

Confirmed  
at the Constituent Assembly of Art Academy of Latvia  
of 3 November 2021

Amendments confirmed  
at the meeting Constituent Assembly of Art Academy of Latvia

of 12 July 2022

**ART ACADEMY OF LATVIA  
BYLAWS OF THE ACADEMIC  
ARBITRATION COURT**

**1. Basic principles and general terms and conditions of the Bylaws**

1.1. The Bylaws of the Academic Arbitration Court of the Art Academy of Latvia (hereinafter — Bylaws) determine the legal basis, composition, competence, rules of operation and procedure of the Arbitration Court of the Art Academy of Latvia.

1.2. The Academic Arbitration Court of the Art Academy of Latvia (hereinafter — Arbitration Court) is established and operates under the Law on Higher Education Institutions and the Constitution of the Art Academy of Latvia.

**2. Members of the Arbitration Court**

2.1. The Arbitration Court is composed of five members. 20 percent of the Academic Arbitration Council shall consist of students. Three arbitrators shall be elected for three-year terms by the Constituent Assembly of the LMA choosing among the academic staff and two among students for three-year terms by the Student Self-Government of the Academy. The Academic Arbitration Court may qualify with at least 3 arbitrators, provided that one of the arbitrators is a student representative. When electing arbitrators, the Constituent Assembly may also elect reserve candidates who shall take up their duties if one of the arbitrators discontinues their role.

2.2. Representatives of the academic staff of the LMA who wish to run for election to the Arbitration Court shall submit an application at a time, place and in a manner determined by the management of the Constituent Assembly of the LMA.

2.3. The academic staff representatives shall be elected in a secret ballot with a simple majority of votes; if the LMA Constitutional Assembly is held remotely, the voting must also be a secret ballot. If several members of the academic staff get the same number of votes, the member of the academic staff with the greater length of service shall be deemed elected.

2.4. The Student Representative shall be elected by the LMA Student Self-Government in accordance with the procedure laid down by it.

2.5. The members of the Arbitration Court may not be representatives of the administrative staff of the university, including the Rector, Vice-Rector, Dean and other officials who are authorised to issue an administrative deed.

2.6. Members of the Arbitration Court are liable for their conduct before the Constituent Assembly.

2.7. At the employer's initiative, members of the Academic Arbitration Court can only be dismissed with the consent of the Constituent Assembly.

2.8. The term of office of the Arbitration Court shall equal the term of office of the Constituent Assembly of the LMA, if the term of the office of the Constituent Assembly of the LMA expires before the term of the office for which the members of the Arbitration Court were elected, a new Arbitration Court shall be elected when electing a new Constituent Assembly of the LMA.

2.9. If a member of the Arbitration Court terminates their employment or studies at the LMA, their activity as a member of the Arbitration Court shall also expire. The Constituent Assembly of the LMA shall announce additional elections at a regular meeting of the Constituent Assembly of the LMA for the vacancy.

2.10. Members of the Arbitration Court are called arbitrators.

2.11. LMA provides support to the elected arbitrators to improve relevant qualifications.

2.12. The arbitrators shall be remunerated for their work at the LMA Arbitration Court, and the LMA shall reimburse travel expenses and justified absence of other arbitrators related to the work of the Arbitration Court.

### **3. Arbitration Court structure and launch of activity**

3.1. The Academy Arbitration Court is composed of five arbitrators.

3.2. After the election of the Arbitration Court at the Constituent Assembly of the LMA, the arbitrators shall elect a chairperson of the Arbitration Court among themselves in an open vote and this person will organise the work of the Arbitration Court. After the election, the Chairperson of the Arbitration Court of the LMA shall give written notice to the Chairperson of the LMA Constituent Assembly.

3.3. The first meeting of the elected Arbitration Court shall terminate the mandate of previous Arbitration Court.

### **4. Competence of the Arbitration Court**

4.1. The Arbitration Court shall examine submissions of students and academic staff regarding restrictions or violations of academic freedoms and rights stipulated in the Constitution of the LMA.

