

ELECTION RULES OF THE ACADEMIC SENATE

of the Faculty of Applied Sciences of the University of West Bohemia

The Academic Senate of the Faculty of Applied Sciences of the University of West Bohemia approved, pursuant to Article 27 Section 1 (b) of Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments to Other Acts (Higher Education Act), as amended, on 2 June 2017, the draft of the Election Rules of the Academic Senate of the Faculty of Applied Sciences of the University of West Bohemia.

The Academic Senate of the Faculty of Applied Sciences of the University of West Bohemia approved, pursuant to Article 9 Section 1 (b) (2) of Act No. 111/1998 Coll., on Higher Education Institutions and on Amendments to Other Acts (Higher Education Act), as amended, on 28 June 2017, the Election Rules of the Academic Senate of the Faculty of Applied Sciences of the University of West Bohemia.

PART ONE GENERAL PROVISIONS

Article 1 Introductory Provisions

These Election Rules of the Academic Senate of the Faculty of Applied Sciences, (hereinafter referred to as "FAS"), of the University of West Bohemia, (hereinafter referred to as "UWB"), regulates, in accordance with the Act no. 111/1998 Coll., on Higher Education Institutions and on Amendments to Other Acts (Higher Education Act), as amended (hereinafter referred to as "the Act"), the elections of the members of the Academic Senate of FAS, (hereinafter referred to as "FAS AS"), and their status.

Article 2 Basic Provisions

- (1) Membership in FAS AS is incompatible with the functions of Rector, Vice-Rector, Bursar, Dean, Vice-Dean, Secretary of the Faculty and Director of a Higher Education Institute.
- (2) The FAS AS office term is three years. The office term begins on 1 January of the year following the election year, and ends on 31 December of the third year following the election year.
- (3) The same person may be elected member of FAS AS, even repeatedly.
- (4) FAS AS acts in matters stipulated by law.

PART TWO ELECTION RULES

Part 1 Regular Elections

Article 3 Constituencies

- (1) Constituencies are established. A constituency is:
 - a) part of academic staff,
 - b) part of students.
- (2) Elections are held in constituencies.
- (3) In the constituency pursuant to Section 1 (a), twelve academic employees are elected.
- (4) In the constituency pursuant to Section 1 (b), six students are elected.

Article 4 Right to Vote

- (1) Anyone who is, at least on the Elections day on which he/she exercises his/her right to vote, a member of the FAS academic community, shall have the right to vote.
- (2) Anyone entitled to vote has the right to be elected if he/she is a member of the FAS academic community for the whole period from the date when he/she was nominated to the end of the election act.
- (3) Anyone entitled to vote or to be elected may vote or be elected only in the constituency of which he/she is a member. A voter or a candidate to whom the right to vote or to be elected would arise in more than one constituency may choose where to vote or stand for election. If the voter does not choose at the latest until it is possible to object to the voter lists drawn up in accordance with Article 8 (2), or if the candidate does not choose at the latest by the end of the time limit for the submission of candidate lists under Article 7 (2), he/she is entitled to vote or to be elected in the constituency whose member he/she became earlier.

Article 5 Electoral Commission

- (1) The Electoral Commission, (hereinafter referred to as "EC"), whose members the FAS AS Chair appoints and revokes, controls the Elections and states the Elections results.
- (2) The FAS AS Chair appoints EC members no later than three days after the Elections announcement.
- (3) EC is made up of five members from the constituency under Article 3 (1) (a) (a), and two members from the constituency referred to in Article 3 (1) (a) (b).
- (4) The FAS AS Chair convenes the first EC meeting; he/she chairs the EC meeting until the election of the EC Chairperson, the EC Vice-Chairperson and the EC Registrar; then the EC Chairperson, or the Vice-Chairperson within the mandate given him/her by the Chairperson, chairs the EC meeting and acts on behalf of EC.
- (5) Membership in EC is incompatible with the candidacy for a FAS AS member.

