

The Ministry of Education, Youth and Sports registered, pursuant to Section 36(2) of Act No 111/1998, on higher education institutions and on the amendment and supplementation of other Acts (the "Higher Education Act"), as amended, on 4 October 2017, under ref. no. MSMT- 27343/2019 Rules for Habilitation Proceedings and Proceedings for Nominating Professors at Mendel University in Brno.

The Ministry of Education, Youth and Sports registered, pursuant to Section 36(5) of Act No 111/1998, on higher education institutions and on the amendment and supplementation of other Acts (the "Higher Education Act"), as amended, on 5 December 2019, under ref. no MSMT- 36630/2019-4 Change to the Rules for Habilitation Proceedings and Proceedings for Nominating Professors at Mendel University in Brno.



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I.

**FULL WORDING OF THE RULES FOR
HABILITATION PROCEEDINGS AND
PROCEEDINGS FOR NOMINATING
PROFESSORS AT MENDEL UNIVERSITY IN
BRNO**

of 5 December 2019

Preamble

The academic senate of Mendel University in Brno has, as per § 9 par. 1 b) point 3 and § 17 par. 1 k) of Act 111/1998 Coll., the Higher Education Act, as amended, and as per article 24 par. 3 of the Statutes of Mendel University in Brno, agreed on these Rules for Habilitation Proceedings and Proceedings for Nominating Professors at Mendel University in Brno and on publishing them as an internal regulation.

PART 1: HABILITATION PROCEEDINGS

Article 1

- (1) Habilitation proceedings begin by the submission of an application.
- (2) The application shall be submitted to the dean of the faculty together with the annexes specified under § 72 par. 2 of the Higher Education Act and a description of the topic of the habilitation lecture; the faculty must have received accreditation for the habilitation area specified by the applicant.
- (3) The faculty where the habilitation proceedings commence shall publish information about the habilitation proceedings as per § 75 par. 1 of the Higher Education Act on its website, and at the same time shall forward the appropriate data to the Research and Development Department of Mendel University in Brno (hereinafter “the university”).
- (4) If the applicant is not an academic or scientific employee at the university, the dean may ask for a reference letter from the dean of the appropriate faculty or rector of the appropriate university.
- (5) If the application does not include the essentials stipulated in the Higher Education Act, the dean will ask the applicant in writing to resolve any such deficiencies. If the applicant does not resolve the deficiencies within three months from the day he/she received the corresponding request from the dean, the proceedings are terminated and the dean returns the submitted documents to the applicant.
- (6) The proceedings are to be held in a way allowing them to be completed –under normal circumstances – within twelve months from the submission of the application and/or from the date the applicant amended the application at the dean’s request.

Article 2

- (1) The dean will prepare a proposal for assembling the habilitation committee, including the nomination of its chair and other members, within three months from the submission of the application and/or from the date the applicant amended the submission at the dean’s request. This proposal is then submitted for approval at the next meeting of the faculty’s scientific council.
- (2) The habilitation committee consists of five members and includes professors, habilitated associate professors (“docents” in Czech) and other prominent representatives of the applicant’s field or a closely related field. The chair of the habilitation committee must be a professor. At least three members of the habilitation committee must not be employees of the university and/or of legal entities which also employ the applicant.
- (3) A co-author of a work which is submitted as the habilitation thesis cannot be a member of the habilitation committee if the scope of their contribution to the work prevents an objective evaluation of the applicant’s qualifications.
- (4) The members of the habilitation committee are notified of the approval of the composition of the

committee by the dean, who will at the same time send them the documents necessary to assess the scientific and/or artistic qualifications of the applicant and their teaching activities as per § 72 par. 8 of the Higher Education Act.

