

National Defence Academy of Latvia Regulations on the Academic Arbitration Court

I General rules

1. The Regulations of the Academic Arbitration Court of the National Defence Academy of Latvia (hereinafter - the Regulations) were developed on the basis of Article 5, the second first part of Article 7, Articles 12 and 19 of the Law on Higher Education Institutions, as well as MK 16.12.2014. to regulations No. 774 "Rules of operation of the Latvian National Defence Academy", in accordance with the Constitution of the National Defence Academy of Latvia (hereinafter - NDAL), approved by the Cabinet of Ministers order No. 576 of 24.09.2015 "On the Approval of the Constitution of the National Defence Academy of Latvia".

2. The Academic Arbitration Court is the highest collegial representative body of the NDAL, which examines applications from students and academic staff regarding limitations or violations of academic freedom and rights. The regulations determine the competence, composition, work organization, procedure for the review of cases and the execution of decisions of the Academic Arbitration Court.

II Competence of the Academic Arbitration Court

3. The Academic Arbitration Court of the NDAL examines applications from students and academic staff regarding restrictions or violations of academic freedom and rights stipulated in the NDAL Constitution.

4. When examining issues on their merits, the Academic Arbitration Court observes the laws and regulations of the Republic of Latvia, the NDAL Constitution, the decisions of the Constitutional Assembly and the Senate, and other laws and regulations.

5. Procedural issues, which are not regulated in these Regulations, are decided by the Academic Arbitration Court itself. The Academic Arbitration Court may refuse to hear disputes if they are not within its jurisdiction.

III Composition of the Academic Arbitration Court

6. The Academic Arbitration Court consists of five members, four of them are representatives of the academic staff, one is a student representative. The term of office of the members of the Academic Arbitration Court is three years, except in the case when one of the members of the Academic Arbitration Court resigns or loses his mandate and another member of the Academic Arbitration Court takes his or her place. The term of office of the new member of the Academic Arbitration Court corresponds to the term of office of the existing Academic Arbitration Court.

7. The members of the Academic Arbitration Court are elected and recalled by the NDAL Student's Council from among the students. Elections are held no later than five working days before the meeting of the Constitutional Assembly. Head of the Student Council submits the results of the elections to the Chairman of the Constitutional Assembly, who adds this election protocol to the minutes of the meeting of the Constitutional Assembly.

8. The members of the Academic Arbitration Court are summoned to the first meeting, after the election of the new Academic Arbitration Court, by the Chairman of the Constitutional Assembly. At the first meeting after the election, the members of the Academic Arbitration Court elect the Chairman, Deputy Chairman and Secretary of the Academic Arbitration Court from among themselves.

9. Members of the Academic Arbitration Court shall be independent and impartial in the performance of their duties. It is forbidden to interfere with the work of the Academic Arbitration Court and to influence its decision.

IV. Agenda of the Academic Arbitration Court

10. The Academic Arbitration Court hears cases collegially, with no less than three members of the Academic Arbitration Court. The members of the Academic Arbitration Court are appointed by the Chairman of the Academic Arbitration Court for consideration of the specific case at the choice of the parties.

11. A member of the Academic Arbitration Court cannot participate in the consideration of the case if he or she is directly or indirectly interested in the outcome of the case or if there are other circumstances that raise doubts about his or her objectivity. If the member of the Academic Arbitration Court has not recused himself or herself, the persons participating in the case may apply to him or her for a reasoned recusal.

12. In cases of recusal of members of the Academic Arbitration Court or

other cases, if it is necessary for the objective consideration of the case, the Chairman of the Academic Arbitration Court may ask the Commander of the Training and Doctrine Command/NDAL Rector to invite a lawyer of the Training and Doctrine Command Headquarters (hereinafter - TRADOC HQ) to consider a specific issue without voting rights.

13. The Academic Arbitration Court examines cases no later than within one month from the date of receipt of the application, except for the period from July 1 to August 31.

14. The Academic Arbitration Court is located at the NDAL, Riga, Ezermalas Street 8B. The materials and technical support necessary for the Academic Arbitration Court are provided and all expenses related to the examination of the case are covered by the NDAL.

15. The Regulations of the Academic Arbitration Court and its amendments are approved by the NDAL Constitutional assembly. The Academic Arbitration Court is responsible for its activities to the NDAL Constitutional Assembly, providing an overview of the Academic Arbitration Court's activities in the relevant academic year.

V Procedure for consideration of cases

16. Academic arbitration may be appealed by NDAL students and academic staff who believe that their legal rights and interests have been violated. The Rector of the NDAL can also refer cases to the Academic Arbitration Court, if it is necessary for independent and objective consideration of the case.

