

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

**DECREE ON THE PROMULGATION OF 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 doing 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 and
- 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 degree 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 the university and higher education institutions (hereinafter: 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 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 procedure of acknowledgment 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 a 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).

7) **ECTS** is the European Credit Transfer System

8) **OTEF** – service for maintenance of engineering faculties.

## **II RESPONSIBILITY OF AUTHORITIES IN REALIZATION OF HIGHER EDUCATION**

### **1. Government of the Republic of Montenegro**

#### **Article 9**

Government of the Republic of Montenegro (hereinafter: Government)

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

### **2. Ministry responsible for education and science**

#### **Article 10**

The Ministry responsible for education and science (hereinafter: 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 information to the public 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.

### **3. Higher Education Council**

#### **Article 11**

Government appoints a Higher Education Council (hereinafter: Council) for improving higher education area.

### **Responsibility of the Council**

#### **Article 12**

The Council analyses the state and achievements in higher education, offers the expert proposals to the Government and in that respect, has special authority to:

- 1) Prepare the proposal of development strategy of higher education;
- 2) Offer opinion in the procedure of determining norms for issuance, changes and divesting of a license;
- 3) Offer opinion on criteria for election in academic titles;
- 4) Offer opinion in the procedure for 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 or reaccreditation;
- 7) Perform other activities prescribed by this Law and enactment on establishment of a 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 the institution 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 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 the member of the Council of a duty before his mandate expires on the personal request or on the elaborated proposal of the authorized proposer, as well as in case of the prison sentence.

## **Work of the Council**

### **Article 15**

Work of the Council is public.

The Council responsibility 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, and study programmes, and for certain fields of its activities, the Council may form the working entities, commissions and independent expert groups.

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

The financial means for the Council work 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 working regulations.

## **III INSTITUTIONS**

### **1. Common provisions**

## **Acquiring higher education degree**

### **Article 16**

Higher education is obtained at university or some other institution meeting the conditions prescribed by this law.

An institution as of paragraph 1 herein is founded as a public or private institution and has the capacity of a legal person acquired after being entered into an adequate register, unless otherwise prescribed herein.

### **Article 17** **Name of the institution**

The founder, in accordance with this law, determines the name of the institution.

### **Institution freedom** **Article 18**

According to this law, an institution shall provide teaching, and the university shall also do research, in the scope of its license.

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

### **Rights of an institution** **Article 19**

According to this law, an institution has the following rights:

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

The manner in which freedoms for academic staff and students are exercised is determined by the statute of the institution, in the manner prescribed by this law.

### **Inviolability of the premises** **Article 19**

Premises of an institution are inviolable, without a permit issued by or on behalf of management bodies of the institution, 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 accident, or unless otherwise stipulated in this law.

## **Property**

### **Article 21**

The immovables and other property supplies by the Government, as a founder, are the ownership of the state.

The immovables as of paragraph 1 of this article cannot be expropriated without the founder permission.

The immovables and other property as of paragraph 1 of this article may be used just for the sake of performing the activities prescribed by this law.

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

## **Autonomy**

### **Article 22**

In performing activities as of paragraph 11 of this law an institution:

- (a) shall have property rights in accordance with this law
- (b) shall employ academic and other staff
- (c) shall define its internal organization, in accordance with this law and statute
- (d) shall found special profit making organizational forms for educational and research purposes
- (e) shall conclude contracts with other institutions in Montenegro
- (f) shall conclude contracts also with institutions at international level
- (g) shall have other authorities needed for performing its activities successfully.

## **Academic freedom and protection from arbitrary sanctions**

### **Article 23**

Institution is obliged to guarantee by its statute to the academic staff the freedom of thought, ideas, testing of knowledge acquired, without any possible consequences, 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 realize them in the manner statute of an institution prescribes.

## **Freedom of research**

### **Article 24**

Academic staff of the university founded by the Government has the freedom to publish 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 Montenegro shall have a license for work.

The Ministry, in accordance with this law, herein issues license as of paragraph 1.

The Ministry shall grant a license to an institution meeting the prescribed standards and norms. The license defines the type of institution, accredited study programmes, maximum number of students that can be enrolled on certain study programmes, as well as the degrees and diplomas that can be granted.

