

**26 Annex - Education and culture**

**200. LAW ON HIGHER EDUCATION**

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paragraph 2 Pursuant to the Article 88, indent 2 of the Constitution of Montenegro, I am passing a

## **DECREE PROMULGATING THE LAW ON HIGHER EDUCATION**

The Law on Higher Education is enforced, adopted by the Parliament of the Republic of Montenegro, at the first session of the second regular meeting, held on October 21, 2003

No. 01-1092/2

Podgorica, October 22, 2003

President of the Republic of Montenegro

Filip Vujanovic

### **I. GENERAL PROVISIONS**

#### **Subject of the Law**

##### Article 1

This law regulates the bases of higher education, conditions for performing the activity, types of study programmes, principles of organization of institutions performing the activity, as well as other issues important for higher education activities.

#### **Higher Education Aims**

##### Article 2

Higher education aims are:

- to establish, improve and develop knowledge, science, art and culture;
- to transfer the general, scientific and professional knowledge and skills through teaching and research ;
- to provide a possibility to acquire higher education throughout life.
- to establish and develop international cooperation.

#### **Higher Education Definition**

##### Article 3

According to this law, higher education is an activity of public interest which provides for obtaining a diploma of:

- (a) applied undergraduate studies
- (b) academic undergraduate studies
- (c) specialist studies
- (d) applied masters studies
- (e) academic title of a master of science and
- (f) academic title of a Ph.D.

#### **Provision of Higher Education**

##### Article 4

Higher education may be provided by universities and higher education institutions (hereinafter referred to as "institution"), which are licensed and accredited in accordance with this law.

### **Autonomy of Institutions**

#### Article 5

According to this Law, an institution is autonomous in performing its activities.

### **Accessibility of Higher Education**

#### Article 6

Higher education is accessible to all persons under the conditions prescribed by this Law and the statute of an institution.

### **Equality**

#### Article 7

In exercising the right to higher education no discrimination is allowed on any grounds such as sex, race, marital status, colour of skin, language, religion, political or other beliefs, national, ethnic or other origin, belonging to a national community, material status, disability, birth, or on similar grounds, position or circumstances.

### **Definitions**

#### Article 8

In the present Law the terms shall have the following meaning:

- 1) **accreditation** shall mean the acknowledgment procedure of validity of study programmes i.e. of an institution, their suitability to the existing standard of quality and the labour market and certificate ensuring the right to an institution to confer degrees for education, profession or vocation.
- 2) **license** shall represent a document granting an institution the right to work on the grounds of fulfillment of determined standards;
- 3) **quality assessment** shall represent a number of explicit procedures of validation or assessment regarding study programmes, teaching and conditions for work of institutions, defined in cooperation with agencies for quality of the European Higher Education Area.
- 4) **diploma** is a public document which proves that qualification obtained is the result of completed higher education
- 5) **diploma supplement** is a public document which is submitted along with a higher education institution diploma in order to obtain a more detailed insight into the level, nature, content, system and rules of studying and the results achieved during studies of an individual to whom the diploma is issued, and which is prepared according to the basic model determined for the unique European Higher Education Area.
- 6) **publicly valid educational programme** is an accredited educational program.
- 7) **European Higher Education Area** includes higher education institutions of the countries signatories of the Joint Declaration of European Ministers of Higher Education in Bologna (1999).
- 8) **ECTS** is the European Credit Transfer System
- 9) **OTEF** – Service for Maintenance of Engineering Faculties.

## **II. COMPETENCIES OF AUTHORITIES IN THE PROVISION OF HIGHER EDUCATION**

### **Government of the Republic of Montenegro**

#### Article 9

Government of the Republic of Montenegro (hereinafter referred to as “the Government”)

- 1) determines higher education development strategy in the Republic of Montenegro (hereinafter referred to as “the Republic”);
- 2) founds public institutions, in accordance with this law;
- 3) provides funds for public institutions for financing teaching, research, artistic work of interest, in accordance with this law;
- 4) provides to public institutions the funds necessary for creating equal opportunities for fulfillment of the right to higher education to disabled persons – students;
- 5) can participate in co-financing of private institutions and students enrolled in those institutions;
- 6) adopts an act on appointment of the Higher Education Council;
- 7) performs other activities prescribed by the law.

### **Ministry Competent for Education and Science**

#### Article 10

The Ministry responsible for education and science (hereinafter referred to as “the Ministry”)

- 1) proposes development strategy and follows higher education development;
- 2) issues a license to an institution, changes it and divests an institution of it;
- 3) prescribes the content and form of diploma and diploma supplement issued by an institution;
- 4) proposes enrollment policy at public institutions;
- 5) determines the proposal of norms for higher education funding;
- 6) gives proposals for determining a model for financial assistance to students;
- 7) encourages mobility of students and academic staff within the European Higher Education Area and at international level;
- 8) follows international agreements and conventions for academic and professional recognition of qualifications; provides to the public information on foreign qualifications and provides for inclusion of institutions into the process of recognition of higher education qualifications within the unique European Higher Education Area.
- 9) ensures equal opportunities are provided regarding accessibility of higher education, development, qualifying and professional development of staff and other aspects of higher education;
- 10) provides opportunities for international cooperation of institutions;
- 11) keeps a register of licensed institutions and accredited study programmes;
- 12) adopts regulations for enforcement of this law;
- 13) performs administrative control, in accordance with the law;
- 14) performs other activities prescribed by the law.
- 15)

### **Higher Education Council**

#### Article 11

The Government shall appoint a Higher Education Council (hereinafter referred to as “the Council”) for improving higher education area.

