

*On 4 October 2017, the Ministry of Education, Youth and Sports issued the Rules for Habilitation Procedures and for Professorial Appointment Procedures at Mendel University in Brno, in accordance with § 36 para. 2 of Act No. 111/1998 Coll., on Higher Education and on Amendments to Other Acts (the Higher Education Act), as amended, under Ref. No. MSMT-27343/2019.*

*On 5 December 2019, the Ministry of Education, Youth and Sports issued the Rules for Habilitation Procedures and Professorial Appointment Procedures at Mendel University in Brno, pursuant to § 36 paras. 2 and 5 of Act No. 111/1998 Coll., on Higher Education and on Amendments to Other Acts (the Higher Education Act), as amended, under Ref. No. MSMT-36630/2019-4.*

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Full Wording of the  
RULES FOR HABILITATION PROCEDURES  
AND PROFESSORIAL APPOINTMENT  
PROCEDURES AT MENDEL  
UNIVERSITY IN BRNO  
dated 5 December 2019

## **Preamble**

Pursuant to § 9 para. 1(b) point 3 and § 17 para. 1(k) of Act No. 111/1998 Coll., on Higher Education and Amendments to Other Acts (the Higher Education Act), as amended, and pursuant to art. 24 para. 3 of the Statutes of Mendel University in Brno, the Academic Senate of Mendel University in Brno has resolved upon these Rules for Habilitation Procedures and Professorial Appointment Procedures at Mendel University in Brno as one of its internal regulations.

## **PART ONE**

### **HABILITATION PROCEDURES**

#### **Article 1**

- (1) A habilitation procedure is initiated with the submission of a candidate's proposal.
- (2) The proposal, which shall include the attachments specified under § 72 para. 2 of the Higher Education Act and a statement of the topic for the habilitation lecture, is submitted to the Dean of the faculty that has been granted accreditation for the field of habilitation proposed by the candidate.
- (3) Upon the publicly accessible portion of its website, the faculty at which the habilitation procedure was initiated shall publish the information on the habilitation that is required by § 75 para. 1 of the Higher Education Act and shall also pass on the appropriate information to the Study and Research Office of Mendel University in Brno (the "university" hereinafter).
- (4) If the candidate is not working as university academic or research staff, the Dean must request an opinion from the Dean of an appropriate faculty or the Rector of an appropriate institute of higher education.
- (5) If the proposal does not include the formalities stipulated by the Higher Education Act, the Dean shall call the candidate to rectify the proposal's shortcomings. If the candidate fails to rectify these shortcomings within three months from the date when the Dean's request was delivered to them, the procedure is halted, and the Dean returns the submitted materials to the candidate.
- (6) The procedure should be carried out in a fashion that enables its completion within its deadline, which is regularly twelve months from the date of submission of the candidate's proposal, or, where appropriate, from the date when the candidate supplemented their proposal at the Dean's request.

#### **Article 2**

- (1) Within three months from the date of the proposal's submission, or, where appropriate, from the date when the candidate supplemented their proposal at the Dean's request, the Dean shall prepare a proposal for the establishment of a habilitation committee and the appointing of its chair and other members. They shall present this proposal for approval to the next meeting of the faculty's Scientific Council.
- (2) The habilitation committee has five members; it is made up of professors, senior lecturers and other important representatives of the field stated by the candidate or of a related field. The chair of the habilitation committee must be a professor. At least three members of the habilitation committee must be persons who are neither employees of a university, nor employees of any other legal entity, of which the candidate as an employee.
- (3) The work that is presented as the candidate's habilitation work must not be co-authored by a member of the habilitation committee, if the extent of such co-authorship prevents unbiased evaluation of the candidate's qualifications.
- (4) The Dean shall announce the approval of the habilitation committee to its members alongside the action of distributing the documents needed for assessing the candidate's scholarly and/or artistic qualifications and their pedagogical qualifications as defined by § 72 para. 8 of the Higher Education Act.

