

ADMINISTRATIVE AND DECISION-MAKING GUIDELINES AT THE UNIVERSITY OF JYVÄSKYLÄ



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1. Scope of the administrative and decision-making guidelines

Decision-making procedures and preparation are governed by the Universities Act (558/2009) and the University Regulations. In accordance with Section 30 of the Universities Act, the Administrative Procedure Act (434/2003) applies to the exercise of public administrative duties.

The exercise of public administrative duties refers to the making of administrative decisions related to the University's statutory tasks. Decisions concerning the exercise of public administrative duties typically affect the rights, interests, or obligations of private individuals or entities. The assessment of study attainments, for example, is a decision regarding the exercise of a public administrative duty that affects a student's rights and is equivalent to the exercise of public authority over the student concerned. Decisions concerning the University's private legal transactions, such as leases, employment contracts, or the sale of movable property, do not constitute the exercise of public administrative duties.

Decisions and measures related to the organisation and implementation of the University's research and education, as well as to its internal structuring, are referred to as actual administrative functions. An actual administrative function does not include decision-making that falls within the scope of public administrative duties. Examples of a faculty's actual administrative functions include decisions concerning curricula and student admission criteria. The Administrative Procedure Act does not apply to decision-making concerning actual administrative functions, except for the provisions on disqualification.

The bodies stipulated in the Universities Act are the University Board, the Rector, the University Collegium, and the Appeals Board.

In accordance with the University Regulations, the bodies of the academic structure include faculty councils, deans, boards and heads of independent institutes, and departmental meetings.

In addition, the University of Jyväskylä has the Research Council, the Education Council, and the Advisory Board for Societal Interaction, as well as collaborative development groups and other management or similar groups established by separate appointment decisions.

The procedural rules described in these guidelines must be followed in the decision-making of bodies governed by the Universities Act and of academic bodies under the University Regulations. The following provisions apply to the consideration of matters at meetings of the University Board, unless otherwise noted in the Board's rules of procedure.

Other groups can decide independently on the application of the provisions on meeting procedures set out in sections 2–6 of these administrative and decision-

making guidelines. Provisions regarding the convening of departmental meetings are set out separately in the University Regulations.

The provisions on disqualification of the Administrative Procedure Act apply throughout University operations and at all stages of decision-making. Special attention must be paid to good administrative practice and transparency in decision-making whenever the preparation of a decision, or the decision itself, can directly or indirectly affect the interests or rights of the decision-maker, the preparer, or persons or entities closely associated with them, in accordance with the disqualification provisions of the Administrative Procedure Act.

2. Meeting procedures in multi-member bodies

2.1. Preparation

The meeting procedure guidelines described below must be followed in the decision-making of the University's multi-member bodies, unless otherwise specified.

The chair or vice chair of the body leads the preparation. The person responsible for preparation is either the individual whose duties include it or the individual to whom the matter has been assigned. "Preparation of a matter" refers to the duty to examine various possible solutions, while taking into account all relevant materials that may be significant in resolving the matter, as well as applicable regulations and provisions.

The preparer must obtain the oral and written information necessary to resolve the matter and, if needed, assess whether one or more experts should be invited to the meeting of the body considering the matter, if the preparer deems it necessary. The chair decides on the invitation of experts to the meeting.

If necessary, a memorandum can be prepared as part of the preparation.

The chair of the body and the preparer are each responsible for ensuring that the applicable regulations and provisions on cooperation are followed.

2.2. Meeting notice and agenda

The body will convene when the chair, or in their absence the vice chair, deems it necessary, or when at least three members submit a written request for the consideration of a specific matter.

If the chair or vice chair fails to convene a meeting after such a request, the Rector of the University can call the meeting.

Notice of a meeting is given by sending the agenda to members and their personal deputies. The body can also decide on alternative methods for convening meetings.

Members and deputy members of the body must be given notice of meetings at least three working days in advance, either by means of an agenda or, if no agenda is required, by a separate notice listing the matters to be considered. If a regular member is unable to attend, they must notify the sender of the notice of any impediment or disqualification, and the sender will ensure that a deputy member is invited to the meeting.

The agenda must also include at least the following information:

- 1) the body whose matter is under consideration,
- 2) the date, time, and place of the meeting,
- 3) the names of the preparer and the secretary,
- 4) the items on the agenda,
- 5) a list of the agenda attachments for each item,
- 6) the chair's proposed resolutions, if required for the consideration of the matter.

In urgent cases, the body can take up a matter not included in the meeting notice by unanimous decision of the members present. Such a procedure is permitted only in exceptional cases and must be recorded in the minutes.