License is 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.

License as of paragraph 1 herein shall be obtained by an institution for introduction of new courses of studies.

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

## **Accreditation**

### **Article 26**

The Council shall perform and issue a certificate on accreditation.

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 is acquired after the study programmes assessment and their harmonization with the professional needs and adopted standards.

An institution requiring initial accreditation shall apply to the Council at least a year in advance as of the date beginning the period for which initial accreditation is required.



Initial accreditation as of paragraph 1 herein shall be issued for the time period of maximum three years.

An institution cannot start enrolling, teaching and examining students before acquiring the license.

### **Reaccreditation Article 28**

Institution, i.e. study programmes is subject to reaccreditation procedure within maximum five-year interval.

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

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

If, after the expiration of the notice as of paragraph 2 herein no reaccreditation is obtained, the license is revoked.

Revocation of a license is final.

### **Change of study programmes Article 29**

A licensed institution can 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 performs self-evaluation procedure, i.e. evaluation and assessment of the quality of its courses of study and work conditions.

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

Self-evaluation methods are determined depending on curricula, teaching equipment, qualification of academic staff, teaching method, 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 for each program performs assessment of curricula quality during a maximum five-year period, by appointing expert bodies for particular curricula.

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

**Public interest**  
**Article 32**

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

**2. Public institutions**

**Founding, merging, closing down**

**Article 33**

A public institution is 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 Article 25, paragraph 4 of this Law.

**Article 34**

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

In case of changes in status or closing down of a public institution, the Government shall regulate all issues pertaining to property and obligations of closed down or merged institutions, or the institution that had the changes in status.

**Article 35**

In case a public institution is closed down, a study year is determined in which public institution stops 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 enactment on establishment of the institution.

**University**  
**Article 36**

A university is an autonomous institution that in performing its activities combines the educational, scientific-research and artistic work, as the components of the 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 preparing students for doing professional activities, of educational, scientific, cultural, social and economic development of Montenegro as well as of promotion of democratic civil 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 on 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 seven areas: social sciences, humanities, engineering, natural sciences, arts, medicine and legal-economic sciences.

### **Organization of the University Article 38**

A university realizes its activity through faculties, academies, institutes and colleges, as organizational units, as well as through the realization of certain study programmes.

University has the status of a legal entity.

Organizational unit of the University as of paragraph 1 of this article does not have the capacity of a legal entity.

The University may transfer certain authorities to an organizational unit for entering a legal communication, as of paragraph 1 of this article, in accordance with the statute of University.

### **Other institutions Article 39**

The Government may found other institutions as well conferring diplomas of undergraduate, specialist or master’s studies.

The institution from paragraph 1 of this article cannot be divided into the faculties and other similar organizational units.

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

**Other manners of studies organization**  
**Article 40**

The 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 public university has the right to provide a programme of double or joint diplomas.

**2. Private institutions**

**Foundation**  
**Article 41**

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

**Beginning of work**  
**Article 42**

A private institution can start working after obtaining a license and accreditation, but it can advertise to that purpose and recruit students in accordance with requirements of the license being requested.

**Examination of foreign accreditation**  
**Article 43**

A private institution, which obtained a form of accreditation by another state or organization, is obliged to submit a certificate on that accreditation to the Council, which carries out the procedure of its assessment, in accordance with its enactment.

**Financial guarantees**  
**Article 44**

When submitting a request for obtaining a license, apart from fulfilled conditions as of 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 includes the obligation, in case that institution stops working, to provide financial means for the completion of studies begun, for all students having already been enrolled to that institution.

**Cessation of work**  
**Article 45**

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

#### **4. Organs of an institution**

##### **Governing body of the University**

##### **Article 46**

The Governing Board is the governing body of the University.

The Governing Board is responsible for the overall functioning of a public institution.

The Governing Board includes the maximum of 15 members and is 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 is more closely determined by the Statute of the University.

##### **Governing body of a public institution**

##### **Article 47**

The statute of the institution determines governing body of a public institution, which is not a university.

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 is more closely determined by the Statute of the University.**

##### **Annual report on work**

##### **Article 48**

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

##### **Managing body of the University**

##### **Article 49**

The Rector is the managing body of the university whose founder is the Government.