Article 3

- (1) Meetings of the habilitation committee are organized by their chair; if the chair is not present, then one of the members of the habilitation committee authorized to do so by the chairman.
- (2) The habilitation committee is quorate if at least four of its members are present. A decision by the habilitation committee is accepted if at least three members of the committee are in favour.
- (3) The habilitation committee nominates three reviewers for the habilitation thesis; at least two of them must not be employees of the university or the legal entity that employs the applicant. The dean or a person authorized by the dean to do so will immediately send a review request to the reviewers together with the applicant's habilitation thesis, unless this is a habilitation thesis as per § 72 par. 3 d) of the Higher Education Act.
- (4) Based on the applicant's habilitation thesis, its annexes, the reviews and teaching experience, the habilitation committee shall decide on whether to recommend the habilitation to the faculty's scientific council, or not. Their decision and its justification together with the results of the voting shall be submitted to the dean.
- (5) If the internal regulations of the faculty allow it, the habilitation committee can vote electronically in a way which ensures that the votes are anonymous. A vote is valid if at least four members of the habilitation committee participate in it. A decision is accepted if at least three members of the habilitation committee are in favour.
- (6) In this case, the dean will add the matter at hand to the program of the next meeting of the faculty's scientific council, without unnecessary delay.
- (7) The position of the habilitation committee is presented at the meeting of the faculty's scientific council by the chair of the habilitation committee or by a member of the committee authorised to do so by the chair. It is possible to vote on the proposal for awarding a habilitation if at least two thirds of the members of the faculty's scientific council are present.
- (8) The applicant will give a habilitation lecture in front of the faculty's scientific council on a topic assigned by the habilitation committee, as well as a presentation of his/her habilitation thesis.
- (9) If the majority of all members of the faculty's scientific council vote in favour of awarding habilitation to the applicant, then the dean will present, without unnecessary delay, the nomination together with all the appropriate documentation to the rector for a decision via the Research and Development Department. If the proposal for awarding habilitation does not receive sufficient support, the proceedings are terminated.

Article 4

- (1) If the rector agrees with the proposal for awarding habilitation, he/she will notify the applicant in writing that they shall be nominated as a habilitated associate professor ("docent" in Czech) on the first day of the month following after the month on which he/she received the proposal from the appropriate scientific council.
- (2) If the rector does not agree with the proposal for awarding habilitation, he/she will submit his/her rejection to the university's scientific council together with a justification without delay.
- (3) The university's scientific council will decide on the proposal for awarding habilitation via an anonymous vote. To accept the proposal, a majority of all members of the university's scientific council must be in favour.
- (4) If the proposal does not receive the favour of a majority of all members of the scientific council, the proceedings are terminated. Otherwise, the rector will appoint the applicant as a habilitated associate

professor.

- (5) The habilitation thesis, including the reviews, is made available to the public at the faculty dean's office at least five workdays before the date of its defence (the habilitation lecture). After the defence, the theses are stored in the library for five years and then moved to the archive.

Article 5

During the habilitation proceedings, the habilitation committee, the faculty's scientific council, the rector and/or the university's scientific council evaluate the scientific and/or artistic qualifications and teaching merits of the applicant, usually while taking into account the recommended evaluation criteria specified by the appropriate directive of the rector following a discussion at the university's scientific council.

Article 6

Act 500/2004, the Administrative Procedures, does not apply to the habilitation proceedings.

Article 7

The applicant may submit an appeal against the habilitation proceedings within 30 days. Appeals are submitted to the dean if the appeal applies to intra-faculty proceedings, otherwise they are submitted to the rector. The rector's decision is final. The rector and the dean have to justify their decisions.

Article 8

The university stipulates that applicants shall pay a fee for the administrative procedures associated with habilitation proceedings; this shall amount to at most four times the base stipulated under § 58 par. 2 of the Higher Education Act. The fee is due within 30 days from the approval of the composition of the habilitation committee by the faculty scientific council and is non-refundable. The fee is considered an income of the faculty where the proceedings commenced.