### **Responsibility of the Council**

#### Article 12

The Council shall analyse the state of the art and achievements in higher education, offer expert proposals to the Government and in that respect, have special authority to:

- 1) Prepare the proposal of higher education development strategy;
- 2) Offer opinion in the procedure of determining norms for issuance, changes and divesting of a license;
- 3) Offer opinion on the criteria for election into academic titles;
- 4) Offer opinion in the procedure of determining norms for higher education financing;

- 5) Determine criteria for assessment of study programmes, taking into account their compatibility with the professional needs and international comparability;
- 6) Undertake periodical controls of quality of licensed institutions and issue a certificate on initial accreditation, accreditation or reaccreditation;
- 7) Perform other activities prescribed by this Law and act on establishment of the Council.

### **Responsibility of the Council for Quality**

#### Article 13

The Council shall be responsible for achieving high quality higher education in the Republic.

The Council shall assist institutions in developing their possibilities and improving and sustaining the quality of their activities.

### **Composition of the Council**

#### Article 14

The Council shall be composed of eleven members appointed by the Government, for the period of six years.

The Council shall be composed of six members from the eminent experts in the field of higher education, science, technology and arts, appointed on the University proposal, and of five members in the field of economy, humanities and from other relevant institutions, in accordance with the Act on the Council appointment.

In accordance with the Act on the Council appointment, the maximum of half of the Council members may be reappointed.

The Government can acquit a Council member of duty before his mandate expires on his/her personal request or pursuant to an elaborated proposal of the authorized proposer, as well as in the event of a prison sentence.

### **Work of the Council**

#### Article 15

Work of the Council is public.

The Council shall be responsible for making its conclusions, recommendations and opinions accessible to the public.

The Council shall form special commissions for evaluation and accreditation of institutions or study programmes, while for certain fields of its activities the Council may form working bodies, commissions and independent expert groups.

Foreign experts may be appointed as members of special commissions for evaluation and accreditation of institutions or study programmes.

The financial means for the work of the Council shall be provided out of the republican Budget.

The Ministry shall perform the expert and administrative-technical activities for the Council.

The organization and functioning of the Council shall be further determined by the rules of procedure.

## **III. INSTITUTIONS**

### **Common Provisions**

#### **Acquiring a Higher Education Degree**

##### Article 16

Institutions at which higher education is obtained (universities or other institutions) shall be founded as public or private institutions and have the capacity of a legal person acquired after being entered into the Commercial Court Central Register, unless otherwise provided for herein.

### **Name of the institution**

#### Article 17

The founder, in accordance with this Law, shall determine the name of the institution.

### **Institution Freedom**

#### Article 18

According to this law, an institution shall enjoy the freedom of teaching, research and artistic work, within the scope of its license.

A special law shall regulate the scientific-research work in the institution.

### **Rights of an Institution**

#### Article 19

An institution shall have the following rights:

- 1) to innovate higher education within its license;
- 2) to provide a study program of any educational level for obtaining the necessary or adequate knowledge in view of accomplishing higher education aims;
- 3) to determine curricula to be realized and subjects to be studied
- 4) to develop independently and apply curricula and research projects;
- 5) to determine conditions for student admission and methods of teaching and assessment of students' knowledge;
- 6) to elect management and governing bodies and determine their composition, scope of activities and mandate;
- 7) to elect academic and other staff;
- 8) to award honorary titles.

### **Inviolability of the Premises**

#### Article 19

Premises of an institution shall be inviolable, unless such premises need to be entered into with the aim of preventing a threatened offense or an offense already committed or in case of a natural disaster or other accident, or in other cases provided for by this law, with the permission of the governing bodies.

### **Property**

#### Article 21

The immovables and other property provided by the Government, as the founder, for the establishment and work of an institution shall be owned by the state.

The immovables as of paragraph 1 of this Article may not be expropriated without the permission of the founder.

The immovables and other property as of paragraph 1 of this Article may be used only for the sake of performing the activities prescribed by this Law.

The immovables and other property acquired by performing the institution activities, or received as a present or legacies shall belong to the institution that acquired that property.

## **Autonomy**

### Article 22

In performing activities as of Article 19 of this Law an institution:

- (a) shall have property rights and dispose of funds in accordance with this law
- (b) shall regulate internal organization, pursuant to this Law and the Statute;
- (c) shall select and employ academic and other staff
- (d) shall found special profit making organizational forms for educational and research purposes
- (e) shall conclude contracts with other institutions in the Republic
- (f) shall conclude contracts also with institutions at international level
- (g) shall also have other rights needed for performing the activities pursuant to this Law and the institution statute.

## **Academic Freedom and Protection**

### Article 23

An institution is obliged to guarantee to the academic staff the freedom of thought, ideas, testing of knowledge acquired, i.e. to ensure the freedom of organization and association and the protection of academic staff from discrimination on any grounds.

Academic staff and students have the rights and freedom stipulated by this law, and exercise them in the manner the statute of an institution prescribes.

## **Freedom of Research**

### Article 24

Academic staff of a university shall have the freedom to publish the results of their research, in accordance with the rules of the university pertaining to the use of the right to intellectual property to the benefit of the university.

## **Licensing**

### Article 25

Each institution that is founded or provides teaching in the Republic shall have a license for work.

The Ministry, in accordance with paragraph 1 of this Article, shall issue the license as of paragraph 1.

The license shall define the type of institution, accredited study programmes, the maximum number of students that can be enrolled into certain study programmes, as well as the degrees and diplomas that can be granted.

A license shall be issued on the basis of standards and norms pertaining to:

- (a) adequacy of premises and equipment, including classrooms, laboratories, library and computer equipment;
- (b) number and qualifications of academic staff;
- (c) premises for students' extracurricular activities;
- (e) financial means.

An institution may be granted a license after obtaining a certificate on initial accreditation by the Council.

The license as of paragraph 1 herein shall be obtained by an institution for introduction of new courses of studies, degrees and diplomas.