4.2. The Arbitration Court shall examine disputes between LMA officials, as well as administrative bodies of structural units, which are in subordinate relationships.

4.3. In cases specified in the Law on Higher Education Institutions – the Arbitration Court shall examine submissions contesting an administrative decision or actual conduct, and adopt relevant awards concerning them.

4.4. The Arbitration Court may also perform other tasks, if any, as set out in the Constitution of the LMA.

### **5. Operational rules of the Arbitration Court**

5.1. The Arbitration Court shall be convened by the Chairman of the Arbitration Court.

5.2. The Arbitration Court shall hear cases on a collegial basis.

5.3. The Arbitration Court shall hear the received submissions before a panel of three arbitrators.

5.4. The Arbitration Court is located and holds its sessions in the building of the LMA,

13 Kalpaka Boulevard.

5.5. The Arbitration Court may also hold hearings remotely.

5.6. The Arbitration Court shall hear cases orally or in writing.

5.7. The Arbitration Court shall hear cases in the official language. At a request of a party, an interpreter may be present at the hearing. The interpreter is provided by the party who proposes interpretation of the proceedings.

5.8. The material and technical support necessary for the Arbitration Court shall be provided by the LMA and all expenses incurred in connection with the proceedings shall be borne by the LMA. The arbitration records and case files shall be kept in the premises provided by the LMA until granting of the award.

5.9. The minutes of the Arbitration Court meetings shall be kept by one of the arbitrators upon mutual agreement. If necessary, the Arbitration Court may require the LMA to do the technical work of taking minutes or putting down notes of hearings.

5.10. If any of the parties to the case objects to the action of the Arbitration Court, it shall be recorded in the minutes of the hearing.

5.11 The Chairperson of the Arbitration Court shall submit a report on the work to the Chairperson of the Constitutional Assembly of the LMA annually by the end of the calendar year. If the term of the Arbitration Court expires before the end of the calendar year, the Chairperson of the Arbitration Court shall submit a report by the end of the term of the Arbitration Court in question.

5.12 After granting the award, the minutes and files of the Arbitration Court shall be kept in the archives of the LMA.

## **6. Procedure of examining cases in the Arbitration Court**

6.1. The Arbitration Court hears cases on application by parties. The person shall indicate the following in their application:

6.1.1. parties to the dispute;

6.1.2. the contested decision, contested administrative deed, contested practice or facts of the case;

6.1.3. a claim.

6.2. The following can be enclosed to the person's application:

6.2.1. evidence (documents, digital records, etc.) to support the claim;

6.2.2. the preferred timeframe for resolving the dispute, and whether the dispute should be examined orally or in writing;

6.2.3. a list of documents attached to the application.

6.3. Cases may also be submitted to the Arbitration Court by the governing bodies of the LMA's structural units. In this case, the following must be indicated:

6.3.1. parties to the dispute;

6.3.2. the contested decision or the facts in the case;

6.3.3. claim;

6.3.4. evidence (documents, digital records, etc.) to support the claim.

6.4. The Arbitration Court must establish the true facts of the case in a thorough, complete and impartial manner. For this purpose, the Arbitration Court may request the necessary documents from any official of the LMA or inspect them at the proceedings, summon any member of LMA staff to appear before it to provide explanations relevant to the case.

6.5. Where special expertise is required to establish the essential facts of the case, the Arbitration Court may invite its experts.

6.6. The Arbitration Court shall seek to reconcile the parties before hearing the case. If it fails to do so, the Arbitration Court proceeds to examine the case as to its merits.

6.7. The time and place of the Arbitration Court hearing shall be notified in writing within a reasonable time to the parties to the arbitration not later than five days before the hearing.

6.8. In the case of oral proceedings, the Arbitration Court shall hold an arbitration hearing to hear the parties' explanations and objections and to examine the evidence.

6.9. In the case of written proceedings, the Arbitration Court shall examine the dispute solely on the basis of a written evidence and materials submitted.

