

APPROVED

at the session of Rīga Stradiņš University
Constitutional Assembly
of 14 May 2013
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at the session of Rīga Stradiņš University
Constitutional Assembly
of 20 September 2016,
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and
at the session of 21 April 2021,
Minutes No 1-1/1/2021*

Rīga Stradiņš University
Academic Arbitration Court
REGULATIONS

*Issued in accordance with Section 14,
Paragraph one, Clause 6 of the Law on Higher Education Institutions and
Paragraph 3.3, Clause 6
of Rīga Stradiņš University Constitution*

1. General provisions

- 1.1. Regulations of Rīga Stradiņš University (hereinafter - the University) Academic Arbitration Court (hereinafter - the Regulations) shall determine the legal basis, competence, operational rules and procedure for the examination of cases.
- 1.2. The Academic Arbitration Court of the University (hereinafter - the Arbitration Court) is a collegial institution that examines submissions of the University staff regarding the contesting of the administrative acts issued by the University or actual action of the University, considers matters specified in the Law on Higher Education Institutions and the Constitution of the University, as well as performs other functions in accordance with the applicable laws and regulations.

2. Establishment of the Arbitration Court

- 2.1. The Arbitration Court shall be composed of three arbitrators, two of whom shall be elected by a simple majority cast by secret ballot for a period of three years by the University Constitutional Assembly from among the academic staff. Representatives of the University administrative staff, including the Rector, Vice-Rector, Director (Executive Director), Dean and other officials, to whom the right to issue an administrative act has been delegated, may not be included

in the composition of the Arbitration Court. The University Student Union shall elect a student representative to the Arbitration Court in accordance with the procedures specified by it. Until the election of a new student representative, the previous student representative shall continue to fulfil his or her duties.

- 2.2. The University Senate or the representatives of the University Constitutional Assembly shall nominate candidates for arbitrators to be elected by the University Constitutional Assembly. The University shall provide support to the elected arbitrators in their qualification development. The two candidates who have received the majority of votes in the University Constitutional Assembly poll shall be considered to be elected to the Arbitration Court, while the others in the order of the number of votes in accordance with the cases specified in Paragraphs 2.4 and 4.3 of the Regulations. If an equal number of votes is cast for the candidates for arbitrators, they shall be ranked according to the highest total length of service at the University.
- 2.3. The University Constitutional Assembly may withdraw the Arbitration Court or an arbitrator before the expiry of the term of the Arbitration Court at the request of the University Senate or two-thirds of the participants of the University Constitutional Assembly, or at the request of the University Student Union for removal of the student representative. An arbitrator shall be deemed removed if a majority of the delegates of the University Constitutional Assembly vote for it.
- 2.4. If the term of office of the arbitrator elected by the University Constitutional Assembly expires before the expiry of the term of the Arbitration Court due to removal, termination of employment or for other reasons, the University Senate shall approve the next candidate for the arbitrator with his/her consent for the remainder of the term of office of the Arbitration Court in accordance with the results of the last election for the Arbitration Court. The University Senate shall also approve the next candidate as an arbitrator in a specific case, if the arbitrator elected by the University Constitutional Assembly has recused himself/herself from consideration of the specific case. If there are no such candidates and the number of remaining arbitrators is less than three, the University Senate shall organise new elections for the Arbitration Court in accordance with these Regulations.
- 2.5. If a representative of students is excluded from the list of University students, the Student Union shall elect another student representative in his / her place.
- 2.6. The arbitrators shall elect the Chairperson of the Arbitration Court from among themselves by open vote.
- 2.7. The term of office of the previous Arbitration Court shall expire with the first session of the newly elected Arbitration Court.

3. Principles of the Arbitration Court activity

- 3.1. In its activity, the Arbitration Court shall comply with the Constitution of the University, resolutions of the University Constitutional Assembly and the Senate, Regulations and other applicable laws and regulations.
- 3.2. The arbitrator must fulfil his/her duties in good faith, without being subject to any influence; he/she must be impartial and independent, but in the event of possible bias, he/she must recuse himself/herself from consideration of the specific case. Interference in the work of the Arbitration Court and influence of arbitrators shall not be permissible.
- 3.3. The Arbitration Court shall report on its activity to the University Constitutional Assembly at least once a year. On the initiative of the employer, the arbitrators may be dismissed only with the consent of the University Constitutional Assembly.