The Ministry shall determine the standards and norms, as well as the procedures for issuing, changing and divesting of license, taking into account the opinion of the Council.

### **Accreditation**

#### Article 26

The Council shall perform accreditation and issue a certificate thereon.

The Council shall, in the form of a special act, prescribe the accreditation procedure and the form of certificate, as of paragraph 1 of this Article.

### **Initial Accreditation**

#### Article 27

Initial accreditation shall be acquired after the study programmes assessment and their harmonization with the professional needs and adopted standards.

Before beginning work, an institution shall submit a request to the Council at least a year in advance as of the date beginning the period for which accreditation is required.

Accreditation as of paragraph 1 herein shall be issued for the time period of maximum three years. An institution may not start admitting, teaching and examining students before acquiring the license.

### **Reaccreditation**

#### Article 28

Institutions, i.e. study programmes shall be subject to reaccreditation procedure within maximum five-year interval.

Reaccreditation is based on the report of quality assessment of an institution or a study programme, in accordance with the standards and procedure stipulated by the Council.

If an institution or a study programme does not obtain reaccreditation, its accreditation shall be valid for a maximum of one year, without the possibility to admit students in that year.

If, after the expiration of the notice as of paragraph 3 herein no reaccreditation is obtained, the license is revoked.

The revocation of a license shall be final.

### **Change of Study Programmes**

#### Article 29

A licensed institution may make changes in the study programmes up to the maximum of 30 (ECTS) credits, without accreditation.

### **Self-evaluation and Quality Assessment**

#### Article 30

An institution shall perform self-evaluation procedure, i.e. evaluation and assessment of the quality of its courses of study and work conditions, and shall submit reports to the Council.

Self-evaluation is performed continuously, in accordance with the institution statute.

Self-evaluation methods are determined depending on curricula, teaching equipment, qualifications of academic staff, teaching methods, percentage of students who pass exams, percentage of graduates and other necessary indicators of the successful work of the institution.

### **External Quality Assessment**



Article 31

The Council shall perform for each program assessment of curricula quality during a maximum five-year period, by appointing expert bodies for particular curricula.

International experts may be included into expert bodies as of paragraph 1 of this Article.

**Public Interest**

Article 32

In the public interest, the Ministry may require an institution to innovate a curriculum leading to qualification of a teacher in publicly financed schools.

**2. Public institutions**

**Founding, Closing Down and Status Changes**

Article 33

A public institution shall be founded and closed down by the Government, upon the proposal of the Council.

The Council proposal for founding of an institution includes: a certificate on initial accreditation and proof of fulfilled conditions as of paragraph 4 of Article 25 of this Law.

Article 34

In case of changes in the status or closing down of a public institution, the Council shall obtain the opinion of the institution's managing bodies.

In the event under paragraph 1 of this Article, the Government shall regulate all issues pertaining to property and obligations of closed down institutions or those that underwent changes in their status.

Article 35

In the event a public institution is closed down, a study year is determined in which public institution shall stop admitting students into the first year of studies.

In case as of paragraph 1 herein, the Government is obliged to enable the students who are still studying to complete their studies within the time notice determined by the act on establishment of the institution.

**University**

Article 36

A university is an autonomous institution which, in performing its activities, combines the educational, scientific-research and artistic work, as the components of a unique process of higher education.

A university provides for the development of higher education, science, profession and art, in accordance with its mission of enhancing knowledge, thought and learning and of developing scientific-research work as the base for teaching, of developing creative abilities and preparing students for doing professional activities, of educational, scientific, cultural, social and economic development of the Republic, as well as of promoting democratic civil and national rights and achievement of highest standards of teaching and learning.

Scientific-research and artistic activities are performed and organized in accordance with the law and general act of an institution.

### **Protection of the Name “University”**

#### Article 37

An institution may have the status of a university, i.e. use in its name the term ‘university’ provided it realizes at least five different courses of studies in at least three of the following eight areas: mathematics and natural sciences, engineering and technology, biotechnology, medicine, social sciences, legal-economic sciences, culture-history and arts.

### **Organization of the University**

#### Article 38

A university shall perform its activity through faculties, academies, institutes and two year post secondary vocational schools, as organizational units, as well as through the realization of certain study programmes.

A university shall have the status of a legal entity.

Organizational unit of a university under paragraph 1 of this Article shall not have the capacity of a legal entity.

A university may transfer certain authorities to an organizational unit under paragraph 1 of this Article for entering legal transactions, in accordance with the university statute.

### **Other Institutions**

#### Article 39

The Government may also found other institutions conferring diplomas of undergraduate, specialist or master studies.

The institution under paragraph 1 of this Article may not be divided into faculties and other similar organizational units.

The provisions of this Law pertaining to the public institutions are applied to the founding and work of the institutions as of paragraph 1.

### **Other Ways of Organizing Studies**

#### Article 40

A university founded by the Government may, with the consent of the Government, organize studies in cooperation with a domestic or a foreign institution or an international organization.

In organizing studies as of paragraph 1 herein, a university shall have the right to provide a programme of double or joint diplomas.

### **Private institutions**

#### **Founding**

#### Article 41

A private institution may be founded by a domestic and foreign physical or legal person.

#### **Beginning of work**

#### Article 42

A private institution may start work after obtaining a license and accreditation.

During the procedure of issuing a licence and accreditation, a private institution may advertise and recruit students in accordance with the requirements of the license.

### **Examination of Foreign Accreditation**

#### Article 43

A private institution, which obtained accreditation by another state or organization, is obliged to submit a certificate on that accreditation to the Council, which shall assess it, in accordance with its act.

### **Financial Guarantees**

#### Article 44

When submitting a request for obtaining a license, apart from a proof of fulfilled requirements under Article 25 of this Law, a private institution is obliged to submit a work plan as well, including a guarantee of the founder on its financial standing for a minimum three-year period.