Article 9

- (1) A decision on the invalidity of the nomination as a habilitated associate professor ("docent" in Czech) is made by the rector within the scope of invalidation proceedings, as per § 74a and § 74b of the Higher Education Act and the Administrative Proceedings.
- (2) The documentation for the rector's decision includes a statement of a five-member re-examination committee. The members of the re-examination committee are nominated by the rector from among professors, habilitated associate professors and/or other experts; one of the members is nominated by the rector based on a proposal of the Minister for Education, Youth and Sports (hereinafter "the minister") from among the employees of the Ministry of Education, Youth and Sports. The chair of the committee is nominated by the rector from among professors or habilitated associate professors who are members of the scientific council. Other members are nominated, with their approval and after discussion with the dean of the appropriate faculty, from among professors, habilitated associate professors and/or other experts so that the majority of the committee's members are experts who are not the university's employees.
- (3) Before issuing a decision, the rector may request a statement from the scientific council of the appropriate faculty, the university's scientific council, and/or the university's ethics committee.
- (4) The re-examination committee makes decisions by voting, where a vote is passed if a majority of all of its members is in favour; a recommendation regarding the invalidity of the appointment as a habilitated associate professor is based on an anonymous vote.
- (5) If the rector's decision on the invalidity of an appointment as a habilitated associate professor or on

the termination of proceedings on the invalidity of such an appointment deviates from the recommendation of the re-examination committee, he/she is obliged to justify this fact in their decision.

- (6) It is not possible to appeal against the rector's decision on the invalidity of appointment as a habilitated associate professor. The decision enters into effect on the first day following after two months have passed from the day of announcement of the respective decision.

PART TWO PROCEEDINGS FOR NOMINATING PROFESSORS

Article 10

- (1) The proceedings for appointment as professor commence by the submission of an application by the respective applicant, at the request of the dean, rector, or of the faculty's scientific council; the faculty must be accredited for the given field.
- (2) In case of a proposal for the commencement of proceedings for appointment as a professor for an applicant who is already a professor at a renowned university abroad, the rector may in exceptional cases, as per § 74 par. 1 of the Higher Education Act and based on a proposal of the university's scientific council, decide on omitting the requirement that the applicant must have previously received the "docent" title.
- (3) In case of a request for an exceptional omission of the requirement that the applicant must have previously received the "docent" title (hereinafter "the request for an exceptional omission of the requirement"), the procedure is as follows:
- a) The applicant submits the request for exception to the dean of the faculty which, based on its accreditation, will implement the proceedings for appointment as professor in the appropriate field. The request for exception precedes the actual commencement of the proceedings for appointment as professor. The request for exception must include the following annexes:
 1. a document demonstrating that the applicant is a professor at a foreign university,
 2. a document demonstrating the renown of the university where the applicant holds the position of professor,
 3. an application for appointment as professor, including all the essentials specified under paragraph 4.
 - b) If the application for the commencement of proceedings for appointment as professor meet the other formal requirements as per these rules, the dean will forward the request for exception to the rector. Aside from the essentials as per a), the application shall also include a statement of the faculty's scientific council on the matter, including an excerpt of the relevant part of the minutes from the appropriate meeting of the scientific council.
 - c) The rector will submit the request for an exceptional omission of the requirement, including all received documents, to the university's scientific council, which will use anonymous voting to rule on the proposal for an exceptional omission of the requirement to have received the "docent" title (hereinafter the "proposal for an exceptional omission"). If during the anonymous vote the proposal for an exceptional omission of the requirement is supported by the majority of all members of the university's scientific council, the rector can decide to accept the applicant's request. The proposal for commencement of proceedings for appointment as professor is, in this case, considered accepted as per article 10 par. 1 and the proceedings begin on the day of the rector's decision. If the proposal for an exceptional omission does not receive the favour of a majority of all members of the university's scientific council, the proceedings are not commenced and the documents are

returned to the applicant as per a).