The chair can direct a matter proposed by a member or members for preparation and consideration by the body immediately after preparation.

2.3. Meeting participants and decision-making authority

2.3.1. Decision-making authority

The body has decision-making authority when the chair or vice chair and at least half of the other members are present. If the chair or vice chair is unable to participate in the consideration of the matter, the most senior member of the university staff present will act as temporary chair. The most senior professor member serves as temporary chair of the Faculty Council.

A member of a body must attend the body's meetings, unless disqualified or unless there is another acceptable reason for not attending, such as illness or work-related travel.

Meetings of bodies are generally convened by inviting all members. In exceptional cases, with the chair's consent, a meeting can be held electronically without requiring each member's physical attendance. Electronic meetings can only be held using technical solutions that comply with the University's enterprise architecture requirements. Members must, at minimum, remain in contact with other members of the body while a matter is under consideration to ensure proper discussion before a final decision is made and to protect the legal rights of the parties.

The use of the electronic meeting procedure must be documented in the minutes. It must also be recorded in the minutes how the identity of each member was verified and how the provisions regarding the public nature of the meeting were followed.

Only members or deputy members who hold an equivalent academic qualification or who have been appointed as professors can participate in the assessment of study attainments. However, other members of the body have the right to speak at the meeting.

The body is authorised to make decisions on matters concerning the assessment of study attainments when at least four members with decision-making authority, in addition to the chair, are present. If the body does not have enough members eligible to participate in decision-making, the Rector will appoint the necessary number of additional members, either for the body's term or for a specific matter.

2.3.2. Attendance at meetings

The meetings of the University's bodies are not public, except for teaching demonstration sessions. The chair of the body decides on the communication of meeting matters following the meeting. Meeting discussions are confidential, and referencing views expressed during discussions or posting updates on the progress of meeting items on social media is prohibited.

A deputy member of a body can attend a meeting only in the absence of a regular member.

In addition to the members of the body, the appointed secretary and minute-taker will also be present at the meeting. The body can, at the chair's proposal, decide to invite permanent expert members to its meetings, whose full-time attendance is necessary to ensure effective communication or the quality of preparation.

The University's rectors, the Chair of the University Board, and the Finance and Service Director have the right to attend and speak at the meetings of the University's bodies. The chair of the body, and the Rector, when present, can invite other individuals, such as the preparer of a matter or another expert, to the meeting if the matters under consideration require it.

An expert or invited individual can only be present during the discussion of the matter for which they were invited.

2.4. Meeting procedure

At the meeting of the body, it is first determined that a quorum is present, and the verification of the minutes will be decided in accordance with point 3.3. The agenda will then be adopted following the chair's introduction.

An unfinished matter can be brought to the meeting for discussion, and a decision on the matter will be made once the preparation is complete.

For justified reasons, the chair may remove an individual item from the agenda before its consideration begins at the meeting.

The chair presents the matter to be considered by reading the title in full or in part and providing a brief summary. If there have been changes in the matter or its preparation that could affect the resolution after the agenda has been submitted, these changes must be presented verbally or in writing at the meeting.

Once the chair has presented the matter, a discussion will be held under their guidance. The discussion must not be concluded before all requested speaking turns have been used.

Proposals to postpone a matter or refer it back for further preparation must be made during the discussion, as must other proposals to correct or amend items under decision, which will be discussed and, if necessary, voted on. If the matter is a so-called discussion item, where the final decision is made by another body, proposals to postpone or refer the matter back are not permitted.

If the consideration of a meeting item has begun at a meeting, the chair can make an amended proposal, or a member of the body can propose that the matter be postponed or referred back for preparation.

A postponed matter will be brought to the body's next meeting in its original form. A matter that has been referred back can be further prepared and brought to the meeting after additional preparation, possibly in an amended form.

When a proposal to postpone or refer back a matter is made at a meeting and supported, the chair must suspend the consideration of the main matter and introduce a discussion on the proposal to postpone or refer back the matter.

While a proposal to postpone or refer back a matter is being discussed, the main matter cannot be addressed until the proposal has been considered and decided.

If necessary, a proposal to postpone or refer back a matter during its first consideration must be decided using the normal voting procedure. If a proposal to postpone or refer back the matter has been rejected in the vote, the consideration of the main matter will continue.

A record will be made in the minutes of any decision to postpone or refer a matter back, as well as any related vote.