License for a private institution shall include the obligation of the institution, in case that it stops work, to provide financial means for all students having already been enrolled, for the completion of studies begun, in another institution.

### **Cessation of Work**

#### Article 45

A private institution may cease work only at the end of a study year.

### **Bodies of an Institution**

#### **Governing Body of the University**

##### Article 46

The governing board shall be the governing body of the University established by the Government.

The governing board shall determine business policy.

The governing board shall include a maximum of 15 members and shall be composed of the representatives of academic staff, non-academic staff, students and representatives of the founder and of the public as outside members.

At least one third of the total number of the Managing Board members represent outside members, who are appointed among persons with relevant professional or practical knowledge.

The authority, number, composition, duration of mandate, way of appointment and dismissal, as well as the way of work and decision making of the Managing Board shall be determined more closely by the university statute.

#### **Governing Body of a Public Institution**

##### Article 47

The statute of an institution shall define the governing body of a public institution, which is not a university.

The competence, number, composition, duration of mandate, way of appointment and dismissal, as well as the way of work and decision making of the governing body shall be more closely defined by the institution statute.

### **Annual Report on Work**

#### Article 48

The governing body is obliged to publish an Annual Report on the work of the public institution and to submit all information required by the Government or the Council.

### **Managing Body of a University**

#### Article 49

The rector shall be the managing body of the university whose founder is the Government.

The University under paragraph 1 of this Article may have vice-rectors.

The rector shall be responsible for efficient and high quality work and order at the University, as well as for management within the business policy determined by the governing board.

The rector shall be elected by the governing board among the full professors of the university, upon the Senate proposal.

The procedure for the election of the rector or vice-rectors, authorizations, duration of mandate, as well as other issues shall be more closely stipulated by the statute of the university.

### **Managing Body of a Public Institution**

#### Article 50

The statute of the institution shall define the managing body of a public institution, which is not a university.

The institution statute shall define more closely the election and appointment of management bodies, authorizations, duration of mandates and other issues for the institution as of paragraph 1.

,The managing body of an organizational unit under paragraph 1 of Article 38 of this Law shall be a dean or director.

The university statute shall define more closely the election and appointment of management bodies under paragraph 3 of this Article, authorizations, duration of mandates and other issues.

### **Professional Body of the University**

#### Article 51

The professional body of the university founded by the State shall be the Senate.

The Senate includes the rector, vice-rectors, representatives of academic staff and students' representatives, in accordance with the statute of the university.

The statute of the University shall stipulate more closely the authority, number, composition, duration of mandate, manner of election and dismissal, as well as the manner of working and decision-making.

### **Professional Body of a Public Institution**

Article 52

The institution statute shall define the professional body of a public institution, which is not a university.

Election and appointment of the professional body, its authorities, duration of mandate and other issues referred to in paragraph 1 of this Article shall be more closely stipulated by the statute of that institution.

The professional body of the organizational unit of the university, referred to in paragraph 1 of Article 38 of this Law, shall be the Council.

Election and appointment of the professional body, referred to in paragraph 3 of this Article, its authorities, duration of manade and other issues shall be more closely stipulated by the statute of the university.

**Statute**

**Statute of an Institution**

Article 53

The statute is the principal act of an institution, which defines the issues of importance for performing activities of the institution.

The governing body shall adopt the statute of an institution.

**Statute of a Public Institution**

Article 54

The statute of a public institution shall define more closely:

- the basic organization of a public institution
- bodies and manner of work of a public institution
- acquiring of the academic and applied studies diploma
- carrying out of research, scientific and artistic work
- procedures related to the appointment of academic titles
- manner of exercising rights and obligations of staff and students
- organization of staff and students
- financial control
- records, and
- other issues important for public institution operation

The Government shall give its approval for the statute of a public institution.

**Private Institution Statute**

Article 55

A private institution independently regulates by its statute or by another corresponding act the model of management and governing for that institution, enabling participation of academic staff and students' representatives in making decisions of interest for them.

The authority, number, composition, duration of mandate, way of appointment and dismissal, as well as the way of work and decision making of the private institution professional body shall be more closely defined by the statute of the institution.

**IV, FUNDING**

## **Funding of Public Institutions**

### **General Principles of Funding**

#### Article 56

A public institution shall be funded from the following sources:

- Budget of the Republic allocated for scientific, research and artistic work
- Tuition fees and other fees paid by the students
- Intellectual and other services
- Donations, presents and legacies
- Projects and contracts with national, international, state and private entities aimed at promoting teaching, research and consulting activities.

### **Authorities of a Public Institution**

#### Article 57

A public institution can conclude contracts in the field of higher education.

Public institutions can invest resources into any form of economic activities, for educational or research purposes, under the following conditions:

- that the resources from the Budget are not claimed pursuant to the contract, without the consent of the Government, and
- that the resources from the Budget are not subject to risk.

### **Temporary Financing**

#### Article 58

If a public institution does not perform reaccreditation, in accordance with this law, the Government may allow a temporary continuation of funding until accreditation is obtained again.

### **Normatives and Standards of Financing**

#### Article 59

The Government, with the opinion of the Council, shall adopt norms and standards for acquiring means for public institution funding and prescribe methodology for resources distribution for teaching, research and artistic work purposes, starting from the quality of education or from certain courses or study programmers, which are carried out by these institutions.

Methodology as of paragraph 1 herein shall apply particularly to investment resources.

### **Determining the Number of Students**

#### Article 60

When allocating resources, the Government shall determine the number of students whose tuition fee is to be financed by the Republican Budget, for a particular course of studies, in accordance with the number prescribed in the valid license of a public institution.

