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Methodological Guideline

no. 4/2022

concerning decisions on bachelor and master studies agendas and indication of legal effect in electronic documents

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Article 1 Opening provisions

This methodological guideline defines the process of issuing decision or resolutions (hereinafter referred to as “decisions”) in administrative proceedings related to the bachelor or master studies of applicants or students (hereinafter referred to “party to the proceedings”) and the method of indicating the legal effect of decision related to these proceedings (hereinafter referred to as “Methodological Guideline”).

Article 2 Terminology

1. The physical original of the decision is a document containing general formalities of the decision required under Act No. 500/2004 Coll., the Administrative Procedure Code, as amended (hereinafter referred to as the “Administrative Procedure Code”), namely:
 - identification of the body issuing the decision and its powers,
 - identification of parties to the proceedings and the subject matter of the decision,
 - award section of the decision,
 - justification of the decision,
 - advice on legal remedies,
 - date when the decision was issued,
 - reference number,
 - date when the decision document was made,
 - imprint of the official seal,
 - first and last name, academic degree (hereinafter referred to as “name”) and position or service number of the authorised official, and
 - signature of the authorised official.
2. The physical counterpart of the decision includes in place of the authorised official’s signature the postscript “vlastní rukou” or the abbreviation “v.r.” (autograph) next to the family name of the authorised official and the postscript “Za správnost vyhotovení:” (responsible for correctness) to the left of the official’s name, followed by the first and family name and signature of the official (official of the Department of Academic Affairs) who created the document and who is responsible for its conformity with the original. The physical counterpart bears the same reference number (“ref.no.”) as the electronic or physical original.
3. The electronic original of the decision is a document containing general formalities of the decision required under Act No. 500/2004 Coll., the Administrative Procedure Code, as amended (hereinafter referred to as the “Administrative Procedure Code”), and created by electronic means, signed by the person authorised for signing by means of qualified electronic signatures, and bearing a qualified time stamp; this document is filed in the electronic system of the file service (hereinafter referred to as “eSSL”). There may be several electronic originals (replicas) of a decision. Electronic original documents are created for decisions that are to be delivered through data boxes or through CTU’s electronic information system (hereinafter referred to as “CTU IS”).

4. The formal requirements of electronic original copies of a decision as per par. 3 are:
 - identification of the body issuing the decision and its powers,
 - identification of parties to the proceedings and the subject matter of the decision,
 - award section of the decision,
 - justification of the decision,
 - advice on legal remedies,
 - date when the decision was issued,
 - reference number,
 - date when the decision document was made,
 - formalities of the official seal transcribed to the text of decision in electronic form,
 - first and last name, academic degree (hereinafter referred to as "name") and position or service number of the authorised official,
 - qualified electronic signature of the authorised official, and
 - qualified electronic time stamp.
5. The Department of Academic Affairs does not issue electronic counterparts of physical documents.
6. A document may be considered an electronic original or electronic counterpart of a decision only after it was converted from the text editor used in its creation to a PDF or PDF/A format and after the qualified electronic signature and the qualified electronic time stamp were added.
7. The date on which the decision takes effect is indicated by means of a legal effect clause. The legal effect clause can be attached to an original or counterpart of the decision in both physical and electronic form. The legal effect is indicated in a decision by the administrative body that issued the decision.

Article 3

Procedure for issuing decisions in administrative proceedings concerning bachelor and master studies

1. The decision is issued in the form of an electronic original document meeting all the formalities stipulated in par. 2.4. The decision is made accessible to the parties to the administrative proceedings in the CTU IS. The day after the decision is made accessible in the CTU IS is considered the delivery date of the decision. The CTU IS is also responsible for filing the document in the eSSL.
2. In administrative proceedings where there is a justified need to deliver the decision on the same day when the electronic original is made (e.g. in some admissions procedures), a physical counterpart of the electronic original is recommended. The physical counterpart may be issued in several copies, with one copy (including record of handover, i.e. delivery of the physical counterpart to the party to the administrative proceedings, or other official records such as an appeals waiver of the party to the administrative proceedings) added to the physical file of the party to the proceedings (applicant or student). The official of the Department of Academic Affairs makes reference to the existence of the physical counterpart in the eSSL. In such cases, the legal effect clause can be indicated in the physical counterpart of the decision. The legal effect clause in a physical document takes the form of the following text: "Toto rozhodnutí nabylo právní moci dne X. Y. 20XY. Připojení doložky provedla osoba XY dne XY." (This decision takes legal effect on Y/X/20XY. The legal effect clause was attached by XY (person) on XY (date).)

The official who attached the legal effect clause appends his/her own signature. The official who attaches the legal effect clause to a physical counterpart also enters the date of the legal effect into the CTU IS. The CTU IS then automatically generates a legal effect clause for the electronic original of the decision in accordance with Article 4.