- (4) As per § 74 par. 2 of the Higher Education Act, the proposal is submitted, together with the annexes specified under § 72 par. 2 second sentence of the Higher Education Act, with an explicit specification of the field in which the proceedings for appointment as professor commence. The proposal is submitted to the dean of a faculty which has received the appropriate accreditation for the specified field. If the proceedings commence at the applicant's request, the proposal must include a written recommendation from at least two professors of the same or a related field. If the proceedings are not commenced at the applicant's request and if the applicant provides a written statement declaring that they disagree with the proceedings, the proceedings shall be terminated.
- (5) The faculty where the proceedings for appointment of a professor commence shall publish information about the proceedings as per § 75 par. 1 of the Higher Education Act on its website, and at the same time shall forward the appropriate data to the Research and Development Department.
- (6) If the applicant is not an academic or scientific employee at the university, the dean may ask for a reference letter from the dean of the appropriate faculty or rector of the appropriate university.
- (7) If the application does not include the essentials stipulated in the Higher Education Act, the dean will ask the applicant in writing to resolve any such deficiencies. If the applicant does not resolve the deficiencies within three months from the day he/she received the corresponding request from the dean, the proceedings are terminated and the dean returns the submitted documents to the applicant.
- (8) The proceedings are to be held in a way allowing them to be completed at the university –under normal circumstances – within twelve months from the submission of the application and/or from the date the applicant amended the application at the dean's request.

Article 11

- (1) The dean will prepare a proposal for assembling the committee, including the nomination of its chair and other members, within three months from the submission of the application and/or from the date the applicant amended the submission at the dean's request. This proposal is then submitted for approval at the next meeting of the faculty's scientific council.
- (2) The committee consists of five members and includes professors, habilitated associate professors ("docents" in Czech) and other prominent representatives of the applicant's field or a closely related field. The chair of the committee must be a professor. At least three members of the committee must not be employees of the university and/or of legal entities which also employ the applicant.
- (3) The dean will notify committee members of the approval of the composition of the committee and will provide them with the documents required for the assessment of the teaching, scientific, and/or artistic qualifications of the applicant as per § 74 par. 1 of the Higher Education Act.

Article 12

- (1) The committee's meetings are organized by its chair or by its member authorized to do so by the chair.
- (2) The committee is quorate if at least four of its members are present. A decision by the committee is accepted if at least three members of the committee are in favour.
- (3) The committee will assess the applicant's qualifications and decide whether they recommend to accept the proposal for appointment as a professor or not. Their decision and its justification together with the results of the voting shall be submitted to the dean.
- (4) If the internal regulations of the faculty allow it, the committee can vote electronically in a way which ensures that the votes are anonymous. A vote is valid if at least four members of the committee participate in it. A decision is accepted if at least three members of the committee are in favour.
- (5) In this case, the dean will add the matter at hand to the program of the next meeting of the faculty's scientific council, without unnecessary delay.

- (6) The position of the committee is presented at the meeting of the faculty's scientific council by the chair of the committee or by a member of the committee appointed to do so by the chair. It is possible to vote on the proposal for appointment as professor if at least two thirds of the members of the faculty's scientific committee are present.
- (7) The applicant will give a lecture in front of the faculty's scientific council, presenting the core concepts of their scientific or artistic work and teaching in the field in which they wish to be appointed as professor.
- (8) If the majority of all members of the faculty's scientific council vote in favour of the appointment as professor, then the dean will present, without unnecessary delay, the nomination together with all the appropriate documentation to the rector via the Research and Development Department.
- (9) If the proposal for appointment as professor does not receive sufficient support, the proceedings are terminated.

Article 13

- (1) The rector will present the proposal for appointment as professor to the university's scientific council without unnecessary delay.
- (2) The applicant will give a lecture in front of the university's scientific council, presenting the core concepts of their scientific or artistic work and teaching in the field in which they wish to be appointed as professor.
- (3) The university's scientific council will decide on the proposal for awarding professorship via an anonymous vote. If the majority of all members of the university's scientific council vote in favour of the appointment as professor, then the rector will present it to the minister without unnecessary delay.
- (4) If the proposal for appointment as professor does not receive sufficient support, the proceedings are terminated.