Article 6
Regular Election Timing

- (1) Regular Elections to FAS AS take place in November.
- (2) FAS AS shall announce, through its resolution at its June meeting, the calendar week in which the elections are to take place; this whole calendar week must be in November, (hereinafter referred to as the "General Elections Dates").
- (3) At the latest three weeks before the first day of the general election dates, EC shall set the election dates for individual constituencies according to their needs in such a way that in each constituency the elections are held for at least two consecutive working days, (hereinafter referred to as the "Specific Elections Dates").

Article 7
Candidates

- (1) Each member of the FAS academic community may submit a proposal to a candidate through any EC Member to the EC Chairperson. The candidate must agree to the candidature.
- (2) Proposals for candidates may be submitted not earlier than one calendar week after the announcement of Elections to FAS AS and no later than 15 days before the first day of the General Elections Dates.
- (3) EC shall verify that the nomination of the candidate has been properly submitted; EC assembles candidates from properly submitted proposals according to individual constituencies. Furthermore, EC will decide on candidates who have not been included in the list of candidates; EC justifies its decision. EC will publish the names of the non-attached candidates on the FAS electronic board. The EC decision is final.
- (4) EC will publish the list of candidates on the FAS electronic board at least one week before the first day of the General Elections Dates. Part of the publication is also information on the Specific Elections Dates and the location of the polling rooms.

Article 8
List of Voters

- (1) The list of eligible voters is registered by the Dean' Office. At least one month before the first day of the General Elections Dates, the Dean's Office will publish the alphabetical lists of eligible voters according to individual constituencies on the FAS electronic board.
- (2) Everyone has the right to make a proposal to correct the list of eligible voters within two weeks before the first day of the General Elections Dates. The Dean decides on the proposal no later than one week before the first day of the General Elections Dates.
- (3) Any person who has acquired the right to vote pursuant to Article 4 (1), shall be additionally placed, directly in the polling room, on the list of eligible voters; he/she will be allowed to vote provided he/she proves that he/she is a member of the FAS academic community.

Article 9
Electoral Act

- (1) The Electoral Act shall take place in the polling room of the relevant constituency, under the supervision of the EC members representing the relevant EC constituency.

- (2) After the entry into the polling room, upon the signature of the attendance list, the voter is issued a ballot. On the ballot, the people nominated for the candidates are listed in alphabetical order of their surnames. The ballots are marked with the name of the polling room in the header and are stamped with the FAS stamp. Ballots that do not qualify under the second and third sentences are invalid.
- (3) The voter is obliged, at the request of an EC member, to prove his/her identity.
- (4) The Electoral Act shall be effected by the voter entering the screen, marking the candidate's choice by circling the candidate's number and attaching the ballot to the sealed ballot box. The voter can circle a maximum of as many numbers of candidates are elected in the relevant constituency. If the candidate designates a candidate other than by circling the candidate's number, or if the voter circles more numbers than the number of candidates to be elected in the relevant constituency, his/her ballot is invalid.
- (5) The right to vote is irreplaceable.
- (6) Assuming that the fulfillment of the conditions under the Higher Education Act is ensured and documented, it is possible, on the basis of the FAS AS resolution, to perform FAS AS elections in whole or in part electronically through a computer network. This resolution must be notified to the Electoral Commission, together with a document on the technical details of the organization, course and security of such elections. Any objections of the academic community of the Faculty are sent to the Electoral Commission to deliver its opinion on the conditions of holding elections within thirty days following the delivery of the Resolution to the Senate. Elections can only be performed electronically with the consent of EC.