4. Rules for the activity of the Arbitration Court

- 4.1. The procedure for considering cases shall be determined by these Regulations. Procedural matters that are not specified in these Regulations shall be decided by the Arbitration Court in compliance with the provisions of laws and regulations.
- 4.2. The Academic Arbitration Court shall consider cases in a collegial manner.
- 4.3. In the case of arbitrators' recusal, rejection or other cases when it is necessary for an impartial examination of the case and there is an insufficient number of arbitrators, the University Senate shall include the elected candidates for the arbitrators in the composition of the Arbitration Court at the request of the Chairperson of the Arbitration Court. Candidates shall be invited to the examination of the specific case in the order as they were elected.
- 4.4. The Arbitration Court shall review the received submissions in the composition of three arbitrators in accordance with the procedures prescribed by legislation.
- 4.5. The Arbitration Court shall examine cases in the official language. An interpreter may participate in the examination of the case at the request of a party. The interpreter shall be provided by the party on whose initiative the proceedings are translated into another language. If the submission is made by a student of a study programme implemented in English, the interpreter shall be provided by the University at the request of the student.
- 4.6. The Arbitration Court shall examine cases in oral or written proceedings.
- 4.7. The Arbitration Court is located in the central building of the University at 16 Dzirciema iela, Riga. It shall hold its sessions in the University Senate Hall, but also in other premises if necessary. The Arbitration Court may hold its sessions remotely.

- 4.8. The University shall ensure the technical provision necessary for the Arbitration Court and shall cover all the expenses related to the examination of the case. The arbitrators of the Arbitration Court shall be remunerated for their work in accordance with the remuneration procedure established by the University. Official travel expenditure and other leaves of absence shall be covered for the Arbitration Court.
- 4.9. A representative delegated by the University administration, who does not take part in the decision-making of the Arbitration Court, shall take minutes of the sessions of the Arbitration Court and shall provide the technical work. The minutes shall be signed by all arbitrators and the person who took minutes. With the consent of the parties, the Arbitration Court may decide to record the sessions on other media (digital media). If any of the parties participating in the proceedings has objections to the actions of the Arbitration Court, they shall be recorded in the minutes of the session.
- 4.10. Documents of the proceedings and other media on which the sessions of the Arbitration Court are recorded, shall be archived in accordance with the procedures in force.
- 4.11. All decisions in the Arbitration Court shall be taken by open vote, by a simple majority. Decisions of the Arbitration Court, which are administrative acts, may be appealed to the court in accordance with the procedures specified in the Administrative Procedure Law.
- 4.12. The structural unit responsible for the records management at the University shall send the judgements and documents prepared by the Arbitration Court in writing or by electronic mail using RSU address domain “www.rsu.lv”.

5. Procedure for the examination of cases

- 5.1. The Arbitration Court shall examine the cases upon submissions of persons. In the submission, the person shall indicate:
 - 5.1.1. parties in the dispute;
 - 5.1.2. the contested decision or a factual statement of the case;
 - 5.1.3. the claim;
 - 5.1.4. facts (documents, digital records etc.) justifying the claim.
- 5.2. If the appeal is submitted to the Arbitration Court, but the consideration thereof is outside its area of competence, the Arbitration Court shall transfer it according to its jurisdiction or affiliation.
- 5.3. The Arbitration Court shall attempt to reconcile the parties before the examination of the case. If this is not possible, the Arbitration Court shall commence examination of the case on its own merits.

- 5.4. The time and place of the session of the Arbitration Court shall be notified in writing to the persons participating in the proceedings within a reasonable time no later than five days before the session.
- 5.5. In order to establish the true factual circumstances of the case in a comprehensive, complete and objective manner, the Arbitration Court shall have the right to request the necessary information from the institutions of the University, and other persons.
- 5.6. If special knowledge is required to ensure essential circumstances for the proceedings, the Arbitration Court may invite experts.

6. Judgements of the Arbitration Court and their enforcement

- 6.1. Judgements of the Arbitration Court shall be binding on the University, its staff and institutions.
- 6.2. Judgements of the Arbitration Court may be appealed in accordance with the procedures specified by the Administrative Procedure Law.

7. Other issues

- 7.1. After fulfilment of the judgement, the case of the Arbitration Court shall be transferred for storage in the archives of the University in accordance with the laws and regulations governing the University and archiving.

Chairperson of the Constitutional Assembly

A.Lejnieks

K. Bite.