### **Funding Terms**

#### Article 61

For resources allocated to a public institution for teaching and research purposes, the Government may prescribe particular conditions for their use, pertaining to:

- acquisition, use and disposition of land, buildings and equipment

- level and use of tuition fees and other fees prescribed for students, and
- transfer of resources distributed for courses of studies.

### **Funding from Other Sources**

#### Article 62

The Government may not prescribe conditions which would limit a public institution to collect funds from other sources in accordance with the statute, including funds from tuition fees payed for additional students places within those allowed by the license, provided that:

- it does not affect negatively the quality of education which is funded from the Republican Budget, or
- it does not influence a public institution to do business without discrimination on any grounds.

### **Return of Resources**

#### Article 63

The Government may ask for the allocated resources to be returned, if an independent and authorized auditor finds that the resources have been used for illegal and unfit purposes.

Resources allocated from the Republican Budget, which remain unspent at the end of the fiscal year, shall be transferred to the reserve fund for the approved developments.

### **Accountability of the Managing Bodies**

#### Article 64

The managing body of the public institution is accountable for lawful and purposeful use of resources allocated in accordance with this law.

### **Audit**

#### Article 65

Independent internal and external financial control shall be provided for the operations of a public institution.

The statute of a public institution shall regulate the way in which internal financial control is performed.

### **Independent audit**

#### Article 66

In performing external control, the Government may appoint an independent auditor to examine financial standing of a public institution.

The governing body of a public institution is obliged to ensure cooperation when financial control as of paragraph 1 herein is performed.

### **Making Profit**

#### Article 67

A public institution is free to promote and use research and educational activities in order to make profit for the benefit of the institution, pursuant to this Law.

When performance of an activity for the purpose of making profit under paragraph 1 herein includes, or could possibly include, the use of the right to any important intellectual property, in any literary, art or scientific works, scientific inventions, projects, inventions, goods or services which

are entirely or partly, directly or indirectly provided from the Budget, the public institution shall previously require consent of the Government.

## **2. Funding of a Private Institution**

### **Funding by the Government**

#### **Article 68**

A private institution may acquire resources by the Government for teaching and research of public interest, upon the proposal of the Council.

### **Norms and standards**

#### **Article 69**

The Government shall, with the opinion of the Council, adopt norms and standards for acquiring resources for the funding of private institutions and prescribe methodology for resources distribution for teaching, research and artistic work purposes, starting from the quality of education and particular study programs, which are carried out by those institutions.

### **Requirements for the Use of Resources**

#### **Article 70**

The Government may prescribe particular requirements for the use of resources allocated to a private institution for teaching and research purposes, and require a private institution to submit the budget proposed for performing its activity for the following fiscal year.

A private institution is accountable to the Government for lawful and purposeful use of resources allocated by the Government, and it is obliged to enable access to financial books and records to the Government.

## **V CONCESSION**

### **Granting of Concession**

#### **Article 71**

Concession for carrying out publicly valid educational programme may be granted to a private institution, domestic or foreign legal or physical person meeting conditions for providing higher education prescribed in this Law.

Concession under paragraph 1 herein shall be granted by a Government decision, on the basis of a public competition. A special agreement on concession shall regulate mutual rights and duties on the base of the concession.

The procedure for granting, cancelling and divesting of the concession shall be regulated by the special agreement under paragraph 2 of this Article.

### **Agreement on Concession**

#### **Article 72**

The agreement on concession shall determine in particular:

- 1) subject of concession (type and number of courses of studies);
- 2) scope of activities;
- 3) the beginning of concession period;
- 4) time notice for canceling the concession which shall not be shorter than the time notice prescribed for completing the studies, prolonged for two years
- 5) divesting of concession;
- 6) resources for doing the activities shall be provided by the concessionaire;
- 7) the manner in which the fulfillment of obligations from the agreement is monitored;



8) other issues important for doing activity, which is the subject of the concession.

### **Due Application of Provisions**

Article 73

Provisions of this Law regulating a public institution work shall duly apply to the work of the concessionaire.

## **VI ACADEMIC STAFF AND ACADEMIC TITLES**

### **Academic Staff**

Article 74

Academic staff, in terms of this law, shall be persons carrying out the study programme at an institution.

### **Academic Titles**

Article 75

Academic titles, in terms of this Law, shall be:

- 1) full professor
- 2) associate professor
- 3) assistant professor
- 4) professor at a two year post-secondary vocational school and lecturer of a two year post-secondary vocational school, which is organized as an organizational unit of a university or an independent institution.

Academic staff under paragraph 1 herein shall be elected by the Senate on the basis of a public competition, for a period of five years, except for full professors who are elected for an indefinite time period.

### **Conditions for Election into Academic Titles**

Article 76

Anyone holding a doctoral degree and possessing a good pedagogical record may be elected into academic titles under paragraph 1 of Article 75..

Anyone holding a higher education degree, having produced recognized art works and having good pedagogical record may be elected into academic titles for artistic and related subjects at a faculty or academy for fine art, applied, music and drama art and architecture.

Anyone holding a higher education degree may be appointed as academic staff, in accordance with the statute of an institution.

Apart from conditions under paragraphs 1,2 and 3 of this Article, academic staff under Article 74 of this Law must meet the conditions defined in accordance with the criteria for election into particular titles.

Criteria for election as of paragraph 4 herein shall be adopted by the Senate after obtaining the opinion of the Council, and they shall be internationally comparable and made available to the public.

### **Procedure for Appointment**

Article 77

Procedure for the election and re-election into academic titles, as well as other related issues shall be regulated by the institution statute.

Statute of an institution may allow involvement of international experts in the procedure of academic staff election.

### **Due Application of Regulations for Non-academic Staff**

Article 78

General regulations on labour relations shall be applied to the positions, rights and duties of non-academic staff in an institution.