### **Article 3**

- (1) The meetings of the habilitation committee are presided over by its chair. In their absence, the meetings are presided over by a member of the committee whom they have designated.
- (2) A habilitation committee has a quorum if at least four of its members are present. Resolutions of a habilitation committee are accepted if at least three members of the habilitation committee vote in their favour.
- (3) Each habilitation committee appoints three external examiners of the given habilitation work; at least two of these must be neither members of a university, nor members of a legal entity, of which the candidate is an employee. Without delay, the Dean or a person authorised by the Dean sends the external examiners a request for the preparation of an external examiner's assessment, along with the candidate's habilitation work, if this is not a habilitation work pursuant to § 72 para. 3(d) of the Higher Education Act.
- (4) On the basis of the candidate's proposal and its attachments, of the external examiner's assessments and of pedagogical experience, the habilitation committee resolves to recommend or not recommend the candidate's appointment as a senior lecturer to the faculty's Scientific Council. It presents its resolution and that resolution's justifications, along with the result of the vote, to the Dean.
- (5) If stipulated by the faculty's internal regulations, the habilitation committee may vote electronically, in a manner that ensures the secrecy of the vote. Votes by the committee are valid if at least four of its members participate in the vote. Resolutions are accepted if at least three members of the committee vote in their favour.
- (6) The Dean shall include the matter in the programme of the faculty's Scientific Council without delay.
- (7) The statement of the habilitation committee will be presented at the meeting of the faculty's Scientific Council by the chair of the habilitation committee or a member whom they have delegated. The quorum for a vote regarding appointment as a senior lecturer is two-thirds of the members of the faculty's Scientific Council.
- (8) The candidate delivers a habilitation lecture on a topic determined by the habilitation committee, and defends their habilitation thesis before the faculty's Scientific Council.
- (9) If the proposal for the appointment as a senior lecturer is approved by a majority out of all the members of the faculty's Scientific Council, the Dean presents it without delay, along with all materials, to the Rector for a decision by way of the Research Office. If the proposal for the appointment as a senior lecturer does not acquire the necessary majority, the procedure is halted.

### **Article 4**

- (1) If the Rector agrees with the proposal for the candidate's appointment as a senior lecturer, they will inform the candidate in writing that they will be appointed as an senior lecturer on the first day of the month following the receipt of the proposal from the respective Scientific Council.
- (2) If the Rector does not agree with the proposal for the appointment of the candidate as a senior lecturer, the Rector presents this disagreement along with the justification for it to the university's Scientific Council without delay.
- (3) The university's Scientific Council decides on the proposal for appointment as a senior lecturer by secret ballot. For the proposal to be accepted, the agreement of the majority of all the members of the university's Scientific Council is needed.
- (4) If the proposal for the appointment does not receive the majority of the votes of all the members of the Scientific Council, the procedure is halted. Otherwise, the Rector appoints the senior lecturer.
- (5) Habilitation works, including the external examiners' assessments, are published for public consultation at least five working days before their defence. This defence takes place at the office of the Dean of the faculty. After each defence, the given habilitation work is stored in the library for a period of five years and subsequently transferred to the archive.

## **Article 5**

In the habilitation procedure, the habilitation committee, the faculty's Scientific Council and the Rector, and if appropriate the university's Scientific Council, evaluate the candidate's scientific (or if appropriate artistic) and pedagogical qualifications, especially with a view to the recommended assessment criteria, which are determined by the relevant set of Rector's Guidelines, after discussion in the university's Scientific Council.

## **Article 6**

Act No. 500/2004 Coll., the Administrative Procedure Code, as amended (the "Administrative Procedure Code" hereinafter), does not apply to habilitation procedures.

## **Article 7**

The candidate may raise objections against the conduct of the habilitation procedure within 30 days. These objections are to be presented to the Dean if they involve the procedure's conduct at the faculty, or otherwise to the Rector. The Rector's decision is final. The Rector or Dean must present a justification for their decision.

## **Article 8**

The university sets a fee for the candidate in a habilitation procedure. This fee is for the costs of the tasks connected with the habilitation procedure, and may be no higher than four times the base level set under § 58 para. 2 of the Higher Education Act. This fee is payable within 30 days of the approval of the habilitation committee by the faculty's Scientific Council. It is non-refundable. The fee constitutes revenue for the faculty at which the procedure was initiated.