A postponed matter must be dealt with without delay, preferably at the next meeting. If there is an urgent need to consider a postponed matter or another urgent issue in circumstances where it is not possible to comply with the rules on notice and scheduling of meetings, the chair must announce the meeting time to all members present. The secretary or the person responsible for sending meeting notices must provide the same notification to members who were absent. In such an exceptionally convened meeting, only postponed or other urgent matters will be considered.

2.5. Decision-making procedure

2.5.1. Unanimity

When making a decision, the chair's proposal serves as the basis for decision-making. If no supported proposals deviating from the chair's original proposal are made, the chair will announce the original proposal as the unanimous decision of the body.

2.5.2. If unanimity is not reached

In a multi-member body, decisions are made by a simple majority vote, except in matters concerning the election of individuals. If the votes are tied, the opinion supported by the chair will prevail. If the votes are tied in a student disciplinary matter, the more lenient opinion will prevail.

The chair will announce any proposals that deviate from the chair's original proposal or amended original proposal, which have been supported during the discussion of the matter. A proposal that receives no support lapses and is excluded from the vote. The chair's original proposal, or any amended original proposal, is always included in the vote and requires no support.

Proposals deviating from the chair's original proposal will be made during the discussion. Once the chair has declared the discussion on the matter closed, no further proposals can be submitted.

After the discussion has ended, the chair will announce all proposals that have lapsed or were not supported, as well as those proceeding to a vote. When a matter is decided by vote, a voting record will be prepared, showing which proposal each member supports.

Prior to the vote, the chair will present the meeting with the proposed method of voting. If the vote concerns at least three proposals, the chair will also propose the order of voting. After the chair has presented a proposal on the voting method and order, a discussion will be held, if necessary, after which the chair makes the final decision regarding the method and order. Except in election matters, voting must be conducted in such a way that each expressed opinion can be attributed to the person who expressed it.

When the actual vote begins, the chair must place the resolution proposals against each other. The proposals will be placed against each other in such a way that a member can vote by responding "yes" or "no," or in such a way that the proposals are designated for voting.

When there are three or more proposals, voting will proceed in such a way that the first vote will be held between the two proposals that differ the most. The second vote will be held between the proposal that received the most votes in the first vote and the proposal that differs the most from the winning proposal and has not yet been voted on. The voting will continue until only one proposal remains. In the final vote, the chair's original proposal will be put to a vote against the proposal that won the previous voting rounds. However, the chair's original proposal will always serve as the basis for consideration and be included in the final vote. In the final vote, the proposal with the most votes becomes the decision made by the meeting on the matter.

Each member's supported proposal is recorded in the voting record.

When the voting has concluded, the chair must announce the result of the vote and the decision resulting from it in the meeting.

The person acting as the preparer has the opportunity to act as described in point 3.3, at the latest after receiving notification of the decision.

A member of a multi-member body is responsible for any decision for which they have not submitted a dissenting opinion to be released from responsibility. A member can submit a dissenting opinion to be released from responsibility only if they have made an alternative proposal to the proposal forming the basis of the consideration, or a proposal concerning the procedure.

A dissenting opinion must be expressed immediately after the decision, together with its grounds.

At the conclusion of the consideration of the matter, the chair will announce the decision of the body, which will be finalised at the same time.

2.5.3. Holding an election for a position

The decision by the body regarding the final selection of individuals constitutes an election conducted in accordance with the procedure described below. The electoral procedure does not apply to decisions in which the body is consulted, or in which the body makes a proposal to the authority making the final selection of individuals.

The Election Regulations of the University of Jyväskylä outline the procedures to be followed in elections to the Collegium, the Board, and the faculty councils of the University of Jyväskylä.

A proposal made by a voting member of the meeting regarding candidates for election will be taken into account, even if the proposal receives no support. The chair announces when the nomination of candidates begins and when discussion on the candidates has ended. After that, the chair announces who the election candidates are, and if their number equals the number of persons to be elected or appointed, the chair declares that no election is necessary.

If an election is to be held, the chair will initiate a discussion regarding the method of election. If even one eligible voter at the meeting requests it, the election will be held as a closed election.

If a single person is elected to a multi-member body or a community development group, the election will be conducted as a majority vote. If no candidate receives more than half of the votes in the first round, a new election will be held between the two candidates with the most votes. If more than one person is to be elected or appointed, the proportional voting method will be used. The proportional voting method is not applied when members of the Collegium are elected to the chairmanship from different university groups.

In a proportional election, each eligible voter votes for as many candidates as are to be elected. Each voter's first-ranked candidate receives as many votes as there are seats to be filled; the second-ranked candidate receives one fewer, and so on. The lowest-ranked candidate thus always receives one vote from each voter participating in the election. The candidates receiving the most votes will be elected in order, up to the number of positions to be filled.