**VII. ORGANIZATION OF STUDIES**

**Degrees and Diplomas**

Article 79

An institution shall confer degrees and diplomas defined in its licence, in accordance with the institution statute.

Conditions, manner and procedure for awarding or revoking degrees and diplomas shall be determined by the institution statute.

Act on revocation as of paragraph 2 herein is final and can be the subject of legal protection.

**Courses of Study**

Article 80

Courses of studies for obtaining higher education degree and diploma are:

- 1) undergraduate
  - for obtaining a diploma of applied studies ;
  - for obtaining a diploma of academic studies;
- 2) postgraduate
  - for obtaining a diploma of specialist studies;
  - for obtaining a diploma of applied master studies;
  - for obtaining a diploma of academic title of a master of sciences;
- 3) for obtaining diploma of academic title of doctor of philosophy.

**Types of Degrees and Diplomas**

Article 81

Degrees and diplomas obtained at an institution are the following:

- (a) diploma of applied undergraduate studies after completed applied studies (study programme lasting 3 years), and after obtaining certificate on completed secondary school;
- (b) diploma of academic undergraduate studies - after completed research oriented studies (study programme lasting at least 3 years), and after obtaining a secondary school certificate;
- (c) specialist studies diploma - after completing a study programme lasting up to one year, and after obtaining a diploma of applied undergraduate or academic undergraduate studies;
- (d) diploma of applied master studies - after completing a study programme lasting up to 2 years, and after obtaining an applied undergraduate studies or academic undergraduate studies diploma;
- (e) diploma of academic title of master of science - after completing a study programme lasting up to 2 years, and after completing academic undergraduate studies programme, which jointly last minimum five years and after defending a master thesis;
- (f) diploma of academic title of doctor of philosophy - after completing study programme lasting 3 years, and after obtaining a diploma of academic title of master of sciences and defending doctoral dissertation.

**Freedom to Determine Rules of Studying**

Article 82

An institution is free to determine rules of studying, study programmes, assessment and examination schemes and procedure according to the rules, which shall be transparent, just and available to students.

### **European Credit Transfer System (ECTS)**

#### Article 83

Courses of studies for obtaining degrees and diplomas offered by institutions must be designed flexibly so as to enable students to enter or exit education process at adequate points along with allocation of credits or qualifications, depending on the achieved results of each individual student. In formulating their rules of studies, a public institution shall start from the European Credit Transfer System.

The scope of a study programme per year shall be 60 (ECTS) credits.

### **Admission into a Course of Studies**

#### Article 84

Students are eligible for study courses for obtaining a diploma of applied undergraduate studies or academic undergraduate studies in public institutions, on a competitive basis, in accordance with the results achieved at the matriculation exam or upon completion of secondary education, pursuant to a public institution statute.

Additional conditions may be introduced for admission to particular programmes, in accordance with a public institution statute.

### **Admission to Specialist Studies**

#### Article 85

Students are eligible for study programmes for obtaining specialist studies diplomas in public institutions, on a competitive basis, in accordance with the results achieved in exams for obtaining applied undergraduate studies or academic undergraduate studies diplomas, in accordance with this law.

### **Admission to Postgraduate Studies**

#### Article 86

Students are eligible for admission to postgraduate studies on a competitive basis in accordance with the results achieved at exams for obtaining academic degree or its equivalent, in accordance with this Law and the university statute.

### **Competition for Admission**

#### Article 87

Competition for admission to courses of studies at a public institution is called for by the institution, in accordance with its statute.

### **Limitations of Admission**

#### Article 88

An institution shall determine the number of students for admission to study programmes it organizes, which may not exceed the number determined in the license.

In the event the number of qualified candidates for admission is larger than the number of publicly funded places at any course of studies, candidates are enrolled for fee-paying places, according to criteria as of Article 84 of this Law, up to the number determined in the license.

Students paying fees may be awarded a publicly funded place at the subsequent year of studies, if s/he shows success during studies, pursuant to the university statute.

### **Admission of Foreign Students**

Article 89

Foreign citizens have the right to be admitted to higher education institutions in Montenegro under the same conditions as the citizens of Montenegro, in accordance with this law and statute of the institution.

**VIII. STUDENTS**

**Student Status**

Article 90

The status of a student is obtained by admission to an adequate course of studies at an institution.

**Agreement on Studying**

Article 91

Students make an agreement on studying with a public institution, which regulates more closely their mutual rights and duties.

**Students' Rights**

Article 92

Students shall have the following rights:

- to attend lectures, seminars and other forms of teaching organized in accordance with their status;
- to use libraries, computer rooms and other services provided for the students by the institution;
- to appoint others and be appointed into the bodies of the institution, in accordance with this law and statute;
- to exercise rights in the area of student standard,
- to exercise other rights in accordance with this law and statute of the institution.

The manner in which rights as of paragraph 1 herein are exercised shall be more closely regulated by the statute of the institution.

**Students' Special Rights**

Article 93

Students have the right to express their opinion on the quality of teaching and work of academic staff of a public institution.

**Students' Obligations**

Article 94

Students are obliged to:

- be committed to the studies and participate in academic activities;
- respect rules adopted by the institution, and
- respect rights of staff and other students.

**Protection of Students**

Article 95

Students have the right to challenge any decision or action of a public institution, which regards them, before a competent court.

**Cessation of the Student Status**

Article 96

A student's status ceases:

- by the decision of an authorized body of an institution if a student does not achieve adequate success and progress during his/her studies, in accordance with this law, statute and rules of studying;
- by dropping out
- after passing the final exam for obtaining the degree for which s/he was enrolled.

Circumstances under which students can drop or be expelled, as well as procedures pursuant to a complaint shall be more closely regulated by a public institution statute.

A person who has lost the status of a student in a public or private institution according to item 1 paragraph 1 herein, shall have the right to file a complaint to the Senate or a professional body.