In accordance with paragraph 1, the University may have vice-rectors.

The Rector is responsible for efficient and high quality work and regularity at the University, as well as for management within the business policy determined by the Managing Board.

The Rector is elected by the Managing Board among the full professors of the university upon the Senate proposal.

The procedure for the election of the Rector, authorizations, duration of mandate, as well as some other issues are more closely stipulated by the statute of the university.

### **Managing body of a public institution** **Article 50**

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

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

In accordance with article 38, paragraph 1 of this law, managing body of an organizational unit of the university is the dean or director.

The statute of the institution herein more closely stipulates election and appointment of management bodies, authorizations, duration of mandates and other issues for the institution as of paragraph 3.

### **Professional body of the University** **Article 51**

The professional body of the University is the Senate.

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

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

### **Professional body of a public institution** **Article 52**

The professional body of a public institution, which is not a university, is determined by the statute of that institution.

Election and appointment of a professional organ, its authorities, duration of mandate and other issues referred to in 1 of this article are more closely stipulated by the statute of that institution.

Professional body of the organizational unit of the university, referred to in paragraph 1 of article 38 of this law, is the Council.

Election and appointment of a professional body, referred to in paragraph 3 of this article, its authorities, duration of mandate and other issues are more closely stipulated by the statute of the university.

## **5. Statute**

### **Statute of an institution Article 53**

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

The Governing organ shall give consent to the statute of an institution.

### **Statute of a public institution Article 54**

Statute of a public institution shall stipulate more closely:

- the basic organization of a public institution
- bodies and manner of work of a public institution
- acquiring of the diploma of academic and applied studies
- carrying out of research and scientific 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 gives the approval of the statute of public institution.

### **Private institution statute Article 55**

A private institution independently regulates by the statute or by another corresponding enactment 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 is more closely stipulated 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 resources allocated for science, research arts
- 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 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.

### **Funding methodology Normative and standards of financing**

#### **Article 59**

Upon the proposal of the Council, the Government shall adopt norms and standards for acquiring means for public institution funding and prescribe methodology for resources distribution for teaching and research 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 and current resources.

### **Determining the number of students**

#### **Article 60**

When allocating resources earmarked for teaching, the Government determines the number of students whose tuition fee is to be financed by the Budget, for a particular course of studies, in accordance with the maximum 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 cannot prescribe conditions which would limit a public institution to collect resources from other sources in accordance with statute, including additional students places within those allowed by the license, provided that:

- it does not affect negatively the quality of education which is provided from the 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 misused.

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

### **Accountability of the managing bodies**

#### **Article 64**

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

**Audit**  
**Article 65**

Independent internal and external financial control is provided for the operations of public institution.

The statute of a public institution regulates 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 any higher education public institution.

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

**Activities aimed at 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.

When an activity as of paragraph 1 herein includes, or could possibly include, the use of the right to any important intellectual property, in any literal, art or scientific works, scientific inventions, projects, inventions, materials, 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 for funding by the Government for teaching and research of public interest, upon the proposal of the Council.

**Norms and standards**  
**Article 69**

Upon the proposal of the Council, the Government adopts norms and standards for acquiring resources for the funding of private institutions and prescribes methodology for resources

distribution for teaching and research purposes, starting from the quality of education or from particular courses or study programs which are carried out by those institutions.

### **Funding terms**

#### **Article 70**

The Government may prescribe particular conditions for the use of resources allocated to a private institution for teaching and research purposes, as well as ask from 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 use and use of resources for specified purposes 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 as of paragraph 1 herein is granted by means of a Government decision, on the basis of a public competition. A special agreement regulates reciprocal rights and duties on the base of the concession.

The procedure for granting, canceling and divesting of the concession is regulated by a special agreement.

### **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.

### **Article 73**

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

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

### **Academic staff Article 74**

Academic staff, according to this law, are persons carrying out the study programme at an institution or otherwise engaged in carrying out the study programme.