If there is a tie, the outcome of both the majority election and the proportional election will be determined by drawing lots. Once the election has concluded, the chair will announce the result and declare the persons elected.

3. Decision-making procedure in a single-member body

3.1. Preparation

The preparation of a matter is overseen by the person responsible for deciding on the matter under the University's rules on authority. The person responsible for preparation is the one whose duties include it or to whom the matter is assigned. "Preparation of a matter" refers to the responsibility to explore different possible solutions. Preparation must consider all materials that may be relevant to resolving the matter, as well as applicable regulations and provisions.

The preparer must obtain the oral and written information necessary for decision-making and, if appropriate, determine whether one or more experts should be invited for consultation, if the consideration of a matter requires it in the preparer's view.

If necessary, a memorandum can be prepared as part of the preparation.

The preparer is responsible, in part, for ensuring compliance with the applicable regulations and provisions regarding cooperation.

3.2. Consideration of a matter

The preparer must submit a proposal, along with the necessary supporting information, to the decision-maker, and, if required, provide their views on other relevant aspects of the matter.

3.3. Decisions

The decision-maker must make their decision by considering the regulations and provisions affecting the matter, as well as other factors relevant to its resolution.

Once the preparer receives notice of the decision, they can immediately submit to the University's Registry Office their "view on the matters to be considered in the preparation of the matter", or a memorandum or similar document submitted in connection with the preparation of the matter.

4. Meeting minutes and official records

When the agenda is converted into meeting minutes, the decision made on each item and the names of those who participated in the decision will be recorded in the minutes. If a matter has been voted on, or if the chair considers it necessary, separate minutes will be prepared. The chair must ensure that the minutes are prepared without delay and published in the centralised publication service for meeting and decision materials.

The minutes must be signed by the chair and the meeting secretary. The official records will be signed by the meeting secretary or the preparer. "An official record" refers to a decision document issued to a party under the Administrative Procedure Act, such as an extract from the minutes.

Official records for matters decided by bodies other than multi-member bodies will be signed by the decision-maker. An official record will be dated on the meeting date. However, if the matter has been decided by a body other than a multi-member body, the official record will be dated on the date of signature.

The official record must include the substantive requirements set out in Section 44 of the Administrative Procedure Act, as well as the statement of reasons for the decision set out in Section 45.

A multi-member body will decide on the verification of the minutes. If the minutes are not verified at the next meeting, the body will select two of its members to verify that the minutes accurately reflect the proceedings of the

meeting. The members selected to verify the minutes must be present during the consideration of the matter. If necessary, a minute verifier may refer the verification to the body for decision.

The body can also decide on an alternative method for verifying the minutes.

5. Notification of the decision and its enforcement

The decision-maker or the chair of a multi-member body must, without delay, ensure that the decision is communicated to the relevant parties and take any other actions necessary for its enforcement.

They must also ensure that matters under consideration by the bodies are properly communicated.

6. Requests for rectification and appeal procedure

The provisions regarding requests for rectification and appeals regarding decisions of a university body are governed by the Universities Act (558/2009), the Administrative Procedure Act (434/2003), and the Administrative Judicial Procedure Act (586/1996). Decisions concerning actual administrative functions are not subject to appeal.

Requests for rectification under Section 82 of the Universities Act are considered and decided by the University's Appeals Board. A decision of the Appeals Board on a request for rectification can be appealed to an administrative court, unless further appeal rights are restricted by law. The Appeals Board will submit responses on behalf of the University to appeals filed with an administrative court.

A request for rectification cannot be made regarding decisions other than those specified in Section 82 of the Universities Act. Instead, appeals at first instance must be submitted directly to an administrative court.

If the decision of a body is subject to a request for rectification or appeal, the chair or decision-maker must ensure that an appeal notice meeting the content requirements of Section 47 of the Administrative Procedure Act is attached to the official record.

If a decision in the University's administrative matter is subject to the appeal prohibition under Section 84 of the Universities Act, this must be stated in the decision.

An incorrect or incomplete appeal notification constitutes a formal defect, which must be corrected by issuing a new, accurate appeal notification. The

appeal period does not commence until the correct notification has been delivered to the party concerned.

7. Responsibilities of body members, preparers, and decision-makers

In accordance with the Employment Contracts Act, an employee who intentionally or negligently breaches or neglects obligations arising from the employment contract or the Act, or who causes damage to the employer during the course of their work, is liable to compensate the employer for the damage in accordance with the principles set out in Chapter 4, Section 1 of the Damages Act (412/1974).