Decision of the body as of paragraph 3 herein is final.

### **Being Expelled from Studies**

#### Article 97

In accordance with the statute of an institution, the Senate or some other professional body may expel a student from an institution for a maximum of two years.

Complaint against the decision as of paragraph 1 herein may be filed to the governing board or some other governing body.

Decision of the governing board as of paragraph 2 herein shall be final.

### **Financial Support of the Government**

#### Article 98

The Government may provide adequate financial support to students for paying tuition fees and other fees in public and private institutions if this serves the public interest.

### **Financial Support of a Public Institution**

#### Article 99

Public institutions may grant support to students out of resources which are not allocated to them from the Budget.

### **Determining Tuition Fee**

#### Article 100

The Managing Board, with the consent of the Ministry shall determine the tuition fee to be paid by students in public institutions.

Different amounts of the tuition fees as of paragraph 1 herein may be determined for universities and other public institutions and within them for different courses of study, depending on the costs of realization of such courses of study.

### **Limiting the Charging of Fees**

#### Article 101

Public institutions may charge only those fees for admission, repeated examinations and issuing of a diploma, which are allowed by governing bodies, to the amount of administrative costs.

### **Student Standard**

#### Article 102

Rights pertaining to student standard shall be personal and non-transferable.

### **Rights Determined by Student's Standard**

Article 103

A student from a public institution shall have the right to:

- accommodation and food in a students' hostel,
- students' loan,
- scholarships for talented students,
- participation for public transport expenses for students funded from Republican budget, who live in other cities or at the outskirts of city,
- professional training, and
- health protection.

The Ministry shall prescribe the criteria, conditions, fee and manner in which rights as of paragraph 1 herein are exercised.

**Students' Hostel**

Article 104

Accommodation and meals for students shall be organized in students' hostels or pupils' and students' hostels (hereinafter referred to as "students' hostel").

The provisions of the General Law on Education apply to the founding, organization, internal organization and work, status changes, principles of management and governance, financing, presentation, acting on behalf of students and all other issues of importance for the functioning of a students' hostel.

**Students' Organizations**

Article 105

Statute of the institution shall ensure establishment of one or more organizations, which represent students and contribute to meeting the social, cultural and academic needs and the need for physical recreation of students.

**Students' Parliament**

Article 106

Students parliament is an institutionalized form of students' organizing, which is autonomous in its work and authorized to represent and protect the rights and interests of students.

Students parliament as of paragraph 1 herein shall be formed within the institution, and it shall be made up of students' representatives.

Authority, way of appointment as well as organization of Students' parliament work shall be more closely regulated by its statute.

**Financial Contribution to Students' Organizations**

Article 107

Public institutions may provide financial contribution to establishment of students' organizations, including investment resources and current expenditures for buildings and equipment.

**IX. RECOGNITION AND EQUIVALENCE**

Article 108

- repealed—

Art. 29 of the Law – 4/2008-7

**Equivalence**

Article 109

- repealed—

Art. 29 of the Law – 4/2008-7

**Authority**  
Article 110

- repealed—

Art. 29 of the Law – 4/2008-7

**Comparability of Education**  
Article 111

- repealed—

Art. 29 of the Law – 4/2008-7

**Clause**  
Article 112

- repealed—

Art. 29 of the Law – 4/2008-7

**Definiteness of Procedure**  
Article 113

- repealed—

Art. 29 of the Law – 4/2008-7

**Due Enforcement of the Law**  
Article 114

- repealed—

Art. 29 of the Law – 4/2008-7

**Register**  
Article 115

- repealed—

Art. 29 of the Law – 4/2008-7

**Closer Provisions**  
Article 116

- repealed—

Art. 29 of the Law – 4/2008-7

## **X. RECORDS AND PUBLIC DOCUMENTS**

**Records**  
Article 117

An institution shall keep the register of students, records of issued diplomas and diploma supplements, as well as the examination records.

The register of students and records on issued diplomas shall be permanently kept and preserved.

### **Public Documents**

#### Article 118

An institution shall issue a public document based on its records.

Public documents, in terms of this law, shall be the following: student's book (index) , diploma and diploma supplement, certificate on the passed exams and certificate on the completed studies.

The Ministry shall prescribe further provisions related to the keeping of record of students, records and the contents of public documents.

## **XI. SUPERVISION AND PENAL PROVISIONS**

#### Article 119

The Ministry shall supervise the enforcement of this Law.

### **Penalties for Offenses**

#### Article 120

A fine of twenty to three-hundred minimum wages in the Republic shall be imposed on an institution if:

- 1) it begins work and performs activity contrary to Articles 25 and 42 of this Law;
- 2) stops work contrary to provision of Articles 33, 34 and 35 of this Law;
- 3) applies the statute, which did not obtain a consent in accordance with Article 53 of this Law;
- 4) invests funds contrary to Article 57 of this Law;
- 5) gains profit to its own benefit contrary to paragraph 2 of Article 67 of this Law;
- 6) employs academic staff contrary to Articles 75 and 76 of this Law;
- 7) issues degrees and diplomas contrary to Article 79 of this Law;
- 8) admits students contrary to articles 84, 85, 86 and 89 of this Law;
- 9) admits students above the number defined by Article 88 of this Law;
- 10) does not conclude a contract on studying with a student in accordance with Article 91 of this Law.
- 11) it charges a student with a tuition fee higher than the one defined by Article 100 of this Law;
- 12) it charges the fees contrary to Article 101 of this law;
- 13) performs recognition or equivalence of a foreign diploma contrary to Article 111 of this law;
- 14) does not keep records in the prescribed and orderly manner and issues public documents contrary to the provisions as of Articles 117 and 118 of this law.