### **Academic titles Article 75**

Academic titles are:

- full professor
- associate professor
- assistant professor
- professor and lecturer at college of applied studies

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

### **Conditions for appointment of academic staff Article 76**

Anyone holding a doctoral degree and possessing a good pedagogical record may be appointed a full professor, associate professor, assistant professor or professor or lecturer at a vocational college.

Anyone holding a higher education degree, having produced recognized art works and possessing verified artistic abilities may be appointed to academic titles for artistic disciplines.

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

Apart from conditions as of Article 74 of this law, and conditions of paragraph 1, 2, 3 of this article, academic staff must meet conditions defined in accordance with criteria for appointment to particular titles.

Criteria as of paragraph 4 herein, adopted by the Senate after obtaining the opinion of the Council must be internationally comparable and shall be published.

### **Procedure for appointment**

#### **Article 77**

Procedure for the appointment and reappointment of academic staff, elaboration of appointment criteria, as well as other related matters are regulated by the public institution statute.

A public institution statute may allow involvement of international experts when academic staff is appointed.

### **Conditions for non-academic staff**

#### **Article 78**

General provisions on (working) employment relations shall be applied to the position, rights and duties of non-academic staff in the institution.

## **VII ORGANIZATION OF STUDIES**

### **Degrees and diplomas**

#### **Article 79**

An institution confers degrees and diplomas determined in its accreditation certificate, in accordance with the statute of the institution.

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

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

### **Study programmes**

#### **Article 80**

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

a) undergraduate

- for obtaining the title of academic studies
- for obtaining the title of applied studies

b) postgraduate

- for obtaining the title of specialist studies
- for obtaining the title of applied master studies

- for obtaining the academic title of a master of sciences
- c) for obtaining diploma of academic title of doctor of philosophy.

### **Types of degrees and diplomas** **Article 81**

Degrees and diplomas obtained at the institution are the following:

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

### **Course of studies** **Article 82**

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

### **European Credit Transfer System (ECTS)** **Article 83**

Courses of studies for obtaining undergraduate studies 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" and/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 Article 84**

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

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 results achieved in exams for obtaining applied undergraduate studies and 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 results achieved at exams for obtaining academic degree or its equivalent, in accordance with this law.

## **Competition for admission Article 87**

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

## **Limitations of admission Article 88**

An institution determines the number of students for admission to study programmes, which must not exceed the number determined in the license.

In case 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 their success as of Article 84 of this law, up to the number determined in the license.

A public institution may prescribe circumstances in which students paying fees and achieving excellent results may be awarded a publicly funded place at the second or at the subsequent year of studies.

**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 meeting conditions in accordance with this law.

**Students rights and duties (agreement on studying)  
Article 91**

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

The Ministry shall prescribe the content of agreement as of paragraph 1 herein.

**The rights of students  
Article 92**

Student has 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;
- and
- to appoint others and be appointed into the bodies of the institution, in accordance with this law and statute;
- in the area of student standard, as well as
- other rights in accordance with this law and statute of the institution.

The way in which rights as of paragraph 1 herein are exercised is 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 with due diligence and full attention 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 status of a student**

#### **Article 96**

Student's status ceases:

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

Circumstances under which students can drop out for academic or discipline reasons, as well as complaint procedures are more closely regulated by public institution statute.

A person, who has lost the status of a student according to item 1 paragraph 1 herein, has the right to file a complaint to the Senate.

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

### **Being expelled from studies**

#### **Article 97**

In accordance with the statute of an institution, the Senate may expel a student from studies for a maximum of two years.

Complaint against decision as of paragraph 1 herein may be filed to the Governing Board.

Decision of the Governing Board as of paragraph 2 herein is final.

**Financial support to students and other benefits**  
**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 allocated to them, which are not from the Budget.

**Determining tuition fee**  
**Article 100**

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

Tuition fee as of paragraph 1 herein may be determined to different amounts for citizens of Montenegro and for other students, i.e. for universities and other public institutions and, within them, for different courses of studies, in accordance with costs.

**Article 101**

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

**Student standard**  
**Article 102**

Rights pertaining to student standard are personal and non-transferable.

**Rights determined by students standard**  
**Article 103**

A student from a public institution has the right to:

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

The Ministry prescribes the criteria, conditions, fee and manner in which rights as of paragraph 1 herein are fulfilled.