## **Article 9**

- (1) Any eventual decision on the annulment of an appointment as senior lecturer is made by the Rector in a procedure of annulment, pursuant to § 74a and 74b of the Higher Education Act and to the Administrative Procedure Code.
- (2) The documents for the Rector's decision shall include a statement by a five-member review committee. The Rector appoints the members of this review committee from among professors, senior lecturers and/or other experts, with one member being appointed by the Rector at the proposal of the Minister of Education, Youth and Sports ("the minister" hereinafter) from among the state employees working at the Ministry of Education, Youth and Sports. The Rector appoints the head of the committee from among the professors or senior lecturers who are members of the Scientific Council. They appoint its remaining members, with their agreement and after discussion with the Dean of the corresponding faculty, from among professors, senior lecturers or other experts, in a manner ensuring that the majority of the committee is made up of experts who are not employees of the university.
- (3) Before it issue its decision, the Rector may request a statement from the Scientific Council of the corresponding faculty, the Scientific Council of the university, or where appropriate the university's Ethics Committee.
- (4) The review committee takes its decisions on the basis of a majority of the votes of all its members; voting regarding the annulment of an appointment as senior lecturer is done by secret ballot.
- (5) If, when announcing the annulment of an appointment as senior lecturer or announcing a resolution on the halting of an annulment procedure, the Rector deviates from the standpoint of the review committee, they are required to present a justification for this in their decision.
- (6) A decision by the Rector to annul an appointment as senior lecturer cannot be appealed. This decision takes effect on the first day following a two-month period from the day when the said decision is announced.

## **PART TWO PROFESSORIAL APPOINTMENT PROCEDURES**

### **Article 10**

- (1) A professorial appointment procedure is initiated upon submission of a proposal by the candidate, a proposal by the Dean or the Rector, or upon the faculty's Scientific Council's own initiative, provided that accreditation for the respective field of appointment has been granted to that faculty.
- (2) In the case of a proposal for initiating a professorial appointment procedure for a candidate who is a professor at a renowned institute of higher education abroad, the Rector may, in exceptional cases, pursuant to the provisions of § 74 para. 1 of the Higher Education Act, at the suggestion of the university's Scientific Council, exempt the candidate from the requirement of prior appointment as a senior lecturer.
- (3) In the event of a request for such an exemption from the requirement of prior appointment as a senior lecturer (an "exemption request" below), the procedure is as follows:
  - a) The candidate presents the exemption request to the Dean of the faculty that, based on its accreditation, carries out professorial appointment procedures in the corresponding field. The exemption request must precede the actual start of the professorial appointment procedure. The exemption request must contain these attachments:
    1. a document confirming that the candidate is a professor at a foreign institute of higher education
    2. a document confirming the renown of the foreign institute of higher education at which the candidate is a professor,
    3. a proposal for the initiation of their professorial appointment procedure, including all the formalities listed in paragraph 4.
  - b) If the proposal for the initiation of their professorial appointment procedure meets the formal requirements under these Rules, the Dean submits the exemption request to the Rector. In addition to the requirements under subpoint a), the application shall also include the opinion of the faculty's Scientific Council on the matter, along with an excerpt of the relevant part of the minutes from the corresponding meeting of the Scientific Council.
  - c) The Rector shall present the exemption request, along with all documents received, to the university's Scientific Council, which will decide by secret ballot on the request for an exemption from the requirement of prior appointment as a senior lecturer ("exemption proposal" below). If, in the secret ballot, the exemption request receives the approval of a majority out of all the members of the university's Scientific Council, the Rector may decide to fulfil the candidate's request. In this case, the proposal for initiating the candidate's professorial appointment procedure is treated as having been accepted pursuant to art. 10 para. 1, and the procedure commences as of the date of the Rector's decision. If, in the secret ballot, the exemption proposal does not receive the approval of a majority out of all the members of the university's Scientific Council, the procedure is not initiated, and the documents under subpoint a) are returned to the candidate.
- (4) A proposal pursuant to § 74 para. 2 of the Higher Education Act with attachments pursuant to § 72 para. 2 sentence 2 of the Higher Education Act, stating the field in which the professorial appointment procedure is being initiated, is submitted to the Dean of the faculty granted accreditation for the field of appointment stated by the candidate. If the procedure is being initiated at the candidate's own suggestion, a written recommendation from at least two professors in the same field or a related one must be attached. If the procedure is not being initiated at the candidate's own request, and if the candidate objects in writing to the initiation of the procedure, the procedure is halted.
- (5) Upon the publicly accessible portion of its website, the faculty at which the professorial appointment process was initiated shall publish the information on the professorial appointment process that is required by § 75 para. 1 of the Higher Education Act and shall also pass on the appropriate information to the university's Research Office.