In accordance with the paragraph 1 of this article, the amount of twenty or three- hundred minimum wages in the Republic shall be imposed on the managing body, as well as the responsible person in the institution

The governing body and the responsible person in an institution shall be punished for an offense as of paragraph 1 herein in the amount ranging from one-half to twenty minimum wages in the Republic.

## **XIII. TRANSITIONAL AND CONCLUDING PROVISIONS**

### **Founding of the Council**

#### Article 121



The Council shall be founded at latest within 90 days from the day of entry into force of this Law.  
The Ministry shall perform the function of the Council until its foundation.

#### **Time Limit for Passing Secondary Legislation**

##### Article 122

Regulations for enforcement of this law shall be passed at latest within 180 days from the day of entry into force of this Law.

Until provisions defined by this Law are passed, regulations valid until this Law entered into force shall apply, unless they are contrary to this law.

#### **Recognition of the License and Accreditation of the University of Montenegro**

##### Article 123

The University of Montenegro shall be recognized the license and accreditation pursuant to this Law for courses of study valid on the day of entry into force of this Law.

Reaccreditation of the study programmes as of paragraph 1 of this Article shall be performed until September 1, 2007.

#### **Harmonizing the Work of Higher Education Institutions**

##### Article 124

The existing institutions providing higher education according to present regulations, as well as other institutions whose activities are in the function of higher education (university libraries, students' and pupils' hostel, OTEF and other), shall harmonize their organization, work and general acts with this Law, within 180 days from the day of entry into force of this Law.

Until general acts of institutions as of paragraph 1 herein are passed, the existing acts shall apply unless they are contrary to this Law.

#### **Harmonizing the Work of Physiotherapy College**

##### Article 125

The existing Physiotherapy College - Igalo shall continue its work until 2005, by which time its organizational status shall be regulated, in accordance with this law.

#### **Harmonizing the Work of Institutes**

##### Article 126

The existing Institute for History Podgorica, the Institute for Sea Biology Kotor, the Institute for Biotechnology Podgorica and the Institute of Foreign Languages Podgorica shall continue work as the University organizational units, in accordance with the statute and the law.

#### **Adoption of the University of Montenegro Statute**

##### Article 127

Statute of the University of Montenegro shall be passed at latest within 90 days from the day of entry into force of this Law.

Statutes of the present faculties and academies shall be repealed on the day of entry into force of the Statute of the University of Montenegro.

#### **Constituting of the Governing Board and the Senate**

Article 128

Election i.e. constituting of the governing board and the senate in compliance with this Law shall be completed within 180 days from the day of entry into force of this Law.

Until bodies as of paragraph 1 herein are constituted, the existing Senate and the Teaching and Scientific Council shall continue performing their functions.

Upon constituting of the governing board as of paragraph 1 herein the Councils of the faculties and academies of the University of Montenegro shall cease their work.

**Deletion from the Register**

Article 129

Following the expiry of the time limit as of Articles 123 and 124 of this Law, the existing institutions shall be deleted from the register of the Ministry and the Central Register of the Commercial Court in Podgorica.

**Time Limit for the Election of Governing Bodies**

Article 130

Persons performing the functions of the Rector, Vice-rector, Secretary General of the University of Montenegro, Dean, Vice-dean or Director of university units i.e. members of the University of Montenegro, on the day of entry into force of this Law, shall continue performing their functions until the expiry of the period for which they were elected.

Procedures for election or appointment of the persons as of paragraph 1 herein, initiated before entering into force of this Law, shall be completed according to the regulations valid before this law entered into force.

**Public Documents**

Article 131

An institution shall issue a public document to a person who, according to the former regulations, had the right to be issued public documents, in the form prescribed in accordance with the Law on University (the Official Gazette of the Republic of Montenegro 37/92 and 6/94).

**Equivalence of Obtained Education**

Article 132

Education obtained according to the regulations on higher education may be equaled to the education obtained in accordance with this law, based on the criteria for education and programme equivalence, adopted by the university.

**Recognition of Obtained Titles**

Article 133

Persons possessing the title of an assistant teacher on the day of entry into force of this Law shall keep their status until the period for which they were elected expires.

**Status of Teachers and Associates**

Article 134

Teachers and associates elected before entry into force of this Law shall continue their work until the period for which they were elected expires.

Procedures for election of teachers and associates initiated before entry into force of this Law shall be completed pursuant to those regulations, within six months form the day of entry into force of this Law.

### **Initiated Procedures**

#### Article 135

Postgraduate studies and procedures for obtaining a doctoral degree, initiated before entry into force of this Law, shall be completed according to regulations under which they were initiated.

### **Initiated Procedures of Recognition or Equivalence**

#### Article 136

Procedure of recognition, or equivalence of foreign diplomas initiated before this law entered into force shall be completed according to regulations under which it was initiated.

### **Students' Status and Application of Curricula**

#### Article 137

Students enrolled into the University of Montenegro prior to entry into force of this Law shall continue the same courses of studies they enrolled and they are entitled to complete these studies according to the curriculum valid at the time when they enrolled the first year of studies until their status of a regular student according to the law under which they were enrolled ceases.

Students as of paragraph 1 herein, may join the study programmes, organized in compliance with this law, in the manner and under the conditions defined by a special act passed by the Senate.

### **Cessation of Validity**

#### Article 138

The Law on University (Official Gazette of the Republic of Montenegro 37/92 and 6/94); provisions of the Law on Recognition and Equivalence of Certificates and Diplomas Obtained Abroad (Official Gazette of the Republic of Montenegro 6/87); provisions of the Law on Basic Rights in the Field of Pupils' and Students' standard (the Official Gazette of the Republic of Montenegro 6/94) referring to students rights shall be repealed on the day of entry into force of this Law.

### **Entry into Force**

#### Article 139

The Law shall enter into force on the eighth day following that of its publication in the Official Gazette of the Republic of Montenegro.