Article 10 Election Results

- (1) Candidates with the highest number of valid votes received are elected members of FAS AS in the constituency according to Article 3 (1) (a), so that at least one member of each FAS Department is a member of FAS AS, if such is among the candidates. After the distribution of the mandates under the first sentence, the candidates who have received the highest number of valid votes, regardless of their affiliation to a Department, shall be elected up to the number referred to in Article 3 (3). The other candidates shall be alternates. In case of equality of votes, it is decided by lot.
- (2) The candidates who have ranked in the places referred to in Article 3 (4), shall be elected members of FAS AS in the constituency pursuant to Article 3 (1) (b). The other candidates shall be alternates. In case of equality of votes, it is decided by lot.
- (3) Not later than one week after the last day of the General Elections Dates, EC will announce the Preliminary Elections Results. It is possible to object to the Preliminary Elections Results to the EC Chairperson no later than one week after the announcement; EC shall take a decision on these objections within one week of the expiry of the deadline for filing objections. The EC decision is final.
- (4) EC announces the Final Elections Results no later than two weeks after the deadline for filing objections. The Final Elections Results Report shall contain, in particular: the names of the elected candidates, their ranking, and the number of valid votes cast; whether objections were filed and how they were decided on; and whether the elections were valid or not. In the case that the elections were not valid, the report shall contain the reasons for their invalidity.
- (5) The announcement of the Elections Results means the date of the publication of the results on the FAS electronic board.

- (6) EC ceases its existence by the publication of the Final Elections Results; this shall not apply in the case of Re-Elections pursuant to Article 11.

Article 11 **Invalidity of the Elections**

- (1) If the Elections were invalid in any of the constituencies, this is not a reason for invalidating the Elections as such; the Elections are repeated only in the constituencies in which the Elections were invalid, (hereinafter referred to as the "Re-elections").
- (2) If Re-elections are held after the beginning of the FAS AS's regular term of office, the members of FAS AS elected in the Re-elections are elected only for the remaining part of the regular FAS AS's term of office.
- (3) The provisions of Articles 3 to 10 shall apply *mutatis mutandis* to holding the Re-elections.
- (4) EC will announce the General Dates and the Specific Dates for Re-elections, usually on the day of the announcement of the Final Elections Results, so that the first day of the General Dates of the Re-elections may not be more than two weeks following the date of the announcement of the General Dates and the Specific Dates of the Re-Elections.
- (5) A candidate may be nominated not earlier than on the day following the Re-Elections announcement and no later than one week before the General Dates of the Re-Elections.
- (6) If the Re-Elections are not valid, they shall be repeated until they are valid, but not later than the end of the third month before the next Regular Elections (Article 6, Section 1). If the FAS AS members for the constituency where the Re-Elections took place are not elected within the time limit according to the previous sentence, their mandates remain unoccupied until the beginning of the term of office of FAS AS elected in the first following Regular Elections.

Article 12 **Senator's Mandate**

- (1) Senator's Mandate arises by his/her election, i.e. at the moment when the Final Elections Results are announced by EC. A Senator takes up the mandate on the first day of the regular FAS AS term of office. A Senator elected in the Extraordinary Elections or the Re-elections takes up the mandate by his/her election.
- (2) Senator's Mandate expires:
 - a) upon expiry of his term of office,
 - b) upon decision to dissolve FAS AS,
 - c) upon delivery of the waiver,
 - d) at the time of acceptance of a function incompatible with membership in FAS AS.
 - e) in case of loss of option, except as provided in Section 4.
- (3) Loss of option occurs if a Senator has ceased to be a member of the constituency for which he/she was elected.
- (4) The Mandate of a student of a Study Programme is not terminated on condition that:
 - a) he/she properly completed the Study Programme and
 - b) he/she filed an application to study in an immediately-continuing Follow-up Study Programme at FAS.
- (5) The student referred to in Section 4 may not exercise his/her Mandate for the period from the proper completion of the Study Programme until the day when he/she is enrolled in an immediately-continuing Follow-up Study Programme.
- (6) However, the student's Mandate referred to in Section 4 shall cease to exist if:

- a) he/she has not been admitted to an immediately-continuing Follow-up Study Programme, or
 - b) he/she has not started study in the given immediately-continuing Follow-up Study Programme.
- (7) In the cases referred to in Section 6, a student's Mandate shall expire on the date on which:
- a) the decision on the non-admission to the immediately-continuing Follow-up Study Programme entered into force, or
 - b) is set as the last possible term of enrollment in the study.
- (8) According to the results of the Elections, an alternate takes up, according to his/her ranking, the mandate of a senator whose mandate is terminated so that the principle laid down in Article 9 (5), is preserved. The mandate of the alternate shall arise at the moment of termination of the mandate of the previous senator; the mandate lasts only for the remaining part of the relevant regular term of office; an alternate takes the mandate at the moment when the mandate arises unless the mandate had arisen before the previous senator took office. In such a case, the alternate shall take the mandate on the first day of the regular term of office. In the absence of any alternate who could assume the mandate of the senator whose mandate has expired, the Re-elections shall be held, except in the cases referred to in Article 19 Section 2.