Article 4

Form of the legal effect clause in decisions in electronic form

1. The legal effect clause has the form of the following text: “Toto rozhodnutí nabylo právní moci dne X. Y. 20XY. Za připojení doložky odpovídá osoba XY.” (This decision took legal effect on X/Y/20XY. XY (person) is responsible for attaching the clause to this document.), if necessary including the related graphic design or other elements. The responsible person is the relevant official of the Department of Academic Affairs responsible for matters related to the studies of the party to the administrative proceedings or another employee authorised for these purposes.
2. The legal effect clause is automatically added to decisions in electronic form by attaching qualified electronic seal containing the text of the legal effect clause.
3. The date of the attachment of the legal effect clause is certified by the attached qualified electronic time stamp.

Article 5

Indicating the legal effect clause in decisions in electronic form

1. CTU typically attaches the legal effect clause to the left upper corner of the first page of decisions in electronic form.
2. The legal effect clause is attached to decisions automatically through the CTU IS. The IS setting I defined by the Department of Academic Affairs which sets the parameters for processes of decision issuance and indication of the legal effect clause and submits them to the CTU Computer and Information Centre in accordance with applicable legal regulations (especially the Administrative Procedure Code and Act No. 111/1998 Coll., on higher education institutions and amendments and additions to other laws, as amended (hereinafter referred to as the “Higher Education Act”), in collaboration with the CTU Computer and Information Centre which is responsible for programming the IS according to the requirements of the Department of Academic Affairs and ensures the operation of the IS.
3. The process of defining parameters for the issuance of decision and indication of the legal effect clause in decisions consists primarily of the following:
 - The deadline for appeals against the decision is 30 days and begins on the day following the day when the decision was delivered. If the end of the deadline with a Saturday, Sunday or a public holiday, the deadline is the next workday. In these cases, the decision takes effect on the first day after the lapsing of the appeal deadline;
 - If the party to the administrative proceedings waives his/her right to appeal, the decision (provided there is only one party to the proceedings) takes legal effect on the day of the delivery of the waiver to the administrative body or, in the case of a waiver given orally, for example at the occasion of receiving a physical counterpart of the

decision, the decision takes legal effect immediately. A waiver of appeal made after the decision takes legal effect shall not be taken into consideration.

- If the party to the administrative proceedings appeals against the decision after the specified deadline and the administrative body is inclined to accept the appeal, the justification of the subsequent decision must state that in this particular case the administrative body disregards the lapsing of the deadline and that the original decision is cancelled.
4. The administrative body has the obligation to indicate the legal effect clause in both the decision counterpart added to the file and the counterpart delivered to the party to the administrative proceedings through the CTU IS, or when using a different method of delivery if the party to the administrative proceedings requests that the legal effect clause be indicated.
 5. Legal effect clauses for the electronic originals of decisions or for electronic counterparts of decisions are automatically generated in the CTU IS. The entry of the data required pursuant to the first clause can be provided by downloading data from the eSSL. To achieve this, the eSSL records used by the CTU IS must include the date when the decision was delivered and the date when the decision took legal effect. This type of data is added to the eSSL by the Department of Academic Affairs official responsible for matters related to the study of the party to the administrative proceedings or another employee authorised for these purposes. This document is automatically added to the file code in the eSSL.
 6. If a legal effect clause cannot be attached to a decision in electronic form, a counterpart of the decision is issued bearing the legal effect clause in physical form.
 7. At the request of the person to whom a decision bearing the legal effect clause in electronic form is delivered, the administrative body can create a physical counterpart with the legal effect clause. Such a counterpart is issued against the payment of the relevant fee.
 8. If an applicant submits a physical counterpart of the decision after its authorised conversion for legal effect clause indication, the Department of Academic Affairs must always first check the authenticity of the clause of the authorised conversion in the submitted document in the central records of authentication clauses¹ and only then adds the legal effect clause to the counterpart submitted by the applicant.

Article 6 Final provisions

1. The process of indicating the legal effect clauses in decisions pursuant to this Methodological Guideline is to be reasonably used also to indicate the legal effect clause in resolutions and other deeds made by CTU in electronic form.
2. The provisions of this Methodological Guideline do not apply to administrative proceedings opened on or prior to July 30, 2024.
3. This Methodological Guideline takes effect on the date of signing hereof.
4. This Methodological Guideline comes to force on July 30, 2024.

In Prague on October 17, 2022

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¹ Central Archive of Authentication Clauses:
(<https://www.czechpoint.cz/overovacidolozky/search.do;jsessionid=DE3770922BFB94ECB1D9C41138BC3C61>).