**Students hostel**  
**Article 104**

Accommodation and food for students are organized in a special institution (hereinafter: Students' hostel).

The provisions of general law on education shall be applied on founding, organization, internal organization and work, status changes, principles of management and governance, financing, presentation, acting of behalf of students and all other issues of importance for the functioning of students hostel

**Students organizations**  
**Article 105**

Statute of the institution shall ensure establishment of one or more institutions, which represent students and contribute to meeting 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 is formed within the institution, and it is made up of students' representatives.

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

**Financial contribution to students organizations**  
**Article 107**

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

**IX RECOGNITION AND EQUIVALENCE**

**Recognition**  
**Article 108**

Through recognition a foreign diploma is equaled with a diploma acquired in the Republic in view of the right to continue education and of the right to employment.

**Equivalence**  
**Article 109**

Through equivalence a foreign diploma is equaled with an adequate diploma obtained in the Republic in view of the right to continue education in an adequate educational programme.

**Authority**  
**Article 110**

Recognition, i.e. equivalence of a foreign diploma is done by the university authorized to do so by the Ministry.

A decision shall be made on the recognition i.e. equivalence of a foreign diploma.

**Comparability of education**  
**Article 111**

In the process of recognition i.e. equivalence procedure, educational system of the country in which the foreign diploma was obtained, educational programme, conditions of admission to the educational programme, rights provided by that diploma in the country in which it was obtained and other circumstances important for recognition i.e. equivalence are considered.

If during validation i.e. equivalence it is determined that the educational system of a foreign institution significantly differs from the educational system of the institution in the Republic, it is concluded that additional and exams for students not holding adequate diplomas shall be taken.

Undergraduate studies diploma may be replaced either by national or international qualifications or knowledge assessed as adequate by an institution accredited in Montenegro.

In case a certificate of a foreign higher education institution is submitted for assessment, such an institution must be recognized by the European Universities Association or accredited by a national or nationally recognized body.

**Clause**  
**Article 112**

Content of the decision on recognition i.e. equivalence is written on the back of the original and on the copy of a translation of a foreign certificate (clause on validation i.e. equivalence).

**Definiteness of procedure**  
**Article 113**

Decision on validation i.e. equivalence is definite.

**Due enforcement of the law**  
**Article 114**

During recognition i.e. equivalence procedure, Law on General Administrative Procedure is applied, unless otherwise stipulated by this law.

**Register**  
**Article 115**

A register shall be kept on validation i.e. equivalence of foreign diplomas.

The authorized university herein shall keep register as of paragraph 1.

**Closer provisions**  
**Article 116**

Procedure and manner of validation i.e. equivalence of a foreign diploma and keeping of a register shall be determined by the authorized university by way of a special enactment.

**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 students register book and records on issued diplomas are permanently kept and preserved.

**Public documents**  
**Article 118**

An institution shall issue a public document on the basis of data records.

Public documents, pertaining to this law, are the following: student book, diploma and diploma supplement, certificate on the passed exams and certificate on the studies completed.

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

**XI SUPERVISION AND PENAL PROVISION**

**Article 119**

The Ministry shall supervise the enforcement of provisions of this law.

**Penalties for offenses**  
**Article 120**

Pecuniary penalty to the amount of twenty or three-hundred minimum wages in the Republic shall be imposed on an institution if:

- 1) it begins operating contrary to provisions of 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 resources contrary to provision as of Article 57 of this law;
- 5) gains profit to its own benefit contrary to provision of Article 67 paragraph 2 of this law;
- 6) admits students contrary to provision as of Article 19 paragraph 2 of this law;
- 7) issues degrees and diplomas contrary to provision of Article 79 of this law;
- 8) enrolls students contrary to articles 84, 85, 86 and 89 of this law;
- 9) enrolls students above the number of students stipulated by article 88 of this law;
- 10) does not conclude a contract with a student on studying in accordance with Article 91 of this law.
- 11) it charges a student with a tuition fee which is higher than stipulated by Article 100 of this law;
- 12) it charges the fees contrary to Article 101 of this law;
- 13) does the recognition or equivalence of foreign diploma contrary to Article 111 of this law;
- 14) does not keep the records properly and adequately and issues the public document 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 managing body and person responsible in an institution shall be punished for an offense as of paragraph 1 herein to 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 three months from the day when this law comes into force.

