
Rector's Directive No. 15/2020

Title:

The Concept of "Academic Staff" at Charles University

To implement:

Section 70 of the Higher Education Act

Lead office:

Rector's Office / Human Resources Department / Bursar's Office

Date of effect:

1 May 2020

The Concept of "Academic Staff" at Charles University

Article 1 – Introductory Provision

This Directive specifies the use of the concept of "academic staff"¹ at Charles University ("the University").

Article 2 – Academic Staff

1. Under the Higher Education Act a member of academic staff is an employee of the University who:
 - a. is employed (i.e., has an employment contract rather than an agreement to perform work or an agreement to perform a job); and also
 - b. has in the employment contract an agreed type of work (or job description based on the type of work) that involves both pedagogical and creative activities.
2. Job title, pay band, or size of full-time equivalent are not decisive in the assessment as to whether an employee is a member of the academic staff for the purposes of the Higher Education Act.

Article 3 - Pedagogical and Creative Activities

1. Pedagogical activities mean, in addition to direct instruction (for example, lectures, seminars, tutorials, practical classes, oral consultations), also other activities related to the educational activities of the University, for example supervising, consulting and reviewing final theses, and other activities involving students.
2. Creative activities is a legislative label for scientific, research, development, innovative, artistic, or other creative activities.² In addition to publication or research activities in the narrow sense, creative activities include for example work on course readers or teaching aids or creative activities related to the application of research findings.

Article 4 – Typical Situations

Examples of typical situations which may arise, and the circumstance in which it is important whether an employee is a member of the academic staff for the purposes of the Higher Education Act, form an [appendix to this Directive](#).

Article 5 – Duties of Faculties and Other Units

1. In deciding whether an employee is a member of the academic staff for the purposes of the Higher Education Act, the faculties and other units of the University ("the faculties") comply with this Directive.
2. In new employment contracts, faculties explicitly state whether the employee is a member of the academic staff for the purposes of the Higher Education Act. If the existing employment contracts are altered or amended for other reasons, the previous sentence will apply with the necessary modifications.
3. Faculties will review the existing lists of members of the academic staff and the data in the human resources system and will make sure that they comply with this Directive no later than at the beginning of the 2020/21 academic year.

Article 6 – Final Provision

This Directive becomes effective on 1 May 2020.

In Prague on 14 April 2020

¹ Section 70 of the Higher Education Act.

² Section 2 (4) of the Higher Education Act.

***** **APPENDIX NO. 1** *****

Appendix No. 1 to the Rector's Directive No. 15/2020 (The Concept of "Academic Staff" at Charles University)

Typical Situations

- If someone's employment relationship is based on an agreement to perform work or an agreement to perform a job, he is not a member of the academic staff.
- If according to the agreed type of work in the employment contract someone performs only educational activities, or only creative activities, he is not a member of the academic staff.
- If an employee is employed based on an employment contract where the agreed type of work is only creative activities and at the same time entered into an agreement to perform work for pedagogical activities, he is not a member of the academic staff.
- If an employee has several employment relationships (i.e., employment contracts) at Charles University, he may be a member of the academic community of all these faculties, one or several of them, or none of them. He is a member of the academic community only of that faculty (those faculties) where according to the agreed type of work he carries out both pedagogical and creative activities. Equally, if he has an employment contract as a member of academic staff at one faculty and an agreement to perform work or an agreement to perform a job at another faculty, he is a member of the academic community only at the faculty where he has an employment contract. For example, if at one faculty he is a researcher and at another faculty he is a member of the academic staff (at this faculty he carries out pedagogical activities as well as creative activities), then he is a member of the academic community of only the latter faculty.

Situations where the assignment to academic staff is important

Membership in the academic community

Only members of the academic staff are members of the academic community (s. 3 of the Higher Education Act). Other employees (carrying out only scholarly activities or only pedagogical activities, administrative employees, technical and office staff, and workers based on an agreement to perform work or an agreement to perform a job, etc.) are not members of the academic community.

Academic senate election

Only members of the academic staff have the right to vote and to be elected and to propose candidates for the academic senate of the University (s. 8 (1) of the Higher Education Act) **and faculty** (s. 26 (1) of the Higher Education Act).

Leave

Members of the academic staff are entitled to 8 weeks of leave under the law (s. 213 of the Labour Code). **Researchers and other employees are not entitled thereto.**

Working hours schedule

Members of the academic staff have the possibility to (partially) schedule their working hours themselves (s. 70a of the Higher Education Act). **Other employees do not have such possibility – the employer schedules their working hours for them.**

Competitive hiring procedures

The positions of members of the academic staff are filled based on a competitive hiring procedure (s. 77 of the Higher Education Act). **For other employees, a competitive hiring procedure is used only if the person launching it (dean of the faculty, director or Rector in case of another unit) decides to do so.** Competitive hiring procedures are regulated by the Competitive Hiring Process Code of Charles University.

Sabbatical leave

Members of the academic staff are entitled to a sabbatical leave of 6 months under the law (s. 76 of the Higher Education Act), **other employees are not entitled thereto.**

1 Section 70 of the Higher Education Act.

2 Section 2 (4) of the Higher Education Act.