17. The Academic Arbitration Court examines cases based on an application submitted by a person, which must state:

17.1. applicant's name, position, official rank (if assigned), telephone number and an e-mail address;

17.2. evidence confirming the circumstances stated in the case;

17.3. claim;

17.4. list of attached documents.

18. After receiving the application, the chairman of the Academic Arbitration Court is obliged to convene the Academic Arbitration Court action session within five working days. At the hearing, the Academic Arbitration Court must assess whether the submitted application is within the competence of the Academic Arbitration Court.

19. If the Academic Arbitration Court determines at the action session that the submitted application does not fall within the competence of the Academic

Arbitration Court, it makes a decision to leave the application without consideration, justifying it accordingly. The decision of the Academic Arbitration Court to leave the application without consideration is signed by all members of the Academic Arbitration Court who participated in the action session.

20. The Secretary of the Academic Arbitration Court contacts the applicant at the phone number and/or e-mail address provided by him or her within five working days and informs of the decision. If it is necessary to send the decision by mail, the secretary submits it to the Records Sector of the TRADOC HQ, which organizes the sending of the decision.

21. If the Academic Arbitration Court determines at the session that the submitted application is within its competence, the Academic Arbitration Court shall schedule a hearing for the consideration of the case within ten working days from the date of receipt of the application. In complex cases, upon justification, the deadline can be extended by 20 (twenty) days.

22. The time and place of the session of the Academic Arbitration Court shall be notified in writing to the involved persons no later than three working days before the session. The sending of the notification (letter) to the involved persons is organized by the Records Department of the TRADOC HQ.

23. The Academic Arbitration Court examines the dispute in the presence of the person who submitted the application. If the other involved person did not appear at the Academic Arbitration Court session without a valid reason, the Academic Arbitration Court can make a decision on postponing the case to a later time.

24. If the involved parties refuse to receive and sign the notice of the Academic Arbitration Court session or repeatedly fail to attend the session without a justifiable reason, the Academic Arbitration Court examines the case on its merits without the participation of the involved persons or makes a decision to terminate the case.

25. In the Academic Arbitration Court, the case is considered openly and in the national language. After a reasoned decision of the Academic Arbitration Court, the case can be considered in a closed session.

26. The procedure of the case examination is determined by the Academic Arbitration Court. According to the Regulations, the Academic Arbitration Court respects the rights of the parties involved and examines the case in such a way as to clarify the truth, excluding everything that does not apply to the case under consideration.

27. The Academic Arbitration Court is entitled to hold a meeting if three members of the Academic Arbitration Court participate in the meeting. The session is chaired by the Chairman of the Academic Arbitration Court or, in his or her absence, by the Deputy Chairman of the Academic Arbitration Court.

28. The session of the Academic Arbitration Court shall be recorded. The minutes of the meeting are signed by the Chairman and Secretary of the Academic Arbitration Court. If any of the members of the Academic Arbitration Court participating in the case has objections to the decision of the Academic Arbitration Court, they shall be recorded in the minutes of the meeting. The minutes of the session of the Academic Arbitration Court shall be deposited within three working days after its signing by the Recordkeeping Sector of the Personnel and Administration Department of the TRADOC HQ.

VI Decisions of the Academic Arbitration Court and their enforcement

29. The Academic Arbitration Court makes a decision in a case by a simple majority vote. After the adoption of the decision, the Academic Arbitration Court orally introduces the parties to the case (involved persons) with the operative part of the decision.

30. The decision (a part of the minutes of the Academic Arbitration Court session, drawn up as a separate document) is drawn up by the Academic Arbitration Court within ten working days after the adoption of the decision. The decision is signed by all the members of the Academic Arbitration Court who participated in the consideration of the case. The Secretary of the Academic Arbitration Court issues a copy of the decision to the participants in the case (involved persons).

31. The decision states:

31.1. The name of the Academic Arbitration Court and information about the members of the arbitration court that examined the specific case;

31.2. date of adoption of the decision;

31.3. explanations of the parties and submitted evidence;

31.4. reasons for the decision and evaluation of the evidence presented;

31.5. decision (operative part) to satisfy or reject the application.

32. The minutes of the Academic Arbitration Court, decisions, applicants' applications to the court, answers and other documents related to the work of the arbitration court are compiled by the secretary. Original documents are stored in the Personnel and Administration Records Sector of the TRADOC HQ, while signed and scanned copies of documents are stored on the NDAL/TRADOC shared drive.