6.10. The Arbitration Court may request the parties to submit additional explanations or evidence. The Arbitration Court determines the admissibility and relevance of evidence.

6.10.1. Evidence means information on the basis of which the Arbitration Court determines the existence or non-existence of facts relevant to the settlement of a dispute.

6.10.2. Evidence shall be submitted by the parties.

6.10.3. Means of proof before the Arbitration Court may include the parties' explanations, documentary evidence (written documents or certified copies thereof, audio recordings, videotapes, electronic media, digital video discs, etc.), physical evidence or expert reports.

6.11. The Arbitration Court may decide to examine the application in writing, unless the applicant has indicated otherwise, by giving five days' notice to the applicant before the hearing; if the applicant requests an oral hearing before the award, the Arbitration Court shall hear the dispute orally.

6.12. The parties to the arbitration are entitled to: inspect the arbitration materials, participate in the Arbitration Court hearings, present evidence, provide oral and written explanations, waive the claim, or uphold the other party's claim in whole or in part. The parties may settle the case in a friendly settlement. They can participate in the proceedings by agency of representatives.

6.13. If a party fails to appear at the Arbitration Court hearing without a valid justification or fails to provide a written evidence requested, the Arbitration Court shall proceed to examine the case on the merits and decide the dispute on the basis of the evidence in its possession.

6.14. The Arbitration Court shall be guided by general principles of law, including those set out in the Administrative Procedure Law.

6.15. The Academic Arbitration Court may issue a reasoned decision refusing to accept a person's application and to examine the case if the Academic Arbitration Court does not have jurisdiction over the dispute in question. If the submission is beyond the Arbitration Court's jurisdiction, the Arbitration Court shall refer the submission according to its jurisdiction or possession.

## **7. Academic Arbitration Court awards and enforcement thereof**

7.1. The Arbitration Court shall examine the case on the merits by majority vote. The award shall be signed by all arbitrators. The minority arbitrator is entitled to express their individual views in writing, which shall be enclosed to the file. The award must bear:

7.1.1. name of the arbitration court;

7.1.2. place and time of the award:

7.1.3. composition of the arbitration court;

7.1.4. parties to the dispute and their representatives;

7.1.5. subject and merits of the dispute;

7.1.6. evidence submitted by the parties;

7.1.7. reasons for the award, an assessment of the evidence presented and conclusions;

7.1.8. award;

7.1.9. procedure of appeal of the award.

7.2. Awards of the Arbitration Court are binding on the LMA, its staff and institutions.

7.3. The awards of the Academic Arbitration Court may be appealed in accordance with the procedures specified in the Administrative Procedure Law.

7.4. The arbitration award, which shall take effect, must be voluntarily complied with by the parties and the administration within the timeframe set by the Arbitration Court. If no timeframe is specified, the award must be enforced immediately.

7.5. If the Arbitration Court does not settle the dispute on the merits, the award shall be made and served to the parties.

7.6. If it is necessary to grant award in other matter in addition to the case pending in the Arbitration Court, the Arbitration Court shall adopt an ancillary award and send it to the official responsible for the enforcement thereof.

## **8. Final provisions**

8.1. All matters not provided for in these Bylaws shall be decided by the Arbitration Court in accordance with the provisions of the laws and regulations.

8.2. The Bylaws of the Arbitration Court of the Art Academy of Latvia confirmed by the Constituent Assembly of the LMA of 18 April 1997 and amended by the Constituent Assembly of the LMA on 10 February 2005 shall lose their effect upon the entry into force of present Bylaws.

## **9. Transitional provisions**

9.1. Upon the entry into force of the Bylaws, a new Arbitration Court shall be elected, from the candidates — the representatives of the academic staff of the LMA — at the time, place and form determined by the management of the Constituent Assembly of the LMA by submitting an application before the Constituent Assembly of the LMA at which the Bylaws are approved and for which a student representative was elected by the Student Self-Government of the LMA in accordance with the procedure established by the Student Self-Government of the LMA.