these Election Rules for regular and, where appropriate, repeated elections, if the vote has to be repeated.

**Chapter Three**

**Recalling of the Academic Senate, removal of a member of the Academic Senate**

**Article 22**

1. The academia may recall the Academic Senate or a member or members of the Academic Senate.
2. To recall the Academic Senate requires a resolution of the academia’s assembly, attended by at least 50% of the members of the academia. The removal of a member of the Academic Senate requires a resolution of the assembly of the pedagogical or student part of the academia, attended by at least 50 % of the members of that part of the academia, depending on whether it is a member of the pedagogical or student chamber of the Academic Senate.
3. The votes of members of academia on recalling of the Academic Senate must be in writing and secret. The Chairman of the Academic Senate and any member of the election commission shall have the right to participate in the vote and counting of votes and to consult the individual ballot papers.
4. Any member of the academia may convene an assembly.
5. The convener of the academia assembly is obliged to inform about the meeting in writing on the official notice board of the higher education institution, which the higher education institution is obliged to enable. The convener shall indicate in the notice the place and time of the assembly and a specific motion to dismiss individual members of the Academic Senate or the Academic Senate as a whole. In the remainder, the rules for the publication, notification and holding of elections to the Academic Senate shall apply mutatis mutandis. The provisions on decision on the invalidity of elections or the invalidity of being elected shall not apply.
6. The vote of the academia assembly shall be organised and the results of the vote shall be ascertained and announced by the body established by the assembly instead of the election commission, without prejudice to the provisions of paragraph 3.

**PART FOUR**

**JOINT AND FINAL PROVISIONS**

**Article 23**

**Temporary provisions**

The provisions of these Election Rules shall apply to the termination of membership of the Academic Senate and also to members of the Academic Senate who have been elected in accordance with the existing regulations.

**Article 24**

**Repealing provisions**

The Election Rules and the Rules of Procedure of the Academic Senate of the Academy of Arts, Architecture & Design in Prague, registered by the Ministry on 23 April 2007 under Ref. No. 11 622/2007-30 shall be repealed.

**Article 25**

**Validity and effect**

1. These Election Rules were approved by the Academic Senate pursuant to Section 9 (1), (b), point 3 of the Act on 29 May 2017.
2. These Election Rules come into force pursuant to Section 36 (4) on the day of registration by the Ministry.
3. These Election Rules shall take effect on 1 September 2017.

**Prof. academic architect Jindřich Smetana, m.p.**

**Rector**