Article 13 Senator's Status

- (1) The Senator shall exercise the mandate in person; in its performance, he/she is only bound by his/her conscience. The Senator is responsible to the academic community of FAS for the exercise of his/her mandate.
- (2) The Senator cannot be punished differently than by a public admonition for speeches made at the meetings of FAS AS or its bodies. The FAS AS Board decides on a public admonition; the decision of the FAS AS Board is, if the affected Senator appeals, to be reviewed by the FAS AS Plenary.

Part 2 Extraordinary Elections

Article 14 General Provisions on Extraordinary Elections

- (1) The Extraordinary Elections shall be held in the event that the candidate for the Dean is not elected in the second round of the Re-election, or in the event that FAS AS does not act in accordance with Article 27 of the Act, for a period of six months.
- (2) The Dean is the announcer of the Extraordinary Elections. If there is no one to exercise the Dean's powers, the Chairperson of the dissolved FAS AS is the announcer of the Extraordinary Elections.
- (3) The FAS AS's term of office resulting from the Extraordinary Elections shall end after the expiry of its regular term of office.
- (4) The provisions for the Regular Elections shall apply to the Extraordinary Elections, unless otherwise specified.
- (5) The functions exercised by the Chairperson and the members of FAS AS in the Regular Elections are, in the Extraordinary Elections, exercised by the Chairperson and the members of the dissolved FAS AS.

Article 15 Extraordinary Elections Dates

- (1) The Dean or the Chairperson of the dissolved FAS AS shall declare the General Dates of the Extraordinary Elections so that the first day of the General Dates of the Extraordinary Elections shall not be earlier than four, and not later than six weeks after the end of the second round of the re-election of the candidate for the Dean, or the end of the period under Article 14 Section 1.
- (2) EC sets out the specific dates for the Extraordinary Elections pursuant to Article 6, Section 3.

Article 16 Candidates

- (1) A proposal for a candidate may be submitted not later than two weeks before the first day of the General Dates of the Extraordinary Elections.
- (2) EC will publish the list of candidates on the FAS electronic board at least one week before the first day of the General Dates of the Extraordinary Elections. Part of the publication is also information on the specific dates for the Extraordinary Elections and the location of polling rooms.

Article 17 List of Voters

- (1) The Dean's Office shall keep a list of eligible voters. At least two weeks before the first day of the General Dates of the Extraordinary Elections, the Dean's Office will publish the alphabetical lists of eligible voters according to constituencies on the FAS electronic board.
- (2) Anyone has the right, not later than one week before the first day of the General Dates of the Extraordinary Elections, to submit a proposal for correction of the list of eligible voters. The Dean decides on the proposal no later than three days before the first day of the General Dates of the Extraordinary Elections. The Dean's decision is final.

Article 18 Extraordinary Election Results

- (1) At the latest, three days after the last day of the General Dates of the Extraordinary Elections, EC shall announce the preliminary results of the Extraordinary Elections. It is possible to file objections, to the hands of the EC Chairperson, against the preliminary results of the Extraordinary Elections within two days of the announcement at the latest; EC shall decide on the objections within three days of the expiry of the period for submitting objections at the latest. EC's decision is final.
- (2) EC shall declare the final results of the Extraordinary Elections no later than five days after the expiry of the period for submitting objections.