- (6) If the candidate is not working as university academic or research staff, the Dean must request an opinion from the Dean of an appropriate faculty or the Rector of an appropriate institute of higher education.
- (7) If the proposal does not include the formalities stipulated by the Higher Education Act, the Dean shall call the candidate to rectify the proposal's shortcomings. If the candidate fails to rectify these shortcomings within three months from the date when the Dean's request was delivered to them, the procedure is halted, and the Dean returns the submitted materials to the candidate.
- (8) The procedure should proceed in a fashion that enables its completion within its deadline, which is regularly twelve months from the date of submission of the candidate's request, or where appropriate from the date when the candidate supplemented their request.

### **Article 11**

- (1) Within three months from the date of the request's submission, or where appropriate from the date when the candidate supplemented their proposal at the Dean's request, the Dean shall prepare a proposal to convoke a committee and appoint its chair and other members. They shall present this proposal for approval to the next meeting of the faculty's Scientific Council.
- (2) The committee has five members; it is made up of professors, senior lecturers and other important representatives of the field presented by the candidate or of a related field. The chair of the committee must be a professor. At least three members of the committee must not be employees of a university or other legal entity of which the candidate is an employee.
- (3) If the committee approves the candidate, the Dean announces this fact alongside the action of sending out the documentation needed for an evaluation of the candidate's pedagogical and scholarly (or as appropriate artistic) qualifications as defined by § 74 para. 1 of the Higher Education Act.

### **Article 12**

- (1) Each meeting of the committee is presided by the chair or by a member authorised by the chair.
- (2) The committee has a quorum if at least four of its members are present. Resolutions of the committee are accepted if at least three members of the committee vote in their favour.
- (3) The committee judges the candidate's qualifications and decides whether or not to recommend the professorial appointment proposal to the faculty's Scientific Council. It presents its resolution and that.
- (4) Resolution's justifications, along with the result of the vote, to the Dean.
- (5) If permitted by the faculty's internal regulations, the habilitation committee may vote electronically, in a manner that ensures the secrecy of each vote. Votes by the committee are valid if at least four of its members participate in the vote. Resolutions of the committee are accepted if at least three members of the committee vote in their favour.
- (6) The Dean shall include the matter in the programme of the faculty's Scientific Council without delay.
- (7) The chair of the committee or a member they have authorised presents the habilitation committee's statement at the meeting of the faculty's Scientific Council. A vote can be taken regarding a professorial appointment if at least two-thirds of the members of the faculty's Scientific Council are present.
- (8) The candidate delivers a lecture before the faculty's Scientific Council that presents their conception for scholarly or artistic work and teaching in the field in which they aim to be appointed as a professor.
- (9) If the professorial appointment proposal receives the approval of a majority out of all the members of the faculty's Scientific Council, the Dean presents it without delay, along with all its materials, to the Rector by way of the Research Office.
- (10) If the professorial appointment proposal does not achieve the needed majority, the procedure is halted.

### **Article 13**

- (1) The Rector presents the professorial appointment proposal without delay to the university's Scientific Council.
- (2) The candidate delivers a lecture to the university's Scientific Council presenting their conception

for scholarly or artistic work and teaching in the field in which they aim to be appointed as a professor.

- (3) The university's Scientific Council makes its decision on the professorial appointment proposal by secret ballot. If the professorial appointment proposal receives the approval of a majority out of all the members of the university's Scientific Council, the Rector presents it without delay to the minister by way of the Research Office.
- (4) If the professorial appointment proposal does not achieve the needed majority, the procedure is halted.