The Ministry shall perform the function of the Council until its foundation.

#### **By-laws Article 122**

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

Until provisions determined by this law are passed, provisions which were valid until this law came into force shall apply, unless they are contrary to this law.

**Valid license and accreditation at the University of Montenegro**  
**Article 123**

The University of Montenegro shall be considered to have a license and accreditation for courses of studies valid as of the day when this law comes into force.

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

**Harmonizing 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 (libraries, students hostel etc.), shall harmonize their organization, work and general enactments with provisions of this law, within 180 days from the day when this law comes into force.

Until general enactments as of paragraph 1 herein are passed, the existing enactments shall apply unless they are contrary to the law.

**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 work of the institutes**  
**Article 126**

The following institutes shall continue working as the University organizational units, in accordance with the statute and the law:

Institute for History - Podgorica  
Institute for Sea Biology - Kotor  
Institute for Biotechnology - Podgorica  
Institute of Foreign Languages - Podgorica.

**Statute of the University of Montenegro**  
**Article 127**

Statute of the University of Montenegro shall be passed at latest within 90 days from the day when this law comes into force.

Statutes of the so far faculties and academies become void when Statute of the University of Montenegro comes into force.

## **Constitution of the Senate and the Board**

### **Article 128**

Election i.e. constituting bodies according to this law (Management Board and the Senate) shall be completed within 180 days from the day when this law comes into force.

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

By constituting the Management Board as of paragraph 1 herein the Councils of the faculties and academies of the University of Montenegro shall cease their work.

### **Article 129**

After the deadline, as of Article 123 and 124 of this law, expires, the existing institutions shall be excluded from the records of the Ministry and Central Records of the Commercial Court in Podgorica.

## **Status of existing management and governing bodies**

### **Article 130**

Persons appointed through a valid procedure (rector, vice-rector, secretary general, dean, vice-dean or director of an institution within the University of Montenegro) shall continue performing their functions as of the day when this law is adopted until the mandate for which they are appointed i.e. elected expires.

Procedure for election i.e. appointment of persons as of paragraph 1 herein, initiated before this law enactment, shall be completed according to the regulations which were valid before this law enactment.

## **Public documents**

### **Article 131**

An institution shall issue a public document to a person who, according to the former regulations, had the right to issue public documents, in a form prescribed in accordance with the Law on University (The Gazette of the Republic of Montenegro no. 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, following the criteria for education and programme equivalence, brought by the university.

### **Recognition of obtained titles**

#### **Article 133**

Person possessing the title of an assistant teacher on the day of this law enactment shall keep their status until the period for which they are elected expires.

### **Status of teachers and associates**

#### **Article 134**

Students and associates elected before this law enactment shall continue their work until the period for which they are elected expires.

#### **Article 135**

Postgraduate studies and procedures for obtaining a doctoral degree, initiated before this law enactment, shall be completed according to provisions under which they were initiated.

### **Initiated procedures of recognition and equivalence**

#### **Article 136**

Procedure of recognition, i.e. equivalence initiated before this law comes enactment shall be completed according to provisions under which it was initiated.

### **Students status**

#### **Article 137**

Students enrolled in the University of Montenegro before this law enactment shall remain in 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 during which they keep the status of a regular student according to the law under which they were enrolled.

Students may, as of paragraph 1 herein, join the studies, organized in accordance with this law, in the manner and under conditions determined by a special enactment passed by the Senate.

### **Cessation of validity**

#### **Article 138**

The following become void as of the day when this law comes into force: Law on University (The Gazette of the Republic of Montenegro no. 37/92 and 6/94); provisions of the Law on Recognition and Equivalence of certificates and diplomas obtained abroad (The Gazette of the Republic of Montenegro, no 6/87); provisions of the Law on basic rights in the filed of pupils' and students' standard (The Gazette of the Republic of Montenegro, no 6/94) referring to students rights.

**Coming into force**  
**Article 139**

The Law shall come into force on the eighth day from the day of its being published in the "Gazette of the Republic of Montenegro".

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