Part 3 By-Elections

Article 19 General Provision on By-Elections

- (1) The By-Elections shall be held in the event that there is no alternate that could take up the mandate of a senator whose mandate has expired.
- (2) The By-Elections shall not take place if the Senator's mandate expired in the last three months of the regular FAS AS term of office. In this case, the mandate will remain unoccupied.
- (3) The FAS AS Chair is the announcer of the By-Elections.
- (4) The provisions for the Regular Elections shall be used for the By-Elections, unless otherwise specified.

Article 20 By-Election Electoral Commission

- (1) The By-Elections EC includes at least three members and is composed of at least one-third of the members of the constituency where the By-Elections are held.
- (2) The FAS AS Chair appoints EC for the By-Elections.

Article 21 By-Election Dates

- (1) The FAS AS Chair shall announce the General Dates for the By-Elections so that the first day of the General Dates for the By-Elections may not be earlier than four and not later than sixteen weeks following the date when the reason for holding the By-Elections occurred.
- (2) The By-Elections EC lays down the Specific Dates for the By-Elections under Article 6, Section 3.

Article 22 Candidates

- (1) A candidate may be nominated not later than two weeks before the first day of the General Dates of the By-Elections.
- (2) The By-Elections EC will publish the list of candidates on the FAS electronic board at least one week before the first day of the General Dates of the By-Elections. Part of the publication is also information on the Specific Dates of the By-Elections and the location of the polling rooms.

Article 23
List of Voters

- (1) The Dean's office shall keep a list of eligible voters. At least two weeks before the first day of the General Dates of the By-Elections, the Dean's office will publish the alphabetical lists of eligible voters according to the constituencies on the FAS electronic board.
- (2) At the latest, one week before the first day of the General Dates of the By-Elections, anyone has the right to make a proposal to correct the lists of eligible voters. The Dean decides on the proposal no later than three days before the first day of the General Dates of the By-Elections. The Dean's decision is final.

Article 24
By-Election Results

- (1) At the latest, three days after the last day of the General Dates of the By-Elections, the By-Elections EC shall announce the Preliminary Result of the By-Elections. No later than two days after the announcement of the Preliminary Results, it is possible to object to a preliminary result of the By-Elections, to the Chairperson of the By-Elections EC; the By-Elections EC shall decide on such objections within three days of the expiry of the deadline for filing objections. The By-Elections EC's decision is final.
- (2) The By-Elections EC shall declare the Final Results of the By-Elections no less than five days after expiry of the deadline for submitting objections.

PART THREE
COMMON, TRANSITIONAL AND FINAL PROVISIONS

Article 25
Common Provisions

- (1) The provisions of these Election Rules shall be interpreted in accordance with their meaning and purpose and with regard to the position and function of FAS AS in the system of academic bodies of FAS and UWB.
- (2) If the provisions of these Election Rules do not apply to a specific situation, the provisions of these Election Rules which are, by their nature, closest to the given situation, shall be applied having regard to the meaning and purpose of the Election Rules and the position and function of FAS AS in the system of academic bodies of FAS and UWB.
- (3) The Election Rules of the Academic Senate of UWB shall be applied *mutatis mutandis* to the interpretation of these Election Rules.

Article 26
Transitional Provisions

- (1) The mandate of all senators elected according to the current regulations shall expire on 31 December 2017 unless Extraordinary Elections take place.
- (2) Bodies and officials of FAS AS established according to the current regulations shall become bodies and officials in accordance with these Election Rules on the date of entry into force of these Election Rules.
- (3) Article 2, Section 2, on the duration of the FAS AS term of office applies to the first FAS AS Elections announced after the entry into force of these Election Rules.

Article 27
Final Provisions

- (1) The Rules of Elections and Procedure of the Academic Senate of the Faculty of Applied Sciences of the University of West Bohemia of 27 June 2007, as amended, shall be repealed.
- (2) These FAS AS Election Rules shall enter into force on the date of their approval in the UWB Academic Senate.
- (3) These FAS AS Election Rules become effective on the date of their approval in the UWB Academic Senate.

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Ing. Pavel Balda, Ph.D., by own hand
Chair of the Academic Senate of FAS

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Doc. Dr. Ing. Vlasta Radová, by own hand
Dean of FAS