



**METHODOLOGICAL GUIDELINE**  
of the Vice-Rector for Bachelor and Master  
Studies  
**no. 1/2020**  
**concerning fees for extended studies for the assessment period from March 1, 2020 to August 31, 2020 pursuant to Act No. 188/2020 Coll.**

Pursuant to the provisions of Sec. 2.1.a) of Act No. 188/2020 Coll., on special rules for education and decision-making in higher education institutions in 2020 and on the assessment of the period of study for the purposes of other laws (hereinafter referred to as the “ZZP Act”), the time of study in a degree programme in the relevant period from March 1, 2020 to August 31, 2020 (hereinafter referred to as the “Interrupted Study Period”) shall not be included in the length of study pursuant to Sec. 58.3 of Act No. 111/1998 Coll., on higher education institutions and amendments and additions to other laws (the Universities Act), as amended (hereinafter referred to as the “Act”). This Methodological Guideline clarifies the effect of the ZZP on the assessment of tuition fees paid by ČTU students and sets forth the assessment procedure in light of the fact that the ZZP took effect on April 24, 2020 but applies to a period starting on March 1, 2020.

**a) Students whose fee for extended studies has not been assessed yet as of this date**

Students whose fees for extended studies has not been assessed yet shall have the assessment of their tuition fees postponed by a length of time equivalent to the Interrupted Study Period (tuition fees are not assessed for the Interrupted Study Period – the IS KOS system shall suspend tuition generation until August 31, 2020). The Fee for extended study will thus be generated if a student exceeds the standard length of study + 1 year + the Interrupted Study Period (6 months). The student registry makes provisions for this fact by introducing an “N” parameter for “study during the Interrupted Study Period. All students will have the Interrupted Study Period deducted from their completed study period in the KOS system and the generation of decisions on fees for extended study will then be postponed.

**Example:**

A student was supposed to get his first assessment for the period from May 15 to November 14, 2020 – this assessment will not be generated at this point; it will be generated only on November 15, 2020. The immediately subsequent assessment (provided that the student does not interrupt, terminate his/her studies, etc.) will be generated on May 15, 2021. (As of May 15, 2021, the student will be asked to only his/her second fee).

**b) Students whose fee for extended studies has been assessed for the period from March 1, 2020 to and including April 24, 2020)**

The decision was issued before the ZZP took effect, which means that it was issued legitimately (applicable laws are those in effect at the time of the decision). Unless the student appeals against the decision, the decision took (will take) legal effect and the assessed fee will be legitimately handled as though the law did not change.

**b1) If the student has appealed but a decision on the appeal has not been made year, i.e. the appeal process is still ongoing in the period starting on April 24, 2020**

RECTORATE

doc. Dr. Ing. GABRIELA ACHTENOVÁ

VICE-RECTOR FOR BACHELOR AND MASTER STUDIES



The principle that the decisive state of law is that on the day when a decision is made also applies to appeals procedures. The new ZPP rule stating that the period from March 1, 2020 cannot be “included” in the fee assessment period took effect on April 24. This, therefore, changes the legal situation and the original assessment decision must be declared null and void due to its illegality.

The ČTU Rectorate will respond to appeals by issuing decisions to cancel the fees. The justification of these decisions will state: “Pursuant to the provisions of Sec. 2.1.a) of Act No. 188/2020 Coll., on special rules for education and decision-making in higher education institutions in 2020 and on the assessment of the period of study for the purposes of other laws (hereinafter referred to as the “ZPP Act”), the time of study in a degree programme in the relevant period from March 1, 2020 to August 31, 2020 shall not be included in the length of study pursuant to Sec. 58.3 of the Act. This means that fees for extended studies shall not be assessed for a period of 6 months of study. As the fee for the study period stated in the decision subject to this appeal was assessed contrary to the above provision of the ZPP Act, the fee assessment decision is hereby cancelled.” The appeal decision will be sent in an envelope with a red band.

**Example:**

A student receives his/her first or subsequent fee assessment for the period from April 1 to September 30, 2020. The student appeals. The fee assessment is cancelled. The next fee assessment is generated on October 1, 2020.

**b2) If the student does not appeal**

The decision took (will take) legal effect as though the law did not change.

Provisions of Sec. 96.2 of the Administrative Code concerning the evaluation criteria for decisions made in the appeals process state: “A decision’s conformity with legal regulations shall be assessed based on the state of law and facts in issue at the time when the decision was made.” This means that ČTU cannot open an appeals procedure because the fee assessment was generated in accordance with the state of law at the time when it was generated, i.e. the assessment is legitimate.

The only avenue for redress is to add the period for which the student has already paid a fee and which corresponds to the Interrupted Study Period to the generation of the next fee assessment. The student thus would not, in fact, pay a fee for a period of 6 months but for 12 months.

**Example:**

A student receives his/her first or subsequent fee assessment for the period from April 1 to September 30, 2020. The student does not appeal. The student pays the fee. The immediately subsequent fee assessment (provided that the student does not interrupt, terminate his/her studies, etc.) is not generated because the system takes into account the Interrupted Study Period; a new fee assessment is generated only on April 1, 2021.

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It is clear from the above examples that in principle students who do not appeal will not be disadvantaged compared to students who do appeal. The Interrupted Study Period will result in a postponement in the generation of the next fee assessment and in a year’s time the two groups of students will have the same obligations. However, the situation will be different in the case of students who terminate their study in the meantime; this situation can be easily anticipated for last-year students.

In order to reduce administrative burden as much as possible and to ensure fair treatment of all students, I urge the Department of Academic Affairs (“Studijní oddělení”) to address advice to file appeals against fee assessments in the period from March 1, 2020 to March 23, 2020 only to last-year students who are likely to finish their study in the 2019/2020 summer semester.

RECTORATE

doc. Dr. Ing. GABRIELA ACHTENOVÁ

VICE-RECTOR FOR BACHELOR AND MASTER STUDIES



**b3) If the student appealed and a decision on the appeal was already made before or on April 23, 2020 (the decisive date is the date of the appeal decision)**

**Both decisions – on the fee assessment and on the appeal – were made in accordance with legal regulations effective at the relevant time (the ZZP had not yet taken effect). A review is impossible. These students' next fee assessment will be postponed by a period equivalent to the Interrupted Study Period (i.e. 6 months).**

**Example:**

A student receives his/her first or subsequent fee assessment for the period from March 3 to September 2, 2020. The Student filed an appeal on March 10, 2020. The appeal decision was issued on March 16, 2020. The immediately subsequent fee assessment (provided that the student does not interrupt, terminate his/her studies, etc.) is not generated because the system takes into account the Interrupted Study Period; a new fee assessment is generated only on March 3, 2021.

**d) Students whose fee for extended studies was assessed before March 1, 2020 (more specifically, students whose fee was assessed because they met the assessment criteria before or on February 29, 2020)**

Appeals against fee assessment decisions issued in for assessment periods starting before March 1, 2020 will be evaluated in the standard manner – based on facts. Generation of the student's next fee assessment will be postponed for the portion of the Interrupted Study Period for which the student already paid a fee.

**Example:**

A student receives his/her first or subsequent fee assessment for the period from January 1 to June 30, 2020. His/her next fee assessment will be generated on January 1, 2021.

If the student requests a review of the fee assessment or a review of the appeals decision due to the ZZP such a review will not be held as there are no legal provisions that would allow such a review.

This Guideline takes effect on May 5, 2020

Doc. Dr. Ing. Gabriela Achtenová  
Vice-Rector for Bachelor and Master Studies