Article 14

- (1) If the minister returns the proposal for appointment as professor as per § 73 par. 3 of the Higher Education Act to the university's scientific council, the scientific council will hold a vote on the minister's justification at its next meeting.
- (2) If the university's scientific council agrees that the procedures for appointment as professor were not adhered to, the proposal is sent to the phase of the proceedings where the procedures were violated.
- (3) If the university's scientific council does not agree that the procedures for appointment as professor were violated, the proposal is sent once again to the minister together with a statement by the university's scientific council.

Article 15

During the proceedings for appointment as professor, the committee, the faculty's scientific council and the university's scientific council evaluate the teaching, scientific and/or artistic qualifications of the applicant. The applicant is expected to be a prominent and well-established scientific or artistic personality in their field, especially in view of the recommended evaluation criteria as per the appropriate directive of the rector.

Article 16

The Administrative Procedures do not apply to the proceedings for appointment as professor.

Article 17

The applicant may submit an appeal against the proceedings for appointment as professor within 30 days. Appeals are submitted to the rector. The rector's decision is final. The rector has to justify the decision.

Article 18

The university stipulates that applicants shall pay a fee for the administrative procedures associated with proceedings for appointment as professor; this shall amount to at most six times the base stipulated under § 58 par. 2 of the Higher Education Act. The fee is due within 30 days from the approval of the composition of the committee by the faculty scientific council and is non-refundable. The fee represents income of the university and is divided equally between the faculty where the proceedings commenced and the university.

PART THREE JOINT, TEMPORARY AND FINAL PROVISIONS

Article 19

- (1) Before submitting a proposal for the nomination of members of a habilitation committee or committee for appointment as professor to the scientific council, the dean and/or the chair of the habilitation committee have to ask for their agreement. The same procedure also applies to reviewers.
- (2) The rector may formally specify, as a decree that is reviewed by the university's scientific council, minimum requirements for the content of the justification of the habilitation committee as per article 3 par. 4 and of the committee for appointment as professor as per article 12 par. 3.
- (3) The rector (on the university level) and the deans (on the faculty level) will ensure that there is no conflict of interest between the members of individual bodies, notably the rector, vice-rectors, dean, members of habilitation committees, members of committees for appointment as professor, and reviewers for habilitation theses.
- (4) Assessment of whether an applicant meets the requirements for habilitation and/or professorship at the university is carried out in compliance with the appropriate decree of the rector which specifies the current criteria that apply for habilitation proceedings and proceedings for appointment as professor. The dean will inform the rector in writing of the fact that the applicant meets the requirements.
- (5) The fee as per articles 8 and 18 does not apply to habilitation proceedings and proceedings on appointment as professor that have commenced before these rules entered into effect.
- (6) Directive 10/2007, governing habilitation proceedings and proceedings for appointment as professor, ref. no. 3543/2007- 981, is hereby cancelled.
- (7) These rules were approved as per § 9 par. 1 b) point 3 of the Higher Education Act by the university's academic senate on 12 July 2017.
- (8) These rules become valid as per § 36 par. 4 of the Higher Education Act on the day of their registration by the Ministry of Education, Youth and Sports. These rules enter into effect on the first day of the second calendar month following after the day they became valid.

The Change to the Rules for Habilitation Proceedings and Proceedings for Nominating Professors at Mendel University in Brno was approved as per § 9 par. 1 b) point 3 of Act 111/1998, the Higher Education Act, as amended, by the Academic Senate of Mendel University in Brno on 18 February 2019.

The Change to the Rules for Habilitation Proceedings and Proceedings for Nominating Professors at Mendel University in Brno becomes valid, as per § 36 par. 4 of the Higher Education Act, on the day of its registration by the Ministry of Education, Youth and Sports.

The Change to the Rules for Habilitation Proceedings and Proceedings for Nominating Professors at Mendel University in Brno enter into effect on the first day of the second calendar month following after the day it became valid.

prof. Ing. Danuše Nerudová, Ph.D.,
rector