In accordance with the provisions of Chapters 7 and 8 of the Employment Contracts Act, the employer has the right to terminate the employment relationship if the employee seriously breaches their obligations.

The criminal liability of university staff and members of university bodies is governed by Chapter 40 of the Criminal Code (39/1889). Sections 1–3, 5, 12, and 14 of Chapter 40 of the Criminal Code apply to university staff.

The provisions of Chapter 40 of the Criminal Code regarding the official liability of persons exercising public authority apply not only to university staff but also to members of the University's decision-making bodies. Public authority at the University is particularly exercised in decisions concerning student admissions, assessment of study attainments, recognition of studies completed elsewhere and other demonstrated competencies, continuation of study rights, disciplinary measures, and the awarding of degrees.

Decision-making bodies and their members remain responsible for the consideration of a matter even if the relevant unit, through its rules of procedure or other organisational arrangements, has provided for or agreed on specific measures related to its consideration, such as assigning the implementation of decisions to a designated staff member.

8. Public access to documents, personal data processing and document management

The transparency of the University's activities is governed by the Act on the Openness of Government Activities (621/1999). The public or confidential nature of documents and other information materials processed by the University is determined under this Act.

The University's documents and other information materials defined in the Act on the Openness of Government Activities are public, unless otherwise provided by this Act or by other legislation.

“Personal data” refers to information relating to an identified or identifiable natural person. The processing of personal data is governed by the EU General Data Protection Regulation (GDPR, Regulation (EU) 2016/679), the Data Protection Act (1050/2018), and specific legislation in various areas of law.

The University has separate guidelines on the disclosure of documents and personal data, as well as on the classification and handling of confidential information.

Document management and archiving at the University of Jyväskylä is a comprehensive function that extends across internal administrative boundaries and involves all administrative units of the University. University Services provide more detailed guidelines and procedures for organising and systematically managing document management, archiving, and information governance.

The chair of a multi-member body, or in other cases the decision-maker, is responsible for archiving documents as specifically stipulated or prescribed.

9. Disqualification

Under the Universities Act, the provisions on disqualification set out in the Administrative Procedure Act (434/2003) apply to all university activities.

The grounds for disqualification under the Administrative Procedure Act apply to university employees, members and deputy members of bodies, as well as any other person involved in the consideration of a matter. “Consideration of a matter” refers, for example, to the preparation and resolution of a matter, as well as to its implementation or to other related actions that affect the resolution or immediately precede it. Such measures may include, for example, requesting statements, consulting with the parties involved, and obtaining additional information.

A person who is disqualified must not participate in the consideration of the matter, nor be present during its consideration. If the consideration of the matter or decision-making requires it, a qualified person must be appointed without delay to take the place of the disqualified individual. If necessary, the Rector will appoint a qualified decision-maker or the required number of additional members in the same manner as additional members are appointed for the assessment of study attainments.

The provisions of Sections 28(1)(5) and (6) of the Administrative Procedure Act apply to the University and to any entity within the university group referred to in Section 63 of the Universities Act, but only in cases where the interests of the University and the entity are in conflict, or where impartial consideration is required.

Separate instructions for the interpretation and application of the disqualification rules will be provided to support the preparation of decisions.

Special attention must be given in assessing disqualification in decision-making when the matter concerns the University's procurements or contractual relationships and involves individuals or entities in the close circle of the decision-maker or staff participating in the preparation.

Any disqualification issue must be resolved without delay before the consideration of the matter begins. A member of a body, a deputy member, or any other person involved in the consideration of a matter is obligated to assess and disclose their disqualification to the chair or decision-maker before the matter is considered and must refrain from preparing or deciding on the matter. A claim of disqualification can also be made by a member of the body or by another person.

The body concerned will decide on the disqualification of its member and any other person entitled to attend the meeting. The consideration of the main matter cannot proceed until a decision on disqualification has been made, using the normal voting procedure if necessary. A decision regarding disqualification is recorded in the minutes. No request for rectification or appeal may be made regarding the decision on disqualification.

The consideration of the main matter must be postponed if a decision on disqualification cannot be made at the first stage, for example, due to reasons related to decision-making authority.

The person subject to disqualification assessment must be given an opportunity to express their opinion on their disqualification before the matter is decided.

10. Guidelines on decision-making

More detailed guidelines for complying with these instructions are provided by the Rector or a person designated by the Rector, if necessary.