#### **Article 14**

- (1) If the minister returns the professorial appointment proposal to the university's Scientific Council pursuant to § 73 para. 3 of the Higher Education act, the Scientific Council shall express itself regarding the minister's justification at its next meeting via a vote.
- (2) If the vote by the university's Scientific Council expresses its agreement with the opinion that the professorial appointment procedure was conducted improperly, the proposal is passed to the phase of the procedure in which the improper conduct occurred.
- (3) If the vote by the university's Scientific Council does not express its agreement with the opinion the professorial appointment procedure was not conducted properly, the proposal is presented to the minister again along with the resolution by the university's Scientific Council.

#### **Article 15**

In the professorial appointment procedure, the committee, the faculty's Scientific Council and the university's Scientific Council evaluate the pedagogical and scholarly (or where appropriate artistic) qualifications of the candidate, who should be a distinguished and respected scientific or artistic personality in their field, especially with regard to the recommended assessment criteria under the relevant set of Rector's Guidelines.

#### **Article 16**

The Administrative Procedure Code does not apply to professorial appointment procedures.

#### **Article 17**

A candidate may submit objections against the steps taken in a professorial appointment procedure within 30 days. Such objections are to be submitted to the Rector. The Rector's decision is final. The Rector must present a justification for their decision.

#### **Article 18**

The university sets a fee for the candidate in a professorial appointment procedure. This fee is for the costs of the tasks connected with the professorial appointment procedure, and may be no higher than six times the base level set under § 58 para. 2 of the Higher Education Act. This fee is payable within 30 days of the approval of the committee by the faculty's Scientific Council. It is non-refundable. The fee constitutes revenue for the faculty at which the procedure was initiated and is apportioned into equal parts between the university and the faculty at which the procedure was initiated.

**PART THREE  
GENERAL, TRANSITIONAL AND  
CONCLUDING PROVISIONS**

**Article 19**

- (1) Before presenting a proposal to the Scientific Council for appointing the members of a habilitation committee or of the committee in a professorial appointment procedure, or presenting a proposal for the appointment of external examiners to a habilitation committee, the Dean, or as appropriate the chair of the habilitation committee, shall request these members' permission.
- (2) The Rector may take measures – upon which the university's Scientific Council shall express its opinion – to stipulate minimum requirements for the contents of the justification of the habilitation committee under arts. 3 and 4, and of the professorial appointment procedure committee under art. 12 para. 3.
- (3) The Rector (at the level of the university) and the Dean (at the level of a faculty) shall ensure that no conflicts of interest occur among the members of the individual bodies involved, and above all among the Rector, the Vice-rectors, the Dean, the members of habilitation committees, the members of professorial appointment committees and the external examiners of habilitation works.
- (4) For assessing the qualification of candidates during habilitation procedures and professorial appointment procedures at the university, the relevant decisions of the Rector specifying the currently valid criteria applied during habilitation procedures and professorial appointment procedures at the university apply, with the Dean informing the Rector in writing of the fulfilment of the candidate's requirements.
- (5) The fees under arts. 8 and 18 do not apply for habilitation procedures and professorial appointment procedures initiated before these rules came into effect.
- (6) Guideline No. 10/2007 for habilitation procedures and professorial appointment procedures, Ref. No. 3543/2007 - 981, is hereby annulled.
- (7) These Rules were approved pursuant to § 9 para. 1(b) point 3 of the Higher Education Act by the university's academic senate on 12 July 2017.
- (8) These rules come into force under § 36 para. 4 of the Higher Education Act on the date of their registration by the Ministry of Education, Youth and Sports. These rules take effect on the first day of the second calendar month after the day upon which they come into force.

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This amendment to the Rules for Habilitation Procedures and Professorial Appointment Procedures at Mendel University in Brno was approved under § 9 para. 1(b) point 3 of Act No. 111/1998, on Higher Education and on Amendments to other Acts (the Higher Education Act), as amended, by the Academic Senate of Mendel University in Brno on 18 February 2019.

The amendment to the Rules for Habilitation Procedures and Professorial Appointment Procedures at Mendel University in Brno comes into force under § 36 para. 4 of the Higher Education Act on the date of its registration by the Ministry of Education, Youth and Sports.

The amendment to the Rules for Habilitation Procedures and Professorial Appointment Procedures at Mendel University in Brno takes effect on the first day of the second calendar month after it comes into force.

Signed: prof. Ing. Danuše Nerudová, Ph.D.,  
Rector